

GENERAL DISTRIBUTION

STATE OF WEST VIRGINIA

NUMBER: 506

DIVISION OF CORRECTIONS & REHABILITATION

DATE: 01 April 2022

MOUNT OLIVE CORRECTIONAL COMPLEX & JAIL

SUBJECT: Inmate Visiting
Program

OPERATIONAL PROCEDURE

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:

WVDCR Policy Directive 505.00

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 09 October 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.

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

PROCEDURE:

- I. **Receiving/Orientation Inmate Visiting Program:** 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.
 - A. 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 (Attachment #2 of WVDCR Policy Directive 505.00 "Visitation Procedures for Adult Facilities") 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:

**Associate Superintendent of Security
Mount Olive Correctional Complex & Jail
1 Mountainside Way
Mount Olive, WV 25185**

 - A. Refer to WVDCR Policy Directive 505.00 "Visitation Procedures for Adult Facilities," Pages 5-6, Section V-A thru V-I for further procedures regarding the application and approval process.
 - B. The Associate Superintendent of Security may direct the Visitation Unit Officer-In-Charge to conduct appropriate background checks and recommendations prior to approving or denying the request.

- III. **Visiting Time Frames and Schedules:** Refer to WVDCR Policy Directive 505.00 "Visitation Procedures for Adult Facilities," Pages 6-7, Section VI-A thru V-D for procedures governing the length, scheduling, and time frames for visits.
 - A. Visitors must report to the Visitor Entrance to be processed between 0800-1530 hrs. Processing will cease during all formal and/or emergency counts that occur during this time frames. Visitors will be issued a number upon entrance through the Main Gate to determine their order of processing in the Visiting Room.
 - B. 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.
 - C. Inmate Visitor Searches: Inmate visitor searches shall be conducted in accordance with procedures outlined within WVDCR Policy Directive 505.00 "Visitation Procedures for Adult Facilities," Page 2 Section I-B thru I-C.

IV. Special Visits:

- A. 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.
1. The Associate Superintendent of Security may direct the Visitation Unit Officer-In-Charge to conduct appropriate background checks and recommendations prior to approving or denying the request.
 2. 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, employee availability, facility security, and public safety issues.
- B. 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.
1. 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.

V. 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.

- A. Segregation Status/QOL Program inmates visitation times are outlined within MOCCJ Operational Procedure 324 "Conditions of Confinement and Quality of Life," Sections II (QOLs Level 1-4) and III (QOL Level 3D).
- 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 handcuffs may be removed when the inmate is secured in the Visiting Room. However, assaultive inmates will be required to always remain handcuffed and shackled.
- F. No food or beverage will be brought into the Visiting Room.
- G. The visit will be terminated if the visitor or inmate leaves the visiting room.
- H. The Correctional Hearing Officer, Superintendent or Associate Superintendent-Security may suspend all visiting privileges.

VI. 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.

VII. Medical Services/Mental Health Unit Visiting Program: Inmates housed in the Medical Services/Mental Health Unit may have visits, by appointment only, as follows:

- A. If able, inmate(s) 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.
- B. 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.
- C. 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.

VIII. General Rules: Visitation is a privilege and not a right and 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 Agency or Facility written instructions.

- A. Inmate Visitor Searches: Inmate visitor searches shall be conducted in accordance with procedures outlined within WVDCR Policy Directive 505.00 "Visitation Procedures for Adult Facilities," Page 2 Section I-B thru I-C.
- B. Visitor Rules: 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. In addition to the procedures outlined within WVDCR Policy Directive 505.00 "Visitation Procedures for Adult Facilities," Pages 6-7, Sections VI and VII, the following procedures shall apply to all visits at MOCCJ.
 - 1. Inmate visitors will not be permitted onto the Visiting Room parking lot until 0730 a.m. and will remain at their vehicle until the Visiting Room opens at 0800 a.m.
 - a. This facility reserves the right to search any vehicle coming onto institutional grounds.
 - b. A visitor may refuse to allow their vehicle to be searched. However, if they do refuse to allow such a search, both the person(s) and the vehicle involved will be required to immediately depart the grounds and will not be allowed a visit on that day.
 - c. If the visitor consents to a search of his/her vehicle, the consent shall be documented on the Visitor Consent to Vehicle Search Form (MOCC&J Form 5-0046). If the search results in the seizure of any contraband, which is prohibited from being on the grounds of the prison under West Virginia Code 61-5-8, the visitor will be permanently banned from visiting at this facility. The facility reserves the right to contact the West Virginia State Police for further action.
 - 2. Positive identification of all visitors is required before admission. Refer to WVDCR Policy Directive 505.00 "Visitation Procedures for Adult Facilities," Page 3, Sections I-D-1 and I-D-2.

3. Any visitor involved in the introduction of contraband onto the grounds is subject to immediate loss of visiting privileges and criminal prosecution. 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. Cash, tobacco, tobacco products, and tobacco accessories are considered contraband for inmates.
 - b. If a visitor is in possession of money for the purpose of it being placed on an inmate's account, Visiting Room employees shall advise the visitor that money is considered contraband and cannot be accepted and will also advise the visitor that money will only be accepted through the protocols established via the GTL Financial Services Trust Account-money Order Deposits.
4. There will be zero tolerance for the presence of contraband. Anyone found possessing contraband will be turned away. If the canine utilized for drug detection gives a positive indication for narcotics on a visitor, the visitor will not be allowed a visit on that day.
5. All children accompanying visitors will be searched in the presence of their parent or legal guardian.
6. Visitors will never be strip-searched. However, if reasonable suspicion exists to justify a strip-search, the visit will be denied or terminated.
7. Lockers will be available for you to secure any items which are allowed on the grounds, but which are not permitted to enter the institution. You will be permitted to retain the locker key during the visit.
8. Visitors will be permitted to bring approved property into the Visiting Room. However, the facility will not be responsible for property left in vehicles. The following items are permitted within the Visiting Room: **All other items are prohibited.**
 - a. Identification Cards/papers.
 - b. Engagement and wedding ring and religious necklace/beads only (no other jewelry permitted).
 - c. One (1) of each of the following: Belt, Plain White Handkerchief, Pair of Suspenders; no hats will be worn during a visit.
 - d. Keys (House/Car only) and medications will be secured in a locker provided in the Visiting Room Waiting Area.
 - e. Feminine Hygiene products may be secured in a locker provided in the Visiting Room Waiting Area.
9. When a small child, age five (5) and under, is visiting the following additional items may be permitted.
 - a. One (1) clear baby bottle or one (1) "sippy" cup, containing milk or juice **only.**

- b. One (1) baby blanket.
 - c. Diapers and any other accessories will be secured in lockers provided in the Waiting Area. Diapers and changing areas are located outside the Visiting Room.
10. All visitors are required to wear appropriate clothing when entering the Visitation Lobby. Visitors will not be allowed to change in the Visitation area nor in the Visitation parking lot. Any visitor found changing in the Visitation parking lot will be required to immediately leave the facility's grounds (no exceptions).
11. All female visitors are required to wear suitable, modest clothing. Deviation from any of the below rules will result with the visitor being denied entrance to the Visiting Room.
- a. Females **must** wear either jeans (with no holes in them); dress slacks (**not khaki in color and not made from 100% cotton**); skirt or dress (the length **must** be half-way between the calf and the ankle).
 - b. A non-under wire bra (although a bra **must** be worn).
 - c. Polo shirt: button-up shirt (must be completely buttoned); or a crew neck t-shirt (**with no vulgarity**); or a sweatshirt (**must not be plain gray in color**). Any shirt exposing **any** chest area (**to include while the wearer is bending over**) **will not** be permitted and entrance into the Visiting Room will not be permitted.
 - d. No Jewelry will be permitted (except for a wedding band and/or religious necklace).
 - e. Bib overalls (of any kind), Sweat suits, jogging pants, or athletic pants will not be permitted.
 - f. No tight fitting or revealing clothing.
 - g. No footwear with heels exceeding two inches (2") in length will be permitted.
 - h. No Capri pants will be permitted.
 - i. No perfumes, body sprays, lotions, or scented hand sanitizers, etc.
 - j. No articles of clothing containing any form of a camouflage pattern.
 - k. No articles of clothing or accessories containing excessive metal.
12. All male visitors are required to wear suitable clothing. Deviation from any of the below rules will result with the visitor being denied entrance to the Visiting Room.
- a. Males must wear either dress slacks (**not khaki in color**); jeans or cargo pants (**not khaki in color, nor made from 100% cotton, and with no holes**).
 - b. A Polo shirt or button up dress shirt (**must** be completely buttoned); crew neck t-shirt (**with no vulgarity**); a sweatshirt (**not plain gray in color**) or entrance into the Visiting Room will not be permitted.
 - c. No Jewelry will be permitted (except for a wedding band and/or religious necklace)

- d. Bib overalls (of any kind), Sweat suits, jogging pants, or athletic pants will not be permitted
 - e. No colognes, body sprays, lotions, or scented hand sanitizers, etc.
 - f. No articles of clothing containing any form of a camouflage pattern
 - g. No articles of clothing or accessories containing excessive metal.
13. Clothing or shoes with camouflage patterns or excessive metal (i.e., steel toes) will also not be permitted.
 14. Colognes; perfumes; body oils and scents; body powders are not to be worn due the possibility of interference with CDS Dogs as well as to prevent the possibility of exposure of offensive odors to other visitors.
 15. All visitors will remain at assigned tables with the inmate(s) they are visiting and will not visit other tables. Infants and children will remain with the adult who brought them to the visit.
 - a. Young children ages newborn through eight (8) will be allowed to play in the children's play area as space permits. Only children and one (1) parent are permitted to sit or play on the floor of the children's play area. Parents/guardians will be responsible for the conduct of the children. The facility will not be responsible for any circumstance arising from the child's presence on the grounds of the prison.
 16. Breast-feeding is prohibited during visiting.
 17. If a general population visitor leaves the general population Visiting Room, but does not leave the building, they will be required to successfully complete all search procedures before re-admittance to the Visiting Room. The visit will be terminated should the visitor leave the building for any reason.
 18. Visits may be shortened, limited, canceled, or terminated due to the lack of security personnel, facility disturbances, or other cause at the discretion of the Associate Superintendent of Security or designee. The Visitation OIC or designee may terminate a visit if, in the considered opinion of the officer, the inmate's and/or visitor's behavior is disruptive to the smooth operation of the Visiting Room.
 19. Visitors found defacing or damaging State property will be barred from the facility and removed from the inmate's approved visiting list.
 20. No visitor, whether approved or disapproved, will be permitted to sit, or loiter in their vehicles in the Visitation parking lot. All visitors must either report to the Visiting Room Lobby or depart from the premises.
- 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, and abide by, all rules outlined for their visits

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. Shirts will be buttoned up and tucked into the pants. Hats are prohibited. Failure to abide by this standard will result in access being denied into the Visiting Room.
4. Inmates will be strip searched **before and after** visits.
 - 1) A refusal to submit to a strip search before or after the visit will result in the cancellation of the visit, revoked/suspended visiting privileges, and possible additional disciplinary action as appropriate.
 - 2) In addition to the strip search following a visit, inmates will also be required to submit to a full body scan. Refusal to submit to the full body scan will result in the following measures being taken:
 - a. Inmate will immediately be placed into dry-cell procedures and the Administrative Duty Officer will be notified immediately. The duration of the dry-cell procedures will be determined by the Associate Superintendent of Security or higher authority.
 - b. Revocation/Suspension of future visiting privileges.
 - c. Additional disciplinary action as appropriate.
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 physical contact or inappropriate 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 visitor 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 Visiting Room employees to maintain the utmost cleanliness and sanitation in the Visitation Unit for the families and inmates alike. Therefore, inmates are always held accountable and responsible 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.**

IX. 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 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 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 arrange 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 arrange 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 dangerous or violent.
 1. The attorney or the attorney's authorized representative will then be given the opportunity to advise the employee if the consultation requested will be on a "contact" or "non-contact" basis.

- a. 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. 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 Administration Reception area and will be required to identify themselves to the employee located at that post.
- C. Attorney searches shall be conducted in accordance with procedures outlined within WVDCR Policy Directive 311.00, Page 5, Section IV.
- D. 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.
 1. 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.

ATTACHMENTS:

None

APPROVED SIGNATURE:



Donald F. Ames, Superintendent



Date