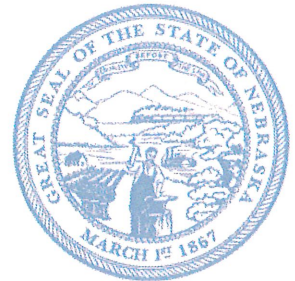


NEBRASKA

Good Life. Great Mission.

DEPT OF CORRECTIONAL SERVICES



Jim Pillen, Governor

Policy Directive 024-026

DATE: September 10, 2024

TO: NDCS Agency

FROM: Rob Jeffreys, Director

RE: Policy 205.02 Visiting

Handwritten signature: R. Jeffreys for

Effective October 10, 2024, the following changes will be in effect concerning Policy 205.02 *Visiting*. These revisions will be incorporated into this policy during the next scheduled review. You may contact Deputy Director-Prison Operations Robert Madsen with questions regarding this change.

Supersedes policy directive 024-025.

Page 15, PROCESS VIII.B., replace with **BOLD** language as follows:

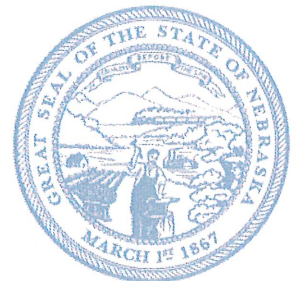
B. Incarcerated Individual Attire

Incarcerated individual attire for all visits shall be state-issue clothing (khaki pants, khaki shirts, state-issue belt, socks, and state issue shoes) except for individuals assigned to the Community Corrections Center-Lincoln and Community Corrections Center-Omaha. Undergarments are required. The state-issue clothing shall be clean/unsoiled and in good condition (i.e., no tears).

Rob Jeffreys, Director
Department of Correctional Services

P.O. Box 94661 Lincoln, NE 68509-4661
Phone: 402-471-2654 Fax: 402-479-5623

corrections.nebraska.gov



Jim Pillen, Governor

Policy Directive 024-034

DATE: October 21, 2024

TO: NDCS Agency

FROM: Rob Jeffreys, Director

RE: Policy 205.02 Visiting

Effective immediately, the following changes will be in effect concerning Policy 205.02 *Visiting*. These revisions will be incorporated into this policy during the next scheduled review. You may contact Assistant Deputy Director-Programs Malisa Kringle with questions regarding this change.

Page 10, PROCESS V. VISITOR DELETIONS, update language with the following **BOLD** language:

V. VISITOR DELETIONS

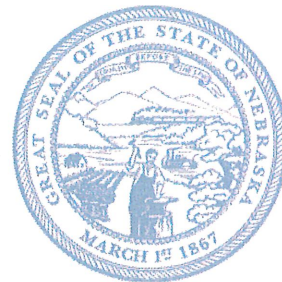
Any incarcerated individual may request that one or more persons listed on their approved visiting list be deleted from that list by completing a *Deletion Request* Form. (Attachment G) The deleted visitors' name(s) will not be placed on another individual's approved visiting list for six months. The deleted visitor's name(s) also will not be reinstated on an individual's visiting list for six months (if the visitor's name was previously removed at that individual's direction).

A visitor may request deletion at any time by submitting the request in writing to the warden/designee, **or in conjunction with application to become an approved community partner by submitting the request in writing to the partnership program manager.** Such visitor requested deletions require the visitor to wait six months before they may be placed on another individual's list. The six-month waiting period will also apply to clergy status visitors, however, the warden may waive the six-month waiting period at the recommendation of the religious coordinator. In the event that the individual requesting deletion has not visited for a period of at least six months, the warden may waive the six-month waiting period to be added to another individual's visiting list.

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Jim Pillen, Governor

Policy Directive 025-007

DATE: January 24, 2025

TO: NDCS Agency

FROM: Rob Jeffreys, Director

RE: Policy 205.02 Visiting

Effective immediately, the following changes will be in effect concerning Policy 205.02 *Visiting*. These revisions will be incorporated into this policy during the next scheduled review. You may contact Deputy Director-Prison Operations Robert Madsen with questions regarding this change.

Page 18, PROCESS XIII. VIAPATH VIDEO CHAT (VisNow), add new section with the following language:

XIII. VIAPATH VIDEO CHAT (VisNow)


- A. VisNow is a feature available through the ViaPath tablet to assist incarcerated individuals with approved family, friends, and prosocial support to aid in reentry, family unification, and overall wellbeing. VisNow capabilities are being provided separately from the NDCS provided Virtual Visitation Program and in person visitation at the facility. This service is a privilege and violations will be managed appropriately.
- B. VisNow visiting is available to any person who is approved on both an incarcerated individual's approved telephone list and e-messaging service. Criteria to be on an individuals approved telephone list is in accordance with the process outlined in Policy 205.03 *Inmate Calling System*. Individuals may request additions as specified in that policy.
- C. Incarcerated Individuals will need to attach their tablet to one of mounted docking stations in their assigned housing unit to start the visit. Once a visit has started, the tablet will remain attached to the docking station until the visit is completed. Removing the tablet from the docking station and continuing to visit is not authorized. VisNow visits will be limited to 15 minutes in length, however there is no limit to the number of 15-minute visits per day.
- D. Family, friends and incarcerated individuals participating in video chat are expected to adhere to all dress code and conduct outlined in this policy. In addition to those outlined, the below are specific to VisNow video visitation.

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1. Those on room or unit restrictions are not allowed to do video chats.
 2. No engagement in illegal activity or potentially illegal activity.
 3. No gang signs, signals, or gestures, pictures, activity, and/or gang affiliation discussion or actions.
 4. No violence or depiction of violence.
 5. No sexual content, poses, or gestures at any time during the call.
 6. No weapons may be visible during the call.
 7. No drug/alcohol/paraphernalia use and/or no drug/alcohol/paraphernalia visible in the video.
 8. No other incarcerated individual may participate in the call; only the incarcerated individual approved for video chat contact may be on the call.
 9. Only authorized individuals will be visible on the visit.
 10. Incarcerated individuals with restrictions of no-contact with minor-aged visitors (under 19 years of age) will not be permitted to engage in VisNow visits with such individuals.
 11. Visitors are not permitted to video/audio record visit and transmit the recording on other platforms (i.e. social media, streaming services, etc.).
- E. All VisNow visits are subject to monitoring. Any incarcerated individual not adhering to the above rules will be issued a misconduct report and have their VisNow privileges immediately suspended pending the results of the disciplinary hearing. Additional restrictions may be imposed with the wardens approval. Visitors may be subject to suspension/termination of VisNow privileges.
- F. If an incarcerated individual observes or knows of the person they are visiting is violating the established rules, they must immediately inform the visitor of the violation. If the visitor does not immediately cease violation, the incarcerated individual must disconnect the visit. Participation in a visit after this point is a violation.
- G. Those incarcerated individuals on tablet restriction will not be able to use the VisNow app.


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EFFECTIVE: June 14, 1993
 REVISED: July 31, 2015
 REVISED: August 31, 2016
 REVISED: July 31, 2017
 REVIEWED: December 31, 2018
 REVISED: April 30, 2019
 REVISED: September 01, 2019
 REVISED: July 31, 2020
 REVISED: September 30, 2021
 REVISED: December 31, 2022
 REVISED: December 31, 2023
 REVISED: June 30, 2024


SUMMARY OF REVISION/REVIEW

Policy Directive 024-014 incorporated. PROCESS – III.B.6. – New section.
 III.C.1.a.3) – Language updated. VI.D. – New section. IX.B.5.f. – Language updated.

APPROVED:


Rob Jeffreys (May 14, 2024 17:06 CDT)

Rob Jeffreys, Director
 Nebraska Department of Correctional Services

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PURPOSE

Policy governing incarcerated individual visiting is necessary in order to attain the Nebraska Department of Correctional Services' (NDCS) objectives to increase opportunities for individual self-development and to maintain a safe, secure and humane environment for the incarcerated population, team members, and the public. (ACRS-2A-02)

Consistent with its function and the nature of its incarcerated population and programs, each facility shall develop its own visiting Procedure within the limits and guidelines of this Policy. (ACRS-2A-02)

PROCESS

I. Written information regarding the process governing visitation will be made available to incarcerated individuals within 24 hours of their arrival at the facility. At a minimum, the information will include, but not be limited to, the following: (ACI-7D-15)

- A. Facility address/phone number, directions to the facility and information about local transportation (ACI-7D-22)
- B. Days and hours of visitation
- C. Approved dress code and identification requirements for visitors
- D. Items authorized in visiting room
- E. Special rules for children
- F. Authorized items that visitors may bring
- G. Special Visits


II. AVAILABILITY OF RULE BOOK

Nebraska Administrative Code, Title 68, (NDCS Inmate Rulebook) Chapter 4 contains visiting rules and procedures and shall be issued to each incarcerated individual and team member. Chapter 4 shall be translated into those languages spoken by significant numbers of the incarcerated population. Signed acknowledgement of receipt of the rulebook shall be maintained in the individual's file. When a literacy or language problem prevents an individual from understanding the rulebook, a team member or translator shall assist the individual in understanding the rules.

III. VISITING REGULATIONS

A. Visitation Applications

No visitors will be permitted to visit prior to submittal of the authorized visiting forms and approval by the warden/designee. False or incomplete information on this form will result in a denial of visiting privileges. (ACRS-5A-17)

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B. Scheduling a Visit

After approval of a visitation application, a visiting adult can schedule a visit.


1. To schedule a visit, go to the NDCS website at <https://www.corrections.nebraska.gov>.
2. From the home page, click on visiting hours or search “visitation” using the search feature.
3. Select the facility in which you wish to visit.
4. Click on the “Schedule a Visit” bar. The online form will appear. Complete the online form.
5. If you will be bringing any child(ren) to the visit, you must provide their names and the information requested in the online form. All children must have an approved visitation application on file.
6. Individuals wishing to visit as a clergy member are subject to application the general visitation application guidelines. Additionally, clergy members must provide a copy of their credentials and/or letter of good standing upon submission of a Visitation Request Form. Expired credentials are not valid.
7. Complete the visit preference dates including alternate dates/times and click “Submit”.
8. All visitation requests must be submitted at least seven days prior to the selected visit date.
9. Visits are scheduled on a first come, first serve basis. You will receive an email notification at least three days in advance of your approved visit.
10. To cancel a scheduled visit for any reason, notify the facility as soon as possible.
11. You must arrive to the facility 15 – 30 minutes prior to your approved visit for processing. Late arrivals will not be processed.
12. Be sure to read all the current visitation rules and updates on the website PRIOR to the date of your approved visit. If you have further questions about your visit it is recommended you contact the facility prior to your approved visit.

C. Limitations

1. Number/Space

NDCS Policy and facility Procedures will provide the number of visitors an incarcerated individual may receive and the length of visits. This may be limited only by the facility’s schedule, space, and personnel constraints, or when there are substantial reasons to justify such limitations. (ACI-7D-14)

There is no limit to the number of visitors an incarcerated individual may have on their authorized visiting list, however all visitors must be approved by the


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warden/designee for visiting. Specific visiting policies limiting visitation are as follows:

- a. Visitors will not be authorized to be on the visiting list of more than one incarcerated individual housed within the NDCS. Three exceptions to this policy are as follows:
 - 1) An “immediate family” member may be granted permission to be placed on more than one individual’s visiting list if one person involved is a member of the individual’s immediate family.
 - 2) Credentialed news media representatives may be allowed on more than one individual’s visiting list at any time.
 - 3) Credentialed clergy visitors are authorized to be on more than one individual’s visiting list at any time.
- b. No more than four adults may visit an individual during any one visiting period.
- c. Visitors who leave the facility will not be permitted to resume their visiting privilege for that session.
- d. Visiting limitations may be imposed by the facility due to scheduling, space and personnel constraints.
- e. For the purpose of visiting, immediate family shall be defined as: spouse, parent, step-parent, person acting in place of parent (as documented in the master record), sibling, step-brother, step-sister, half-brother, half-sister, child, step-child, grandparent and grandchild.

2. Age Requirements

- a. Persons 19 years of age and older:
 - 1) Must complete and submit an individual *Visitation Request Form* (Attachment A) (VRF) to the warden/designee
 - 2) May visit without parent or guardian.
- b. Persons 18 years of age and younger:
 - 1) Must each have a completed VRF submitted to warden/designee.
 - 2) Must be accompanied on visit by parent, legal guardian or court appointed agent or other authorized adult (age 19 or above).
 - 3) Must submit notarized permission letter from parent, guardian or court appointed agent to visit in company with another authorized adult.
 - 4) Parent, legal guardian, court appointed agent or another authorized adult who accompanies said minor must also be on the

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individual's approved visiting list. (Except those individuals who are authorized as a part of their employment to accompany minors on visits are not required to be on a particular individual's visiting list. Such individuals are required to submit a VRF).

- 5) Minors age 18 and younger must have a birth certificate to present to the visiting team members during their first visit.
- 6) All minors age 16 and older must also present a picture ID to the visiting team members on all visits.


Minors who are married do not need parental or legal guardian consent to visit their spouse, but must be approved visitors via the VRF process. They also will be required to present a copy of their marriage license along with the VRF.

3. Criminal Records

Persons with criminal records are not automatically excluded from visiting. In determining whether or not to approve a person with a criminal record, the nature and extent of that person's total criminal record, plus their history of recent criminal activity is weighed carefully against the benefits of visitation. The warden/designee shall retain final authority to review, assess and approve/deny applications to visit. Appeals of denials to visit must be submitted in writing to the warden.

Failure to list previous criminal convictions on the VRF can result in denial of visiting privileges.

- a. Generally, parolees, probationers or persons having pending charges will not be granted permission to visit during service of sentence and persons with a felony conviction will not be granted permission to visit for three years after expiration of sentence, except for immediate family who may be considered at the end of one year. Persons with a misdemeanor conviction will not be granted permission to visit for six months after expiration of sentence. Immediate family may be considered after three months.
- b. An exception may be made for a spouse/immediate family member who may be allowed to visit once a month with approval from the warden. It will be the responsibility of the spouse/immediate family member seeking visiting privileges while on probation/parole to provide, with the VRF, a letter from the supervising probation/parole officer recommending either approval or denial of visiting privileges.
- c. Immediate family members having pending misdemeanor/felony charges may be considered for monthly visits at the discretion of the warden pending resolution of the charges.
- d. Following the release of an incarcerated individual on parole, when an individual is placed on escape status or bond, the facility's records office will stamp all current visitor application forms in the classification file "Deleted". The records office will also delete these previously approved


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visitor names from any computer records of approved visitors for this individual.

- e. An NCIC (National Crime Information Center) computer check to verify visitor identity and to ensure the accuracy of VRF information will be done on all visit applicants submitting a VRF (both adults and minors from age 8 and up). The social security number will be used solely for the purpose of running an NCIC computer check.
- f. The warden must review and approve or deny all Visitor Request Forms (VRF) submitted by the victim of a violent offense when that offense is committed by the individual being visited, if such information is known to facility team members. Generally, the victim of a violent offense will not be granted permission to visit. Exceptions may be made with a spouse/adult immediate family member, who may be allowed to visit once a month with approval from the warden.

4. Former NDCS team members/current NDCS team members

- a. Generally, former NDCS team members will not be granted permission to visit except with immediate family members. All Visiting Request Forms received from former NDCS team members must be submitted to the warden for review. The warden may deny the visitation request based on safety/security concerns specific to the individual requesting to visit. If the warden is not aware of any safety/security concerns specific to the individual requesting to visit, a recommended disposition shall be submitted to the NDCS director/designee for final approval. The NDCS director/designee may deny the visitation request based on safety/security concerns specific to the individual requesting to visit.
- b. For instances where the former NDCS team member is attempting to visit an incarcerated individual who is not an immediate family member the following will be considered:
 - 1) The nature of the former NDCS team members relationship to the individual
 - 2) The length of time the visitor has known the individual
 - 3) Circumstances or reasons for employment separation including eligibility for re-hire, intelligence reports, investigations, and violations of work rules during employment
 - 4) Any investigation or intelligence information received after employment separation.
- c. Generally, current NDCS team members will not be approved to visit except for immediate family. Team members must make a written request to the warden of the facility where the individual is incarcerated to be considered, as well as to the facility warden where the team member is assigned.

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IV. SPECIAL, EXTENDED, AND EMERGENCY VISITS

All visitors must be authorized by the facility's warden/designee, see *Special/Extended/Emergency Visit Request* (Attachment B)

A. Special Visits (ACI-7D-17, ACRS-5A-18)


1. A special visit may be requested by an incarcerated individual for professionals not on the individual's approved visiting list, to include prospective employers, attorneys, members of the clergy, and social service representatives. Special visits must not interfere with counts, security measures or emergencies and must take place during regular business hours or normal visiting hours. All special visit requests are subject to the approval of the warden; denials shall be based on safety/security concerns specific to the individual requesting to visit.
2. A special visit may be requested by the Department of Health and Human Services (DHHS) team members for court ordered agency supervised visits. In these instances, DHHS officials must provide NDCS a copy of the court order, the name of the DHHS team member or contract service provider assigned to supervise the visit, the name(s) and age(s) of the child(ren) who will be visiting and the requested date/time for the court ordered visit. The Special Visit form will then be completed by a designated NDCS team member for approval by the warden/designee. These special visits will normally take place during normal visiting hours; however, so as not to unreasonably deny the special visit, DHHS team member/contract provider schedules may necessitate these visits occur outside of the normal visiting hours but within normal business hours. When facilitating court ordered visits, it is not necessary for the DHHS team member/contract provider or the minor children to complete Visitor Request Forms or present a birth certificate. The DHHS team members/contract provider is required to present a DHHS/contracted service provider photo identification card to NDCS at the time of the visit.
3. Special visits are not permitted for family/friends of incarcerated individuals in advance of or in lieu of obtaining approval to visit through the established Visiting Request Form process. Family/Friends of the individual must be on the individual's approved visiting list before they are permitted to visit.

B. Extended Visits (ACI-7D-19)

An extended visit may be requested by an incarcerated individual for approved visitors who visit infrequently (less than one visit per month) because of long distance (more than 200 miles from the facility). Extended visits must not interfere with counts, security measures or emergencies and must take place during regular business hours or normal visiting hours. Extended visits and visiting hours are subject to the approval of the warden; denials shall be based on safety/security concerns specific to the individual extended visit request.

C. Emergency Visits

An emergency visit may be considered for instances of a verifiable death or critical illness to an incarcerated individual's immediate family and may include a visit during non-visiting hours and/or extended visits during regular visiting hours. Emergency visits are subject to the approval of the warden; denials shall be based on safety/security concerns specific to the individual emergency visit request. (ACI-7D-18)

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In cases of a verifiable death of critical illness to an individual's immediate family, the individual shall be notified as soon as possible, see *Incarcerated Individual Immediate Family Medical Notification Form* (Attachment C). (ACI-7D-18)

D. Community Custody Incarcerated individuals and Family Visits

With the approval of both wardens, community custody individuals may be authorized to visit immediate family members incarcerated in other NDCS facilities once every three months.


E. Restrictive Housing

Incarcerated individual placement in restrictive housing will affect visiting dates/times/availability. Status of the individual will determine visiting (i.e. contact, video, dates/times). Visits may be denied for security or good order of the facility. Generally, individuals with a restrictive housing classification shall have similar visiting privileges as those afforded to the general population.

F. Victims Who Were Minors

Incarcerated individuals Who Have Committed Crimes in Which Victim(s) Were Minor Aged Children (Under 19 Years of Age)

1. The file of each incarcerated individual shall be reviewed to determine if any record exists meeting the above criteria. Newly committed individual files shall be reviewed by receiving facility team members at the facility in which the individual is housed. If such a record exists, the person reviewing the record will list out the information on the *Incarcerated individual Summary of Crimes Against Minors* form (Attachment D).
2. Once the individual has been identified, the NICaMS for "prior contact with minor" will be updated. This entry will automatically update the NICaMS classification study and the visitor's list databases. In addition, the records office will have a red-inked stamp titled "contact with minor" and will stamp the front cover of the individual file.
3. The warden shall have the authority to impose visiting restrictions on identified individuals on a case-by-case basis. The warden will indicate restrictions on the *Crimes Against Minor-Aged Victims* form (Attachment E). Designated team members will ensure the individual signs and receives a copy of the form. If the no physical contact with minor age children restriction is imposed, additional actions may include restricting these individuals to visiting children/youth at designated times and/or designated authorized areas, excluding visitors under the age of 19 from the individual's approved visiting list, and/or suspension of all visiting privileges until the individual has received treatment intervention. The visits shall be closely monitored by visiting room team members. Any violation of this policy will result in immediate termination of the visit, removal of the individual and the visitor from the visiting area, and the issuance of a misconduct report. Penalties imposed against individuals will be consistent with agency disciplinary procedures. Actions imposed on visitors will be handled administratively by the warden as referenced in the *Entrance/Exit Procedures* (Attachment F). Factors considered in making the above determination may include, but are not limited to, the following considerations:


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- a. Length of time since last child-related offense occurred.
 - b. Seriousness of prior offense(s).
 - c. Number of prior offense(s).
 - d. Mental health status of minor child and/or individual.
 - e. Age of requested visitor and relationship to individual.
 - f. Incarcerated individual history of violence.
4. Wardens have the authority to modify or eliminate visiting restrictions imposed as provided in this section. Such modification or elimination shall be in consultation with appropriate mental health, program and custody team members.

G. Incarcerated Individual to Incarcerated Individual visits

Incarcerated individual to incarcerated individual visits may occur when the following criteria are met:

1. One individual must be on community custody status.
2. The visit request will be initiated by the community custody individual.
3. The individuals must be immediate family as defined by current NDCS guidelines. (See III.B.1.e above)
4. The visit must be approved by each warden/designee.
5. The visit will generally occur during regular visiting hours.
6. The community custody individual must produce their NDCS-issued ID prior to being allowed to visit at a secure facility.
7. The community custody individual will be strip searched upon arrival and upon leaving the secure facility.
8. Visits may be approved once every three months.
9. If the facilities are in the same city or are in different cities, the visit may be done on furlough.
10. If the visit occurs during a furlough, it will be considered one of the individual's four hour daily approved itinerary activities.
 - a. An approved volunteer sponsor will provide transportation.
 - b. The approved volunteer sponsor may also participate in the visit if the sponsor is on the visiting list of the individual to be visited.

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- c. If the approved volunteer sponsor is not on the visiting list, they will be required to stay at the facility during the visit.

H. Holidays

When facility operational schedules and facility staffing allows, visits will be allowed on Thanksgiving Day, Christmas Day, and New Year's Day, regardless of the days upon which the holiday falls. All other holidays will be treated as any other day relative to whether or not visits are allowed. If these other holidays fall on regular visit days, then visits will be allowed, but if they are on non-visit days, then no visits will be allowed.

Notice of facility-specific visit schedules for Thanksgiving Day, Christmas Day, and New Year's Day will be posted on the NDCS website a minimum of two weeks prior to the holiday.

If a facility is on a modified operational schedule that does not allow for individual movement on whatever day Thanksgiving Day, Christmas Day, and New Year's Day falls, visits will not be allowed on these days.

V. VISITOR DELETIONS

Any incarcerated individual may request that one or more persons listed on their approved visiting list be deleted from that list by completing a *Deletion Request* Form. (Attachment G) The deleted visitors' name(s) will not be placed on another individual's approved visiting list for six months. The deleted visitor's name(s) also will not be reinstated on an individual's visiting list for six months (if the visitor's name was previously removed at that individual's direction).


A visitor may request deletion by submitting the request in writing to the warden/designee. Such visitor requested deletions require the visitor to wait six months before they may be placed on another individual's list. The six-month waiting period will also apply to clergy status visitors, however, the warden may waive the six-month waiting period at the recommendation of the religious coordinator. In the event that the individual requesting deletion has not visited for a period of at least six months, the warden may waive the six-month waiting period to be added to another individual's visiting list.

VI. VISITOR RESPONSIBILITY, CONDUCT AND BEHAVIOR

- A. Each visitor must verify their identity. Visitors must register upon entry into the facility and may be subject to a search of persons and belongings as specified by written procedure, to include canine searches, prior to entrance. It is the responsibility of the visitor and the individual to conduct themselves in a manner that will not bring discredit upon them or be disruptive to other visitors in the area. See *Visiting Restriction Guidelines* (Attachment H). (ACI-7D-21)

- Visitors, including visitors 13 years of age and older, will be required to undergo a body scan prior to entering the facility at facilities where this technology is available. Visitors 12 years of age and younger will be pat searched accompanied by an approved adult visitor who has completed a body scan.

Requests for an exception to the body scan for medical (including pregnancy) or mobility reasons may be submitted in writing to the facility warden. In these instances, documentation from a medical provider must accompany the request. With justification, the warden may authorize exceptions to the body scanner. Such

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exceptions shall be in writing, with a copy to the visitor and at a secured location only accessible to the facility designated body scanner operators.


2. Individuals refusing to cooperate with or complete the body scan will not be permitted to enter the facility. In such cases, visitors may be subject to visiting privilege restrictions or suspension consistent with this Policy.
 3. If contraband is detected during the body scan, the visitor will not be allowed into the facility and, based on the totality of circumstances, law enforcement may be contacted. In such cases, visitors may be subject to visiting privilege restrictions or suspension consistent with this Policy.
- B. Attorneys entering a facility on official business will be required to show a current photo ID along with a valid Bar Card. Attorneys will not be subject to a search of their person; however, the attorney's belongings will be searched. Team members will not read any legal materials during the search of the attorney's belongings. The attorney will pass through the metal detector and will be under escort while in the facility. (ACI-3D-02)
 - C. Attorneys are authorized to bring in the following items: digital camera, and laptop or tablet that does not have cellular capability. Attorneys will present these items for inspection, and a notation will be made in the log at the front entrance.
 - D. Clergy visits are conducted in accordance with this policy and Policy 208.01 *Religious Services*.
 - E. NDCS prohibits all persons from introducing an electronic communication device within an NDCS facility without prior authorization. Electronic communication devices are any device which, in its ordinary and intended use, transmits by electronic means writings, sounds, visual images, or data of any nature to another electronic communication device. (Neb. Rev. Stat. § 28-936)

For the purposes of this Policy, the definition of electronic communication device includes all cellular phones, tablets, or any other similar electronic devices intended to transmit writings, sounds, visual images, or data of any nature to another electronic device. Due to the ever-changing technological advances making it difficult to detect the functionality of transmission in many devices, the definition of electronic communication device shall include all smart-type and fitness-type watches with independent cellular or internet connectivity features.


- F. A person who intentionally introduces within a facility or intentionally provides an incarcerated individual of a facility with any electronic communication device commits an offense for which they may be criminally charged under Neb. Rev. Stat. §28-936.

The following individuals are exempt from prosecution for this offense:

1. An attorney or an attorney's agent visiting an incarcerated individual who is a client of the attorney
2. The Public Counsel or any team member of their office
3. A peace officer acting under their authority

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4. An emergency responder or firefighter responding to emergency incidents within a facility
 5. A person acting with the permission of the NDCS director or in accordance with NDCS rules, regulations or policies
- G. An electronic communication device involved in a violation of Neb. Rev. Stat. § 28-936 shall be subject to seizure by the Department or a peace officer, and disposition may be made in accordance with the method of disposition directed for contraband in Neb. Rev. Stat. § 29-818 and § 29-820.
- H. Visitors may be denied access to visit for reasons including, but not limited to:
1. A visitor refuses to show appropriate identification.
 2. A visitor refuses to submit to a search.
 3. A visitor appears to be under the influence of an intoxicating substance.
 4. Possession of contraband that is prohibited by department policy.
 5. Inappropriate dress, as defined in this policy.
 6. Poor sanitation and hygiene of visitor.
 7. False or incorrect information on the VRF or attempting to visit under a false identification.
 8. Any circumstance that presents a threat to the security of the facility, team members, visitor, and/or incarcerated individuals. (ACRS-5A-17)
- I. Supervision of Children
- It is the responsibility of the visitor to supervise and maintain control over accompanying children. Neither visitors nor incarcerated individuals are permitted to use corporal punishment on children or others when on NDCS property. If a child becomes disruptive during a visit and is not controlled by verbal direction from the supervising visitor or the individual being visited, the visit may be terminated.
- J. Posted Rules/Team Members Instructions
- Visitors and incarcerated individuals must obey team members instructions and posted rules and regulations.
- K. Physical Contact
1. Facilities shall permit informal communications including the opportunity for limited physical contact. Devices that preclude physical contact shall not be used except instances of substantial security risk or as a sanction through the incarcerated individual disciplinary process. (ACI-7D-16)
 2. Visitors and incarcerated individuals must accept responsibility to behave in a mature, responsible manner and be respectful of the rights of others visiting.

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3. Physical contact between visitors and incarcerated individuals is limited to a brief kiss and a short embrace at the beginning and end of the visit. Caressing is prohibited. Individuals on “No Contact” status with a minor will have no contact at any time with a minor, including at the beginning and end of visitation.
4. No materials such as blankets, cloth, etc., may be used as a lap cover, draped over tables, benches or chairs in the visiting area.
5. Visitors and incarcerated individuals will not be allowed to sit on each other’s laps or straddle chairs, benches, etc. Incarcerated individuals may be permitted to hold children, age five and under, during visits. No other exceptions to this provision shall be made.

L. Visit Area


At the conclusion of the visit, incarcerated individuals and visitors share a responsibility for cleaning up the immediate area which was used for their visit.

VII. VISITATION RESTRICTION/SUSPENSION

A. Visit Restriction

It is the policy of NDCS to encourage visits between members of the community and individuals as a means of promoting the rehabilitation process. However, individuals and visitors share a responsibility with the department for proper conduct during the visiting process. Some actions which may result in either temporary or permanent visiting restrictions are: (See *Visiting Restriction Guidelines* (Attachment H) for specific restriction time periods.)

1. Improper incarcerated individual or visitor conduct during the visiting process.
2. Disruptive behavior.
3. Introduction of contraband into the facility or taking unauthorized items or property from the facility (criminal prosecution possible).
4. Drinking of alcohol/use of illegal drugs or being under the influence of alcohol/illegal drugs.
5. Refusal to submit to a search of any type. (Types of searches may include canine, pat search, body scanner, or other searches as indicated/approved.)
6. Violation of any posted visiting rules and regulations or failure to follow team members instructions.
7. Leaving the visiting area and proceeding into an unauthorized area.
8. Doing anything that jeopardizes the safety and good order of the facility.
9. False or incomplete information on VRF or visiting or attempting to visit under a false identification.

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10. Physical contact with a minor by an incarcerated individual on “No Contact” status with minors.

11. Poor sanitation and hygiene of visitor.

B. Visit Suspension

The facility warden may suspend the visiting privileges of the visitor. Suspensions shall be in accordance with NDCS *Visiting Restriction Guidelines* (Attachment H). Based on the severity of the incident, the warden has the discretion to suspend visitation on the first offense for all rules violated (attached exclusions may range from denial of visiting for the day, suspension of visiting for a specified period, or indefinite removal from the approved visiting list). A violation that poses a significant risk to security or injury to another person can result in an immediate and indefinite restriction. Indefinite removal shall only occur with the written approval of the warden. Visiting suspensions shall occur by stating that fact in a letter to the person and citing the reasons for it.

The statement of reasons may be deleted if it would jeopardize the security of the facility or the safety of an individual. The individual involved will also receive a copy of the letter.

In that same letter to the visitor, the warden will also specify the length of time that the suspension is to last (i.e., whether indefinitely or for a specified period of time). In the case of an indefinite suspension, the letter will include a date when that visitor may resubmit an application for visiting privileges. Visitors that are suspended from visiting at one NDCS facility are suspended from visiting at all NDCS facilities. Exceptions may be considered by the warden if immediate family members are involved.

Any individual aggrieved by the removal from their visiting list of one or more of the approved visitors from their visiting list may appeal such action through the regular grievance procedure.

C. Modification


The warden may modify the condition of the visit based on results of any part of the search procedures. For example, a positive indication from a canine search. Additionally, behavior on the part of the incarcerated individual or the visitor may require a modification.

VIII. VISITING ATTIRE

A. Visitor Attire

When visiting this department's correctional facilities, casual attire is appropriate. However, clothing should not be distracting or offensive to incarcerated individuals or to other visitors and must be in good repair. Footwear in good repair is required to be worn at all times; open toe shoes are allowed. A lightweight outer jacket/sweater without any pockets may be worn in the visiting area. Female visitors are encouraged to wear slacks/pants.

1. Visitors must wear undergarments. Visitors may not wear multiple layers of undergarments. Females must wear one bra and one pair of underwear (10 years of age or under are not required to wear a bra). Males must wear one pair underwear/undershorts.

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2. Visitors are not allowed to wear a combination of both khaki-colored pants and a shirt at the same time when they visit. A visitor may wear khaki pants or khaki shirt, but never at the same time when visiting.
3. Shorts or skirts/dresses are permitted for adult visitors if they are at or below the knee when standing.

Female visitors wearing skirts/dresses will not be required to lift the garment to their waist to facilitate an appropriate pat search; team members will perform the pat search through the aforementioned clothing.
4. Shirts and dresses must cover the shoulders. Shirts/dresses shall not be low-cut in the front (no cleavage may be visible) or unusually low-cut in the back.
5. Clothing with pictures, symbols, or language that may be considered profane or offensive by current public standards shall not be allowed.
6. Children 10 years or younger may wear shorts, skirts, or rompers provided that said clothing completely covers the child's buttocks.
7. Clothing that is tight fitting (clothing will be considered tight fitting if it reveals the outline of genitalia or the areola), revealing, or made of see-through fabric shall not be allowed
8. Clothes will be expected to be in good repair with no rips, tears, or pockets that are torn to allow access beneath the garment.
9. Hats, headbands, hooded clothing or outerwear are not allowed. Clergy are permitted to wear religious headwear.
10. Watches, exercise trackers, and similar devices are not permitted.

No visitor shall be refused the opportunity to visit due to visitor dress code violations except as approved by the shift supervisor or higher authority.

B. Incarcerated Individual Attire


Facility procedures shall specify incarcerated individual attire for visits. Undergarments are required. As a general rule, appropriate attire for visits includes clean/unsoiled shirt and pants that are not torn, socks and appropriate shoes.

C. Incarcerated Individual Processing

Incarcerated individuals will be safety searched going to and leaving the visiting area. (This requirement does not apply to individuals housed at community custody facilities.)

IX. APPROVED VISIT ITEMS

Control over items brought into the visiting room/area is necessary for the safety/health and welfare of the incarcerated individuals, visitors and team members. Only the warden/designee may authorize items other than those listed below.

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A. Incarcerated Individual Items


Incarcerated individuals in general population will be required to be in possession of their individual I.D. card. In addition, individuals are permitted the following items in the visiting room/area:

1. One ring.
2. One handkerchief.
3. One comb.
4. One pair prescription eyeglasses.
5. One religious medallion/headwear.
6. Authorized medical prosthetic appliances such as artificial limbs, wheelchairs, canes, hearing aids, crutches etc., heart and asthma medication.
7. Two earrings and one necklace (with the exception of Reception and Treatment Center (RTC 1).
8. Up to \$15 cash for individuals residing in community custody facilities.
9. One room key.
10. One religious book for a clergy visit or one religious study sheet.
11. Legal materials for an attorney visit. (ACI-3D-02, ACRS-6A-01)

B. Visitor Items

Visitors are permitted the following items in the visiting room/area:

1. Heart and asthma medication. Other medication may not be taken into the visiting area without approval from the warden or the facility's physician. Medication must be in the original container.
2. Parents with infants may bring in two factory sealed single serving size ready to feed formula or two clear bottles (no glass), four disposable diapers, eight wet wipes inside a clear bag, one receiving blanket, one plastic teething instrument, and when not furnished by the facility, toys of a simple, non-weapon, plastic type for pre-school age children.
3. Where paper currency is not authorized, each visitor (adults and minors) may bring up to \$20.00 in change (example – one visitor with child would be allowed to bring up to \$40.00 in change) for use in the vending machines where vending machines are available.
4. No vending/canteen items may be taken back to the housing unit by the individual.
5. Except as authorized in the following, all visitors' personal property shall be secured in their vehicles or in lockers provided by the facility:

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- a. Sufficient identification to verify the visitor status/relationship.
- b. One comb, one handkerchief, jewelry as appropriate, one religious medallion/headwear, and one pair of prescription glasses.
- c. Authorized medical prosthetic appliances, such as wheelchairs, canes, artificial limbs, hearing aids, crutches, medical-alert jewelry, service animals, etc.
- d. Tobacco products may not be used on department property and must be secured in the visitor's vehicle. These products may not be brought into the facility.
- e. Legal materials needed for an attorney/client visit. (ACI-3D-02, ACRS-6A-01)


Cellphones/electronic communication devices needed for the attorney visit must be logged at the front entrance.
- f. Religious materials for a clergy visit in accordance with Policy 208.01 *Religious Services*.
- g. Credentialed media representatives approved to visit are authorized to bring two pens and one legal size pad of paper for the purpose of taking notes. The pens and pad of paper will be inspected by team members prior to entering the visiting room and at the end of the visit with the individual (inspected, but not read). The individual is not authorized to bring any documents to the visit session or take any of the notes back to their cell.
- h. Authorized photographs taken during the visiting session are allowed to be taken out of the visiting room by the visitor.

X. INCARCERATED INDIVIDUAL CHANGE OF STATUS

The incarcerated individual shall designate an immediate family member or visitor to be contacted in the event of an emergency or major change of status and to coordinate the weekly desired visiting days. Major change of status shall be considered transfer from one major facility to another, such as RTC to the Nebraska State Penitentiary (NSP) or from a community corrections center back to a facility. It is the responsibility of the individual to notify any visitor of intra or inter-facility program changes such as change of housing unit or housing unit to restrictive housing. Where the individual is unable or not allowed to personally notify someone, the warden/designee shall notify a visitor of the change of status. After a reasonable effort, if the warden/designee is unable to contact a visitor to relay a major change of status, then the incarcerated individual will be so notified.

XI. VIRTUAL VISITATION

The Virtual Visitation Program (VVP) is designed to strengthen community supports to improve quality of life during and after incarceration. The program supplements the in-person visitation opportunities, offering incarcerated individuals and their family members and/or friends a virtual visit using an online platform (e.g., Zoom, Webex, Skype) to encourage communication and support. Conversation prompts may be provided to assist in positive, pro-social communication. Program effectiveness will be measured by self-report using a post-visit-survey. Other measurable

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outcomes may include a decrease in negative behaviors and increased participation in recommended treatment/programming (i.e., accepting a recommendation previously refused). In addition, it is expected that participants will have improved interactions with their peers and team members. See the *Virtual Visitation Program* (Attachment I) for more information.

XII. ANNUAL REVIEW AND UPDATE

Policies and Procedures governing visiting will be reviewed annually and updated as necessary.

REFERENCE

I. STATUTORY REFERENCE AND OTHER AUTHORITY

- A. Neb. Rev. Stat. §29-818, §29-820, §29-936, §83-173, and §83-186
- B. DCS Rules and Regulations – Chapter 4 – VISITING

II. NDCS POLICIES

- A. Policy 208.01 Religious Services

III. ATTACHMENTS

- A. Visitation Request Form
- B. Special/Extended/Emergency Visit Request
- C. Incarcerated Individual Immediate Family Medical Notification Form
- D. Incarcerated Individual Summary of Crimes Against Minors
- E. Crimes Against Minor-Aged Victims
- F. Entrance/Exit Procedures (revised 03/2024)
- G. Visitor Deletion
- H. Visiting Restriction Guidelines
- I. Virtual Visitation Program

IV. AMERICAN CORRECTIONAL ASSOCIATION (ACA)

- A. Expected Practices for Adult Correctional Institutions (ACI) (5th edition): 5-ACI-3D-02, 5-ACI-7D-14, 5-ACI-7D-15, 5-ACI-7D-16, 5-ACI-7D-17, 5-ACI-7D-18, 5-ACI-7D-19, 5-ACI-7D-21, 5-ACI-7D-22
- B. Standards for Adult Community Residential Services (ACRS) (4th edition): 4-ACRS-2A-02, 4-ACRS-5A-17, 4-ACRS-5A-18, 4-ACRS-6A-01