

Prison Visitation Policies in the U.S. and Alaska

A 2012 survey of prison visitation policies in all 50 states and the Federal Bureau of Prisons is one of the first to compare these policies across the U.S. Visitation is a critical component in helping offenders make a successful reentry into their communities after release. It is one of the ways inmates can maintain family and community ties. *Prison Visitation Policies: A Fifty State Survey* examines visitation policies using seven categories to identify differences and similarities: access to visiting policies online, written visiting policies, tone of policies, basic limitations, special visiting provisions, specific procedures, and specific rules. The researchers—two graduates and

a student of Yale Law School—undertook the survey with the goals of creating a table of visitation policies using a common set of categories, exploring the differences and similarities among prison policies, and highlighting areas for future study.

At the outset of the report, the authors note that research indicates that “visitation significantly decreased the risk of recidivism” and “[t]he nearly unrestrained discretion officials have in crafting and implementing prison visitation regulations makes clear how consequential these [visitation] policy choices are, both to inmates’ experiences of incarceration and to the success of the correctional enterprise.” The

key report findings focus on institutional authority over visitation, number and duration of visits, inmate eligibility for visits, approval of visitors, exclusion of visitors, searches and behaviors of visitors, and extended visits.

Similarities found for all the jurisdictions surveyed include:

- All departments of corrections (DOCs) have a provision for visitation.
- All DOCs view visitation as a privilege — some encourage visitation, others are more restrictive.
- All DOCs screen visitors and have limitations of some type.

Questions from *Prison Visitation Policies: A Fifty State Survey (2012)*

The following summarizes information in the *Fifty State Survey* for the Alaska Department of Corrections (DOC). Citations to Alaska DOC Policies and Procedures have been updated for this article to reflect changes following the Alaska DOC review of Chapter 810.02 — Visitation on October 16, 2013. The actual policies have been revised in only one instance: “Basic Limitations.”

Accessing Visiting Policies Online

Department of Corrections (“DOC”) website — <http://www.correct.state.ak.us/>

Any policies on DOC website? Yes.

Visiting policy on DOC website? Yes.

URL for policies on website? Yes.

Written Visiting Policies

Has a visiting regulation available on Westlaw? Yes.

Has a policy directive from DOC? Yes.

Has a visitor’s handbook or plain English instructions? No. [Note: There is no overall handbook for Alaska correctional facilities. Visitation schedules and rules are available online on each institution’s web page on the DOC website as noted above.]

Date of most recent source document? 2010. [Note: Since the publication of this report, Alaska DOC Policies and Procedures for Communication, Mail & Visiting were reviewed on October 16, 2013.]

Tone of Policies

Promotes/encourages visitation in policy documents? Yes. Chapter 810.02, DOC Policies & Procedures, VI.A. “The Department encourages prisoner visitation because strong family and community ties increase the likelihood of a prisoner’s success after release. Visitation is subject only to the limitations of this policy and as necessary to protect persons and maintain order and security in the institution.”

Basic Limitations

Limits number of visitors on approved list? No. [Revised policy: Yes. Current DOC Policies & Procedures Chapter 810.02, VII.C.2 allows prisoners “a maximum of ten approved visitors (not to include minor children) on their visitation list. Exceptions may be made by the Superintendent or designee on a case-by-case basis.” Prisoners may request changes to their approved visitors list, but there is a limit to the number of times

changes may be requested.]

Sets a floor for minimum visitation hours/days? Yes. Chapter 810.02. VII.B.1.vi. “Visitation must be made available on at least three week days and on weekends; a facility must make reasonable efforts to accommodate day and night work shifts of potential visitors.”

Special Visiting Provision

Contains provision for long-distance visitors (“special visitors”)? Yes. Chapter 810.02. VII.D.3.iv.(b). After Hours Visits and (c) Extended Visits: “The Superintendent may authorize extended visits for situations such as families traveling long distances or for professionals requiring extended hours of contact.”

Contains provision for overnight visiting (referred to as family reunion/extended/conjugal visiting)? No.

Contains provisions for video visitation? No — but does exist only for inmates at contract facility in Hudson, Colorado. [Note: Alaska prisoners are no longer housed at this facility.]

Specific Procedures

Contains provisions for grievance procedures for when visitation is suspended? Yes. Chapter 810.02. VII.E.4. “A prisoner may file a grievance concerning the denial or restriction of visitation directly to the Director of Institutions through the facility Grievance Coordinator. See Policy #808.03, Prisoner Grievances.”

Specifies search procedures for visitors? Yes. Chapter 810.02. VII.7.5. “Staff may search a visitor and his or her belongings for weapons and contraband. Visitors who refuse to submit to a search will not be allowed to visit.”

Specific Rules

Limits visitors based on security classification? No.

Has child-specific rules? Yes. Chapter 810.02. F. Visitation by Minors and G.7.1. “Visitors must keep their children under control. The Department may terminate a visit if children are unruly or disruptive.”

- All DOC wardens/superintendents have a great deal of discretion regarding implementation of visitation policies.

The wide variance in policies and procedures is highlighted. The authors had expected to find similar practices among the various states, but were surprised to discover extensive variations, for example, in number of days of visiting allowed and number of people allowed on an offender's list of approved visitors. In North Carolina offenders are permitted one visit per week for a maximum of two hours, while maximum-security offenders in New York are permitted visitors every day of the year. An inmate in South Dakota can have only two people (plus family members) on the approved visitor's list, while offenders in California are allowed an unlimited number of visitors. Security for offenders, institutional staff, and visitors is one of the issues which the authors acknowledge may be driving policy decisions, but they document the variance in how jurisdictions address this issue in policy implementation. They suggest some approaches that might assist in determining best practices. The first involves examining how policies are developed and which stakeholders are involved in the process. Another entails exploring how concerns about security affect the development and implementation of visitation policies. Their hope is that the report can assist jurisdictions in reviewing their current visitation policies and in becoming aware of practices that have been successfully implemented in other institutions.

Family Visitation and Virtual Visitation

In examining current visitation practices, the researchers found two types of visitation which they felt should be highlighted: *overnight family visits* and *virtual (video) visitation*. These two types of visitation are available in only a small number of jurisdictions and represent both ends of the spectrum — high physical contact and no physical contact. While the researchers recognize the cost involved in maintaining and operating a family visitation program — which may require providing separate facilities, more staff, etc. — they point to National Institute of Justice research showing that offenders in such programs were up to “67 percent less likely to recidivate.” Among the 10 states offering family visitation there are a number of models. Although the benefits of such programs appear to be positive, the authors acknowledge the difficulty in implementing such programs during times of fiscal cuts and suggest that further study of this type of visitation would be useful.

Eighteen jurisdictions have some form of video visitation to address issues of distance and/or security. Again, several models have been adopted. Video conferencing which requires the visitor to come to a location away from the correctional facility is one model. Another is the use of video-interactive phones which allow visitors to connect from home. The report cautions that although video visitation provides a means for the offender and family to stay in contact in situations where distance and/or security are an issue, there is the risk that video visitation could affect the availability of in-person visits. Moreover, the current consideration given to placing offenders in institutions that are near their home communities and families may be reduced if video visitation is seen as an acceptable, cheaper, and more secure mode of visitation.

Alaska's Visitation Policies

Alaska is among the 30 jurisdictions with language in their policies that “promote[s] or encourage[s] visitation at the outset of their policy directives or regulations” (page 7 of the report) and among the 28 jurisdictions that set a minimum number of days or hours that visitation is to be made available. The Alaska DOC policy reads: “The Department [of Corrections] encourages prisoner visitation because *strong family and community ties increase the likelihood of a prisoner's success after release*. Visitation is subject only to the limitations in this policy and as necessary to protect persons and maintain order and security in the institution” (Alaska DOC Policies and Procedures 810.02.VI.A.; emphasis added).

Two types of visitation are defined in Alaska DOC policy: *secure visitation* and *contact visitation*. Secure visitation “limits or precludes physical contact according to the degree of risk the prisoner presents” while contact visitation is defined as “visitation in a room that allows informal com-

munication and physical contact.” In Alaska DOC institutions, a minimum of one hour must be made available for each visit of either type, “except under exceptional circumstances.” In cases where a visit of one-hour minimum is not possible, Alaska DOC policy directs that more than one visit per day should be made available, if possible. Female prisoners with a child under the age of one may be granted special visitation of up to eight hours per day.

The number of hours in the visiting schedule at each institution is related to the number of prisoners housed there. Institutions with 400 or more prisoners are to provide a minimum of 40 hours per week for visitation; those facilities with 100–399 prisoners must make a minimum of 30 hours per week of visitation available; and institutions with up to 99 prisoners must allow for a minimum of 25 hours per week of visitation. Policy also requires that visitation “must be made available on at least three week days and on weekends” and that visitation schedules must take into consideration the “day and night work shifts of potential visitors.” (Alaska DOC Policies and Procedures VII.B.1 and 2.) Prisoners may have up to a maximum of ten persons, in addition to minor children, on their approved visitors list.

Special hours are also allowed for visits by bail bondsmen, attorneys and legal representatives, and clergy. Alaska DOC policies include dress code for visitors, and other conditions of visitation such as visits by minors, notice that DOC staff may search a visitor and the visitor's belongings, and rules for conduct of children. Alaska DOC may also terminate a visit and place restrictions on visitation for a prisoner; in such instances, the prisoner has the right to file a grievance.

At the time of the survey, Alaska video visitation was available to Alaska inmates at

Please see Prison visitation, page 4

Alaska Prison Visitation Resources

Prison Visitation Policies: A Fifty State Survey, Chesa Boudin, Trevor Stutz, Aaron Litman, November 2012, Yale Law School
http://www.law.yale.edu/documents/pdf/Liman/Prison_Visitation_Policies_A_Fifty_State_Survey.pdf

Alaska Department of Corrections <http://www.correct.state.ak.us/>

Alaska Department of Corrections Institutions <http://www.correct.state.ak.us/institutions/>

Alaska Department of Corrections Policies and Procedures <http://www.correct.state.ak.us/commissioner/policies-procedures>

Chapter 810.02 Visitation — <http://www.correct.state.ak.us/pnp/pdf/810.02.pdf>

Chapter 808.06 Requirements Relating to Female Prisoners — <http://www.correct.state.ak.us/pnp/pdf/808.06.pdf>

Chapter 808.03 Prisoner Grievances (Prisoners may grieve visitation restriction or denial) — <http://www.correct.state.ak.us/pnp/pdf/808.03.pdf>

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the Hudson Correctional Facility in Colorado. Since the opening of Goose Creek Correctional Center (GCCC) in Wasilla in July 2012, prisoners are no longer sent out of state. Alaska inmates from Colorado began arriving at Goose Creek in early 2013. Currently, no video visitation is available at Alaska correctional institutions, with the exception of video visitation for clients/attorneys at GCCC.

While overnight visits with family are not part of Alaska DOC visitation policies, there is provision for after hours and extended visits. The policy reads: “The Superintendent may authorize extended visits for situations such as families traveling long distances or for professionals requiring extended hours of contact.” (Alaska DOC Policies and Pro-

cedures, Chapter 810.02.VII.D.3.iv.(b) and (c).) This provision is particularly important in Alaska given the vast distances and transportation issues in rural parts of the state.

The visitation policies for each Alaska correctional institution are on the institution’s web page on the Alaska Department of Corrections website. Some web pages are more detailed than others, but core information is noted for each institution. Alaska currently has 13 correctional institutions located throughout the state (see Figure 1).

Topics for Future Study

The authors note the limitations of their study and suggest future research topics. These topics include:

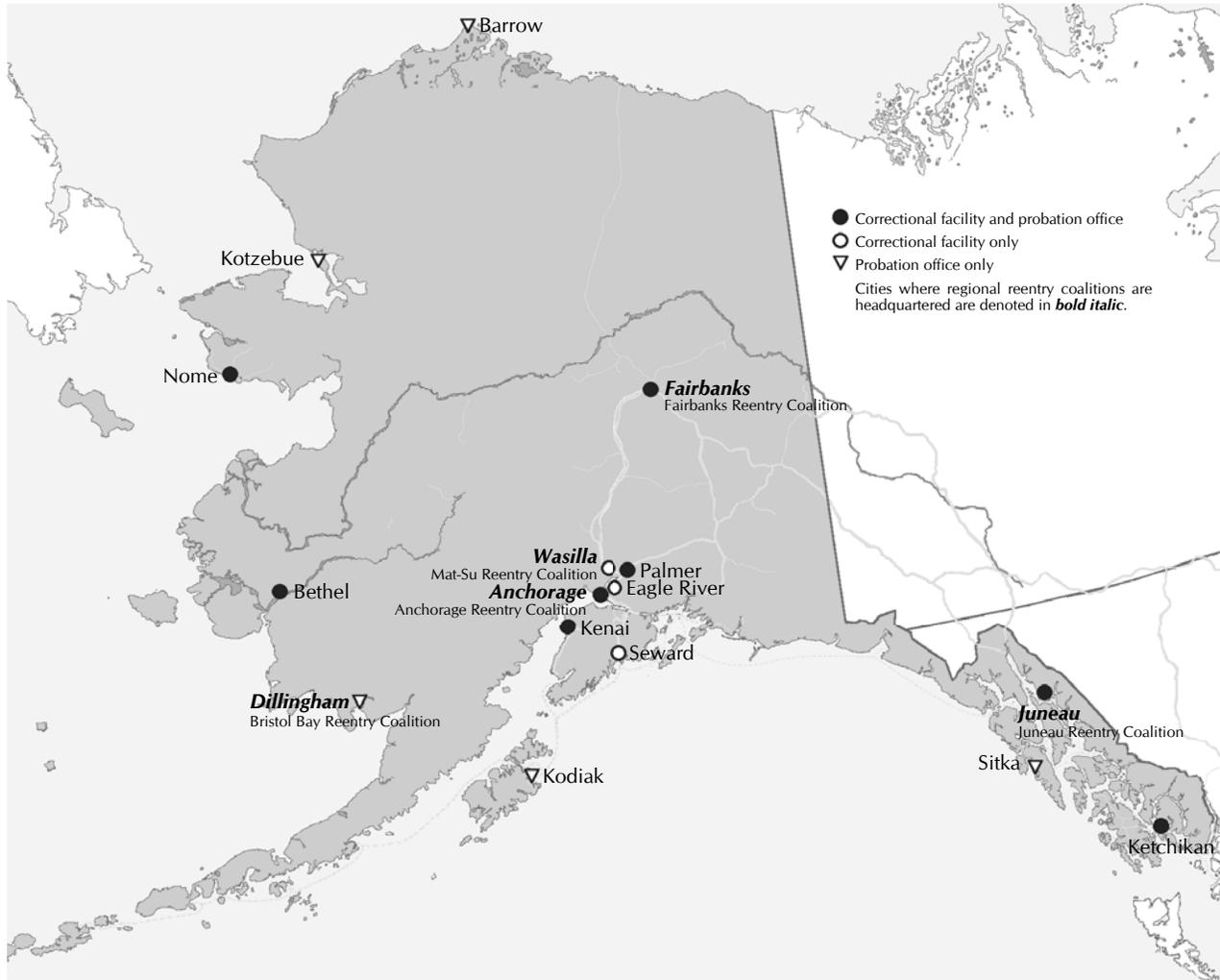
- looking at sub-populations in prison, e.g., female offenders;
- investigating how security levels of

offenders (e.g., offenders in maximum security institutions) impact visitation;

- examining recidivism rates and any correlation to specific visitation policies and institutional security;
- exploring extended family visitation and virtual visitation in more detail (how is family defined, whether civil unions are recognized);
- gathering information on how visitation policies are implemented at the level of individual institutions; and
- determining how prison visitation policies and regulations can be made more easily accessible to researchers, inmates, and inmates’ families and friends.

This report presents an important baseline of information on prison visitation policies, and identifies major areas for further study.

Figure 1. Alaska Department of Corrections Probation Offices and Correctional Facilities and Regional Reentry Coalitions, January 2014



Department of Corrections correctional facilities are as follows:

Anchorage	Anchorage Correctional Complex	Kenai	Wildwood Correctional Complex	Seward	Spring Creek Correctional Center
Bethel	Yukon Kuskokwim Correctional Center	Ketchikan	Ketchikan Correctional Center	Wasilla	Goose Creek Correctional Center
Eagle River	Hiland Mountain Correctional Center	Nome	Anvil Mountain Correctional Center		Point MacKenzie Correctional Farm
Fairbanks	Fairbanks Correctional Center	Palmer	Palmer Pretrial		
Juneau	Lemon Creek Correctional Center		Palmer Correctional Center		

Sources of data: Alaska Department of Corrections; Prisoner Reentry Task Force, Alaska Criminal Justice Working Group