

## GENERAL DISTRIBUTION

STATE OF WEST VIRGINIA

NUMBER: 506

DIVISION OF CORRECTIONS & REHABILITATION

DATE: 09 October 2019

MOUNT OLIVE CORRECTIONAL COMPLEX & JAIL

SUBJECT: Inmate Visiting

OPERATIONAL PROCEDURE

Program

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### PURPOSE:

To establish and have in place procedural guidelines for providing the inmate population with a visiting program to maintain family ties and contact with friends and that are designed to enhance public safety as well as the safety and security of the inmate population, employees, and visitors.

### REFERENCE:

WVDOC Legacy Policy Directives 311.00, 505.00, 505.01 & 505.03

### RESPONSIBILITY:

The Associate Superintendent of Security is responsible for ensuring that appropriate Post Orders, as needed, that establish compliance with this Operational Procedure are developed and enacted.

### CANCELLATION:

Operational Procedure 506, dated 01 May 2019

### APPLICABILITY:

This Operational Procedure applies to all facility employees and to the inmate general population. This Operational Procedure shall be made available for inmate viewing.

### DEFINITIONS:

**Attorney:** Person admitted to practice law in their respective state and authorized to perform both civil and criminal legal functions for clients, including drafting of legal documents, giving of legal advice, and representing such before courts, administrative agencies, boards and the like.

**Attorney's Authorized Representative:** May include special investigators, law students, and other persons employed, supervised or retained by the inmate's attorney of record who have a legitimate connection with the legal issue being pursued and specifically excluding other inmates.

**Employee:** Any person who works at this facility. This includes, but is not limited to: full-time, part-time, temporary, provisional, probationary, and permanent status employees of the State of West Virginia as well as all contractors and their employees; and volunteers.

**Immediate Family:** Mother, Father, Brother, Sister, Spouse, Children and Grandparents

**Segregation Status:** Inmates that are serving Detention, Punitive Segregation sentences or are classified Administrative Segregation.

**PROCEDURE:**

- I. Receiving/Orientation Inmate Visiting Program:** Within twenty-four (24) hours of their arrival at this facility, all inmates shall be provided with a complete copy of this Operational Procedure and a copy of the facility's Visiting Room Brochure containing details of the Visiting Program. Additional information will be provided through the intake orientation program that is conducted within seventy-two (72) hours of arrival.
- A. Newly arrived inmates classified into Receiving & Orientation status must first complete a minimum of thirty (30) days at this facility before being eligible to participate in the Visiting Program.
1. Eligible inmates in Receiving/Orientation must submit a Special Visit Request Form (MOCC&J Form 5-0031) to the Associate Superintendent of Security no less than five (5) working days in advance of the requested visit. The form may be obtained from a member of the Unit Team.
- II. Visitor Applications and Requests:** To have a visitor placed on their approved visitor list; inmates must obtain an "Application to Visit from either their unit team or the facility's Reading/Law Library. Inmates are responsible for mailing the questionnaire to the prospective visitor(s) who in turn **must** return the completed questionnaire **via the U.S. Postal Service** directly to the following:

**Visitation Officer-in-Charge  
Mount Olive Correctional Complex & Jail  
1 Mountainside Way  
Mount Olive, WV 25185**

- A. Applications will be processed and reviewed in strict accordance with current and applicable Agency Written Instructions.
- B. There will be no limit on the number of visitors an inmate may have listed on his Visiting Room Card. However, due to space limitations, the number of visitors an inmate may have in the Visiting Room at any one time will be limited to no more than three (3) adults or two (2) adults with children. Visitors may be listed as a "friend" (non-family member) on only **one** inmate's visiting card at any given time.
- C. Only those visitors who are related to more than one inmate incarcerated at this facility may visit more than one inmate at a time **and** only when the visitor is related to both inmates (e.g. wife/mother may visit husband & son).
- D. An inmate may designate a recognized spiritual advisor or minister at anytime. A Visiting questionnaire will be requested and completed in the same manner as done for regular visitors.

- E. Inmates may submit a Special Visit Request (MOCC&J Form 5-0031) to the Associate Superintendent of Security no less than five (5) working days in advance of the requested visit showing good-cause that the regular visiting application process and/or regular visiting day/time causes the inmate or visitor undue hardship. Factors that will be considered when reviewing such requests will include pending disciplinary actions against the requesting inmate, input from the inmate's unit team, staff availability, facility security, and public safety issues.
1. Inmates requesting a special visit must also complete and submit along with the Special Visit Request a "Special Visit Request Questionnaire" (MOCC&J Form 5-0031A), answering all questions on the form. All questions contained on this form must be answered before consideration for approval/disapproval of the special visit request is given.
    - a. Failure to fully complete this form may delay final approval/disapproval of the special visit request. Fraudulent representation pertaining to answers provided by the submitting inmate may result in the disapproval of the special visit as well as disciplinary action.
- F. Inmates may request, in writing, that any individual be removed from his approved visiting list. Once removed, the individual will not be eligible to be returned to the inmate's visiting list for a period of twelve (12) months. The requesting inmate will be responsible for notifying the visitor of his/her removal from the approved visiting list.
- G. The following individuals **will not** be approved to be placed on an inmate's visitation list:
1. Ex-inmates, except blood relatives. If currently on parole/probation, they must obtain permission from their Parole/Probation Officer and the Associate Superintendent of Security before being added to an inmate's approved visitor list.
  2. Current and former employees of the Division of Corrections, unless immediate family.
  3. Correctional volunteers (e.g. Jaycees, AA, etc).
  4. Any individual with a felony conviction or pending felony charge.
- H. All minor children shall only be permitted to visit when in the company of a parent, other adult member of the immediate family, or legal guardian. Other adult members of the immediate family must present a notarized statement from the parent or legal guardian verifying that they have issued permission for the minor child to be in that adult's company on the facility's grounds for the purpose of visiting the inmate.

**III. Visiting Time Frames and Schedules:** General population inmates are allotted fifteen (15) hours of visiting time privileges per month (either contact or non-contact). Five (5) hours of extra visiting time per month may be earned with good behavior (no write-ups during the previous month, etc.). Any visiting hours left at the end of the month will be forfeited by the inmate as no hours will be carried over into the next month. Visiting schedules for general population and restricted units are outlined in Attachment #1

- A. Visiting times may be shortened, limited or terminated due to staffing or to reduce crowding in the Visiting Room when a large number of visitors exist in order to provide equal visiting opportunities to all visitors and inmates. Visiting time is regulated by the half-hour. Fifteen (15) minutes or more are counted as a full half hour while less than fifteen (15) minutes will not be charged against an inmate's visiting time.
- B. Visitors must report to the Visitor Entrance to be processed between 0830-1030 hrs and 1130-1530 hrs. Processing will cease during all formal and/or emergency counts that occur during these time frames. Visitors will be issued a number upon entrance through the Main Gate to determine their order of processing in the Visiting Room.
- C. Individuals on an inmate's approved visiting list may have contact visits unless they opt for non-contact visits or security/safety needs necessitate non-contact visits. The Superintendent, Deputy Superintendent, or the Associate Superintendent of Security reserve the right to restrict any inmate considered dangerous or violent at the time of the visit to non-contact visits

IV. **General Rules:** Visitation is a privilege and not a right and privileges may be revoked by the Visitation Officer-in-Charge or higher authority at any time for failing to adhere to the guidelines set forth within this procedure or other related current or future Agency or Facility written instructions.

- A. **Inmate Visitor Searches:** Inmate visitor searches shall be conducted in accordance with procedures outlined within WVDCR Policy Directive 311.00, Pages 6-7, Section VIII.
- B. **Visitor Rules:** General Rules for Visiting (Attachment #2) contains general rules and expectations to be adhered to by all visitors. It is the responsibility of each inmate to ensure that his visitors are made aware of the rules and expectations they will be held to prior to their arrival for a visit.
- C. **General Population Inmate Rules:** General population inmates will visit at the Main Visiting Room. Segregated units will conduct visits in area(s) specified by the Associate Superintendent of Security.
  - 1. Inmates will be familiar with all rules and expectations outlined for their visitors and will abide by those rules
  - 2. The Unit Team/Work Area Supervisor (as applicable) will direct inmates to report to the Visiting Room after being notified that a visitor has arrived for the inmate. The inmate will also be paged and advised to report to the Visiting Room.
  - 3. Inmates are required to wear state issued khaki shirts and pants with DCR/DOC lettering. Shirts will be buttoned up and tucked into the pants. Hats are prohibited. Failure to abide by this dress and grooming standard will result in access being denied into the Visiting Room.
  - 4. Inmates will be strip searched **before and after** visits.
  - 5. Any inmate found to be involved in the introduction of contraband through the Visiting Program is subject to immediate loss of visiting privileges, placement in segregation, and/or criminal prosecution.

6. When inappropriate physical contact or behavior is observed, the inmate and visitor will be warned that continuation of such activity will result in the termination of the visit and possible suspension/removal of the visitor from the inmate's approved visiting list.
  - a. The number of the warnings issued may be left to the discretion of the observing officer(s) based on the type and seriousness of behavior involved.
  - b. Violation Reports will be filed by the observing officer(s).
  - c. Inmates may appeal any terminations or denials of visits to the Superintendent via the Inmate Grievance Procedure.
  - d. The Superintendent will determine the length of time for which any visitor is suspended or removed from the approved visiting list of any inmate.
7. In accordance with current Agency Written Instruction, the Correctional Hearing Officer (Magistrate) may suspend an inmate's visitation privileges.
8. It is an expectation of the Visitation staff to maintain the utmost cleanliness and sanitation in the Visitation Unit for the families and inmates alike. Therefore, inmates are held accountable and responsible at all times for the approved food items (described below) brought into the Visitation Unit.
  - a. A separate memorandum shall be issued via the Office of the Superintendent identifying all food and beverage items, and quantities, that shall be permitted to be brought by inmates into the Visitation Unit.
  - b. All items must be unopened when entering the visiting area and **NO** item brought into Visitation will leave the Visitation Unit with the inmate. All unconsumed items will be disposed of or sent out with the inmate's visitor(s). **No Exceptions.**

V. **Attorney/Client Consultations:** The Associate Superintendent of Security or Designee may reduce, limit or cancel any regular or special visit, telephone privilege or recreation privilege in order to facilitate an attorney/client consultation or telephone communication.

- A. Attorney/Client consultations will be from 10:00 a.m. to 7:00 p.m. Monday through Friday, 8:00 a.m. to 3:30 p.m. on Saturday and Sunday in visitation, and at such other times; and on holidays by special arrangement through the Associate Superintendent of Security.
  1. Attorneys or their assistants may fax signed requests to (304) 442-7225, marked for the attention of the Associate Superintendent of Security.
  2. An attorney may telephone the institution to speak with his inmate-client.
    - a. A message will be taken and immediately forwarded to the inmate's housing unit.
    - b. The inmate will be permitted to return the attorney's call immediately, or at another time requested by the attorney, unless denied by the Associate Superintendent of Security /designee due to a documented security incident. In the event of a denial, the Associate Superintendent of Security /designee will telephone the attorney, explain the situation and make arrangements for the call to take place as soon as practicable.

3. An inmate will be permitted to make attorney/client telephone calls when he is out of his cell for recreation or telephone privileges.
  - a. Such calls will not be monitored, intercepted, recorded or disclosed in any manner.
  - b. In the event an inmate's telephone privilege is revoked, such revocation shall not apply to calls to and from his attorney or the attorney's authorized representative.
  - c. In the event an inmate requests to call his attorney at a time other than his assigned recreation or telephone privilege time, such requests will be permitted as soon as practicable, unless denied by the Associate Superintendent of Security /designee due to a documented security incident. In the event of a denial, the Associate Superintendent of Security /designee will telephone the attorney, explain the situation and make arrangements for the call to take place as soon as practicable.
- B. The Associate Superintendent of Security /designee will advise any attorney or the attorney's authorized representative if the inmate-client is considered to be dangerous or violent.
  1. The attorney or the attorney's authorized representative will then be given the opportunity to advise the staff if the consultation requested will be on a "contact" or "non-contact" basis.
  2. The Superintendent, Deputy Superintendent or Associate Superintendent of Security reserve the right to refuse a contact consultation with any inmate-client who is considered dangerous or violent at the time of the consultation.
  3. "Contact" Attorney/Client consultations with general population inmates will be conducted in the designated Attorney/Client consultation rooms located on the first floor near Control 2. "Contact" consultations with Medical or Mental Health inmates will take place in an area designated by the Associate Superintendent of Security /designee.
  4. "Non-contact" consultations with general population inmates will take place in the non-contact visiting booths located in the Visiting Room.
    - a. "Non-contact" consultations with Quilliams 1 or 2 inmates will take place in the non-contact visiting booths located in the appropriate unit. **All Attorney-Inmate consultations for inmates housed in Quilliams 1 or 2 will be non-contact unless otherwise approved by the Superintendent/designee.**
    - b. "Non-contact" consultations with Medical or Mental Health inmates will take place in the non-contact visiting booths located in either Quilliams 1 or 2 as determined by the Associate Superintendent of Security /designee.
- C. Attorneys will enter the facility through the Visiting Room on Saturdays and Sundays and will be required to identify themselves to Visiting Room staff. All other days and times, attorneys will enter through the Administration Reception area and will be required to identify themselves to the employee located at that post.
  1. The Attorney or Attorney's authorized representative will complete the required form (MOCC&J Form 5-0033) requesting either a "contact" or "non-contact" consultation.

2. West Virginia Code 61-5-8 prohibits any alcoholic liquor, non-intoxicating beer, poison, explosive, firearm, or other dangerous or deadly weapon or any controlled substance as defined by West Virginia Code 60A-1-101 on the grounds of this prison.
    - a. Within the scope of this operating procedure the only exceptions authorized by the Superintendent are:
      - 1) Legitimate medications stocked by the Medical Department for the treatment of inmates;
      - 2) Legitimate medications in the possession of the attorney for personal use; and
      - 3) Firearms or other weapons carried only by **on-duty law enforcement and corrections personnel** within the scope of their assigned duties and only at places outside the secure areas of the prison.
    - b. The code also prohibits any money on the grounds of the prison. Cash is considered contraband for inmates.
      - 1) Attorneys may carry up to \$20.00 in money on their person, but are prohibited from giving cash, whether coin or paper currency, directly to an inmate.
  3. Attorney searches shall be conducted in accordance with procedures outlined within WVDCR Policy Directive 311.00, Page 5, Section V.
  4. Lockers will be available for the attorney to secure any items which are not permitted to enter the institution or those articles the attorney may choose to place there until the conclusion of the consultation. The attorney will be permitted to retain the locker key during the consultation.
- D. In the event the Attorney visit is to take place in a portion of the secured area of the facility other than the general population visiting room, procedures outlined within current and applicable Agency and Facility Written Instructions pertaining to contraband and contraband interdiction shall be implemented and abided by.
- E. All problems or questions related to Attorney/Client consultations or telephone communications will be referred to the Associate Superintendent of Security for initial resolution. Appeals of the Associate Superintendent of Security's decisions should be forwarded to the Superintendent.

**VI. Segregation Status Inmate Visiting Program:** Visitation for inmates on Segregation Status/QOL Program will be by appointment only. Visitors may call the institution on Friday through Monday, from 0800 through 1600 to schedule visiting times. Segregation Status/QOL Program inmates visitation times are as follows:

QOL Level One (QOL-1): One (01) Two-hour non-contact visit per month.

QOL Level Two (QOL-2): Two (02) Two-hour non-contact visits per month.

QOL Level Three (QOL-3): Four (04) Three-hour non-contact visits per month.

QOL Level Four (QOL-4): One (01) Three-hour contact visit per week (When adequate staffing is available).

QOL Level Five (QOL-5): One (01) Three-hour contact visit per week (When adequate staffing is available).

Level Three-D (3-D): One (01) Three-hour contact visit per week (When adequate staffing is available).

- A. The visit will be terminated if the visitor or inmate leaves the visiting room.
- B. Inmates will be strip searched **before and after** all visits.
- C. Inmates participating in a visit will be dressed in red coveralls, socks and shower shoes.
- D. The inmate will be hand-cuffed and leg-shackled when being escorted to the Visiting Room.
- E. The hand-cuffs may be removed when the inmate is secured in the Visiting Room. However, assaultive inmates will be required to remain handcuffed and shackled at all times.
- F. No food or beverage will be brought into the Visiting Room.
- G. The Correctional Hearing Officer, Superintendent or Associate Superintendent-Security may suspend all visiting privileges.

**VII. Slayton Work Camp Visiting Program:** Inmates assigned to the Slayton Work Camp are afforded the opportunity to partake in a visiting program. All visits shall be by appointment only and visits will take place in a designated area within the Visitation Department.

- A. Rules governing visits, for inmates and their visitors alike, as well as for any requested special visit outlined within this procedure are also applicable to inmates assigned to the Slayton Work Camp.

**VIII. Medical Services/Mental Health Unit Visiting Program:** Inmates housed in the Medical Services/Mental Health Unit may have visits as follows:

- A. Visits shall be by appointment only.
- B. If able, inmate(s) who are housed in the Medical Services/Mental Health Unit will use the Visiting Room. At the discretion of the Associate Superintendent of Security, these visits may be assigned to the Medical Services Unit, Mental Health Unit, Quilliams 1 and 2 Visiting Rooms or other area as deemed appropriate.
- C. Children under the age of Eight (8) are prohibited from participating in any visit occurring within either the Medical Services Unit or the Mental Health Unit.
- D. Regardless of the Visiting Room to be used, inmates from the Medical and Mental Health Units will be strip searched **before and after** each visit.

**IX. Alternative Transportation:** The Visiting Room has information available regarding bus and local taxi service to/from this facility. Other forms of public transportation may also be available and, when necessary, Visiting Room staff may assist visitors in identifying and contacting such service.



**ATTACHMENTS:**

- #1 Visiting Schedule
- #2 General Rules for Visitation
- #3 Inmate Visitor Flow-Chart (This is a **RESTRICTED** document and is not to be viewed by inmates)

APPROVED SIGNATURE: \_\_\_\_\_



Donald F. Ames, Superintendent



Date