



PC-NM-001-005

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES DISTRICT COURT
SANTA FE, NEW MEXICO

DEC 7 1979

DWIGHT DURAN, et al.,)
)
Plaintiffs,)
)
vs.)
)
JERRY APODACA, et al.,)
)
Defendants.)

[Signature] CLERK
BY _____ DEP. CLERK

Civil Action No. 77-721-C

JOINT REQUEST FOR PARTIAL CONSENT DECREE

Come now the parties in the above styled case and jointly request that the Court enter a partial consent decree in settlement of those allegations made in the Amended Complaint in paragraph 27 insofar as they relate to visitation. The provisions which the parties have agreed to and which this Court is asked to approve and adopt as its order are as follows:

1) The number of visitors an inmate may receive and the length of visits may be limited only by the institution's schedule and space and personnel requirements.

2) Inmates shall not be denied access to visitation with persons of their choice except where the Chief Executive Officer or his/her designate can present clear and convincing evidence that such visitation jeopardizes the safety and security of the institution or the visitors.

3) No persons shall be denied permission to visit solely because of their sex, marital status, status as an ex-offender, the fact that they are or have been on another inmate's visiting list or because of the marital status of the inmate.

4) The following provisions limiting who may visit shall be deleted from the defendants' visiting regulations:

A. Ex-felons as visitors:

Persons with known felony convictions, persons with extensive criminal backgrounds, and former PNM inmates will ordinarily not be approved for visiting. Exceptions to this may

be extended to immediate family members only, and only with the approval of the Classification Committee. Limited or full visiting privileges may be extended to the persons to be approved when they have shown stability in the community, as may be verified by the field services staff (Probation-Parole Officers), and it has been established that a meaningful relationship exists between the inmates and those persons.

B) Visitors who visit with more than one inmate:

1) Visitation with more than one (1) inmate will only be approved when the visitor(s) is/are immediate family member(s), as defined by paragraph 4b(4), above, or the legal spouse of an approved immediate family member.

2) A person who has been approved for visiting with any inmate will not be approved for visiting with another inmate not related to that visitor. "Related" herein will be defined as "Immediate Family" as defined in this policy statement. If a person has been approved for visiting with an inmate who is subsequently transferred to any other institution or facility, that person is still ineligible for placement on another inmate's approved visiting list.

C) Common Law Relationships:

(Not to be misconstrued with establishment of common-law relationship for inter-prison visits). The approval of common-law relationships as a basis for visits will be contingent on such factors as the length of the relationship, mutual property holdings, children resulting from the relationship, etc. Visits will not be granted when both parties have lived together for less than one year.

D) Friends of the opposite sex:

Single inmates may have an unlimited number of persons of the opposite sex on his approved visitor list, within the limitations imposed by paragraph C), above. Married inmates may have friends and non-blood related relatives of the opposite

sex on their visiting list, but only after the inmate's spouse has provided the Visiting Office with written consent for same.

E) Confirmation of marriage:

Anyone claiming to be the legal spouse of a resident incarcerated here must provide a valid marriage certificate; a marriage license is not sufficient unless it also includes a certification that the marriage did in fact take place. Either the marriage certificate or a photocopy may be presented, either by attaching it to the application questionnaire or in person to the Visiting Office when visiting at this facility. If the marriage certificate is presented in person, a photocopy will be made at no cost and the original immediately returned to the owner.

5) Investigations conducted by the defendants relating to visits shall be limited to:

A) Investigations, as required, of incidents involving correspondents and/or visitors which affect or potentially affect the security or orderly operation of PNM.

B) Investigations to verify personal data provided in response to questionnaires in cases in which there is reasonable cause to believe that the information provided is not accurate or complete.

6) Files maintained by the defendants on each visitor shall be limited to:

A) Records of the visitor's certification form (8A) and reports of significant incidents which indicate that visitation by this person will jeopardize the security of the institution and prior convictions of the persons authorized to visit prisoners at the PNM.

B) Files based on daily visiting records obtained from the Front Entrance.

7) Procedures for placement on approved visitor list:

A) The defendants shall issue each new commitment an A&O

Visitor Request list form during the initial intake processing. Each resident must complete the form by providing the required information for each visitor being requested in accordance with the instructions provided on the reverse side of the form. The information requested on the form shall be the visitor's name, address, age and the visitor's relationship to the requesting inmate. The completed form will then be promptly forwarded to the Visiting Office. The forms in Spanish will be provided on request.

B) Residents returning as parole violators and those returning on subsequent sentences shall be required to submit a new A&O Visitor Request List. Prior authorizations for prisoners returning from other facilities such as on minimum security visiting lists will be reviewed upon transfer. A new list need not be submitted to resume visits.

C) The Visiting Office will send a questionnaire application form (Class. form 8A) to each person, regardless of age or relationship, that a resident requests to be authorized for visiting privileges. The questionnaire will be accompanied by a summary of the visiting regulations.

D) As a general rule, the parents, grandparents, siblings, legal wife, and children of residents and others with existing relationships as approved by the visiting officer will be granted 30-day temporary approval to visit, provided their individual names have appeared on the resident's A&O Visitor Request List. They must, however, complete and return the questionnaire application form (Class. form 8A) within the thirty day time period. Failure to do so will cause their temporary visiting authorization to be suspended until their questionnaire application is received, processed and approved by the Visiting Office. The fact that a person was previously granted a temporary visiting authorization does not necessarily mean they will be granted permanent visiting privileges. All other applicants, including other relatives, may

not visit until their applications have been received, processed, and approved, and approval notices issued.

E) The defendants will review all questionnaires returned by applicants to insure completeness and validity of the information provided. Questionnaires not properly completed will be returned for correction, as necessary.

8) The following provisions shall govern the time and the number of hours per week prisoners will be permitted to visit:

A) Hours for social visiting are from 8:30 a.m. to 3:30 p.m. from Wednesday through Sunday, with no visiting normally on Mondays or Tuesdays, except when they are designated as state holidays. The official visiting week is Wednesday-Sunday.

B) Due to present space and staff limitations, all inmates in the general population may normally visit for four (4) hours per week. Visits taking place on Saturday, Sunday or a state holiday may be limited to one two (2) hour weekly visit if allowing for the usual two separate two (2) hour weekly visits would result in some prisoners not being allowed to have visitation time on the weekend. Due to overcrowding in the visiting room visits may during peak visiting times be limited to one hour if allowing the usual two (2) hour visit would result in some prisoners with visitors waiting not be allowed to have visitation. Visitors may divide the four (4) hours of visits into two (2) separate weekly visits of no more than two (2) hours in duration.

C) Inmates in level #2, Segregation Unit - visitation for these prisoners shall be governed by a separate policy statement.

D) Inmates in level #3, long-term segregation - visitation for these prisoners shall be governed by a separate policy statement.

E) Inmates in CB #4, Protection status - visitation for these prisoners shall be governed by a separate policy statement.

F) Visiting on holidays will be counted as a regular visiting day. When a legal state holiday falls on either a Monday or a Tuesday, the visiting week will be Monday or Tuesday through

Sunday.

G) Any extra visiting time must be recommended in writing, in advance, by the Casemanager with final approval by the Chief Classification Officer. Because of space limitations, extra visiting time on weekends and holidays should be discouraged. Under special circumstances, a visit may be longer in duration or occur at a time different from that described above, e.g., if a visitor must travel a long distance or is unable to visit on normal visiting days.

H) Visiting hours are not cumulative from week to week. Any portion of one hour of visiting time used will be charged as a full hour except when the visit is terminated by staff for some institutional function over which the inmate has no control, e.g., Parole Board appearances. In that case, the inmate will be entitled to the remainder of his visiting time, provided it can be accomplished in the same visiting week during which the interruption occurred.

I) Inmates officially assigned to the Annex or Cell Block #1, Honor Unit, are allotted four (4) hours visiting time on week days (Wednesday-Friday). This time may be divided into two (2) separate two (2) hour visits provided the time is used on week days. Visits of less than two (2) hour duration will count as a two (2) hour visit. An additional two (2) hours visiting time is allotted for weekends. Annex-assigned inmates may conduct weekday (i.e., Wednesday, Thursday, Friday) visits in the designated outside area. Visitors must register and undergo thorough security screening at the Front Entrance Building prior to reporting to the Annex to visit. All restrictions imposed upon regular social visits at the Main Institution as stipulated within the Policy Statement will be enforced.

9) Prisoners may have up to but no more than three visitors at one time because of space limitations. When more than three approved visitors wish to visit during the same period, they may alternate so that no more than three visitors are visiting at one

during the regular visiting period. The number of visitors per inmate may be reduced without prior notice if overcrowding or other situations which pose a threat to the security of the institution, exist.

10) The following age limitations shall apply to visitors:

A) No visitors under the age of eighteen (18) years will be permitted to enter the Penitentiary for visiting purposes unless accompanied at all times by an adult approved for visiting the same inmate.

B) Brothers, sisters, children and grandchildren over the age of sixteen (16) may be approved for visiting privileges and may visit unaccompanied by an adult.

C) Children under 5 years of age will not be charged against the number of visitors (3) allowed to visit at one time. They must, however, be kept under reasonable control in both the visiting room and waiting areas. Nuisance created by children and/or adults will be sufficient reason to terminate a visit.

11) The following provisions shall govern the conduct of visits and searches of visitors:

A) It is a violation of state law for any person to introduce, or attempt to introduce, into the penitentiary any article of contraband including deadly, explosive materials, currency, weapons, ammunition, intoxicants or controlled substance. All visitors will be questioned by the defendants prior to their admittance into the fenced perimeter to determine whether they possess any of the above prohibited items. All persons entering the PNM will be required to pass through a metal detector.

B) Purses, briefcases, packages, etc., must be locked in the visitors' automobiles prior to entering the institution. Vehicles containing contraband other than weapons, alcohol, or drugs will be allowed to park in visitor's parking area after locking such items in trunk. Vehicles containing alcohol or drugs will be allowed to park in the visitors parking lot after disposing

of the alcohol or drugs.

C) All packages and items carried into the institution are subject to search by PNM employees and/or state and county law-enforcement officials.

D) All visitors shall be informed prior to entering the institution that, upon reasonable cause, they may be subject to search and must sign a statement to that effect. If they choose not to enter, they will not be subjected to a search, and will be escorted from institutional grounds immediately. Where there exists a reasonable suspicion that a particular visitor is attempting to introduce contraband into the institution, the Chief Executive Officer on duty at the facility may order at any time that the visitor be subjected to a more thorough search. A visitor may be requested to remove his/her clothing to submit to a strip search only where the Chief Executive Officer of the PNM determines that there is probable cause to believe that the particular visitor possesses contraband. In such an instance the search may be conducted only by an employee of the PNM of the same sex as the visitor in an area that provides the visitor the greatest possible privacy.

E) Visitors and inmates may kiss and embrace at the beginning and at the end of each visiting period, but other physical displays of affection which are disruptive to the visiting environment will not be permitted. Inmates will be permitted to hold infant children during visits and may assist with feeding.

F) Written messages, after inspection and approval by visiting room officer, and photographs, may be exchanged during a visit. Visiting room tables are to be kept clear of all items, such as cigarettes, lighters, matches, wallets, etc.

G) Money may not be left for an inmate but may be mailed to the institution in the form of a cashier's check or money order from approved visitors.

12) The following rule will govern the search of prisoners having visits:

Inmates having visits at any time will submit to complete strip shakedowns before and after each visit. The Lieutenant-in-charge will insure that each inmate is given a complete shakedown as indicated. The search will be conducted by a male employee of the PNM in an area which provides the greatest possible privacy to the inmate. Where there is a reasonable suspicion that the prisoner possesses contraband, the search may involve a visual inspection of the prisoner's body cavities (rectal and/or vaginal inspection) conducted by medical personnel. A prisoner may be subjected to a manual or instrument inspection of his body cavities only where there is probable cause to believe he is concealing contraband. Reasonable suspicion is not created by the mere fact of a contact visit. In such cases the search must be authorized by the Chief Executive Officer of the facility and conducted by a medically trained person.

13) Each resident may have up to a maximum of fifteen (15) approved visitors regardless of their relationship, providing they have been cleared by the Visiting Office. The Warden may authorize an increase in the list, under special circumstances such as in cases where the prisoner's immediate family exceeds fifteen (15).

14) Approval of persons on an inmate's visiting list while at any other correctional institution or facility will be reviewed upon the inmate's transfer back to the Penitentiary of New Mexico. The defendants will update the approved visiting list upon the inmate's return to PNM and will assure that policy has been followed and determine any change in circumstances.

15) Inter Prison visits:

A) Inter-prison visits will be allowed for members of the immediate family. Visiting time will not be charged against the inmate's allocated time for visiting.

B) Establishment of relationship:

1. If legally married, the Certificate of Marriage

must be produced at the time of application for visiting privileges.

2. In the case of a common-law relationship, the applicant will provide evidence that they have cohabited for a period prior to incarceration, or a child or children resulted from their relationship. All materials are to become a permanent part of the central files of both inmates.

C) Restriction of Inter-prison visiting privileges:

1. If either inmate is at any time placed in disciplinary or segregation status, inter-prison visiting privileges for both inmates shall be immediately suspended and remain suspended until release of the disciplinary segregated inmate.

2. Any breach of rules while visiting, e.g., refusing to obey an order or creating a disturbance, may result in termination of visiting privileges.

3. A written memorandum will be forwarded to the Deputy Warden/Programs on any person denied, suspended or terminated from receiving visiting privileges at the Penitentiary of New Mexico. The report will include reasons for the denial, name of inmate and visitor involved, and employee approving suspension or termination of visiting privileges is delegated to the designated Duty Officer on weekends and holidays, and the Deputy Warden/Programs or his designee during normal working hours.

D) Inter-prison visits between immediate family members:

Inter-prison visiting between immediate family members may be approved if it is shown that immediate family ties exist between or among those requesting to visit with each other. Initial approval for these visits must be obtained from the Visiting Officer and the Classification Committee.

E) Visiting after release:

Inmates who have visited previously on this basis will be allowed to continue visiting after one of them has been released, provided there are no indications that visiting should be discontinued.

F) Conduct during inter-prison visits:

All visiting rules and regulations applicable to social visiting will also apply in this category of visiting.

16) Visits with members of the clergy:

Members of the clergy who wish to make one or more visits with an inmate on a professional basis must make a written request prior to the initial visit, to the Warden, a prompt response will be given. Such visiting will not be counted against the inmate's visiting hours. Any member of the clergy who wishes to visit regularly as a friend rather than in his official capacity must make application to be placed on the inmate's regular visiting list as a friend or relative, as appropriate.

17) Prison hospital visits:

The Hospital Administrator, in conjunction with the Visiting Officer, will determine whether a hospitalized inmate may have a visit and whether the visit should take place in the regular visiting room or in the hospital. If the visit is to be held in the hospital, the Deputy Warden/Programs must grant prior approval. If approved, the Superintendent of Correctional Security will provide officer escort for the visitor and officer supervision.

18) Special visits:

All special visits not covered in this policy statement, e.g., with prospective employers, law enforcement officers, etc. must be approved in advance, in writing, by the Deputy Warden/Programs, subject to review by the Warden.

Immediate family members who reside out of state and who seldom visit do not necessarily have to be placed on the regular visiting list; they may visit under this regulation.

19) Visitor identification:

All visitors sixteen (16) years of age and older must present bona fide identification bearing their photograph before being permitted to enter the Penitentiary.

20) Overcrowded visiting room:

The ranking shift supervisor or the Duty Officer may alleviate crowded conditions in the Visiting Room by abbreviating two-hour visits to one-hour visits, being careful to credit the concerned inmate with the time not used.

21) Visitors' register:

Each approved visitor must sign a register upon entering and exiting the institution.

22) Pursuant to this Partial Consent Decree the defendants agree to issue the attached policy statement. Modifications of the provisions of the policy statement not explicitly included in the provisions of the Consent Decree may be made by the defendants without the permission of the Court as necessary for the security and orderly operation of the PNM.

23) The provisions of this order shall become effective February 1, 1980.

Submitted by: -

William J. Thomas
For the Plaintiffs.

William J. Thomas
For the Defendants

COMMUNICATIONS DIVISION

POLICY: VISITING

1. POLICY: It is the policy of this Institution to provide an effective visiting program that will enhance rehabilitative efforts, establish a reasonable normalization of social relationships, and satisfies security requirements of this facility. Policy and Procedure is updated annually.
2. PURPOSE: To establish regulatory procedures and guidelines for administering the visiting program.
3. GENERAL:
 - a. Family ties and personal relationships are important factors in individual and group morale. Visits are part of the means for maintaining family ties and wholesome personal relationships with relatives and friends.
 - b. The supervision of visits will be handled in a manner to insure contribution to good public relations, develop the public's understanding of institutional programs, and assist in the positive development of individual treatment programs and planning.
 - c. The number of visitors an inmate may receive and the length of visits may be limited only by the institution's schedule and space and personnel requirements. Inmates shall not be denied access to visitation with persons of their choice except where the Chief Executive Officer or his/her designate can present clear and convincing evidence that such visitation jeopardizes the safety and security of the institution or the visitors.
4. VISITING OFFICE:
 - a. Responsibilities: The Visiting Office (V) is designated as the office of primary responsibility for all matters relating to visiting and has the following specific duties:
 - (1) To serve as the focal point for inquiries, assistance, and information.
 - (2) To approve and disapprove applications in accordance with the procedures established herein.
 - (3) To conduct investigations, as required, of incidents involving correspondents and/or visitors which affect or potentially affect the security or orderly operation of PNM.
 - (4) To maintain records of the visitor's verification form (8A) and reports of significant incidents which indicate that visitation by this person will jeopardize the security of the institution and prior convictions of the persons authorized to visit prisoners at the PNM.
 - (5) To inform the Front Entrance Officer and the Mail Room of persons authorized to visit residents in PNM, as well as any changes in their status.
 - (6) To maintain files based on daily visiting records obtained from the Front Entrance.

- (7) To establish a secure area for the storage of investigative and intelligence information with access strictly limited, in accordance with applicable State and Federal laws, to:
 - (a) The Warden
 - (b) The Deputy Warden/Programs
 - (c) The Superintendent of Correctional Security
 - (d) The Intelligence Officer
 - (e) The Chief of Classification and Programming
 - (f) Personnel assigned to the Visiting Office
- (8) To conduct investigations to verify personal data provided in response to questionnaires in cases in which there is reasonable cause to believe that the information provided is not accurate or complete.
- (9) To work closely with the Intelligence Office on any matter affecting the security or orderly operation of the Penitentiary which involves correspondents or visitors.

b. Procedures:

- (1) The Identification Office shall issue each new commitment an A&O Visitor Request list form during the initial intake processing. Each resident must complete the form by providing the required information for each visitor being requested in accordance with the instructions provided on the reverse side of the form. The information requested on the form shall be the visitor's name, address, age and the visitor's relationship to the requesting inmate. The completed form will then be promptly forwarded to the Visiting Office. The forms in Spanish will be provided on request.
- (2) Residents returning as parole violators and those returning on subsequent sentences shall be required to submit a new A&O Visitor Request list. Prior authorizations for prisoners returning from other facilities such as on minimum security visiting lists will be reviewed upon transfer. A new list need not be submitted to resume visits.
- (3) The Visiting Office will send a questionnaire application form (Class. form 8a) to each person, regardless of age or relationship, that a resident requests to be authorized for visiting privileges. The questionnaire will be accompanied by a summary of the visiting regulations informing visitors of procedures.
- (4) As a general rule, the parents, grandparents, siblings, legal wife, and children of residents and others with existing relationships as approved by the casemanager will be granted 30-day temporary approval to visit, provided their individual names have appeared on the resident's A&O Visitor Request List. They must, however, complete and return the questionnaire application form (Class. Form 8a) within the thirty day time period. Failure to do so will cause their temporary visiting authorization to be suspended until their questionnaire application is received, processed and approved by the Visiting Office. The fact that a person was previously granted a temporary visiting authorization does not necessarily mean they will be granted permanent visiting privileges. All other applicants, including other relatives, may not visit until their applications have been received, processed, and approved, and approval notices issued.

- (5) The Visitation Officer will review all questionnaires returned by applicants to insure completeness and validity of the information provided. Questionnaires not properly completed will be returned for correction, as necessary.

5. BASIC POLICY: The number of visitors an inmate may receive and the length of visits may be limited only by the institution's schedule and space and personnel requirements. Inmates shall not be denied access to visitation with persons of their choice except where the Chief Executive Officer or his/her designate can present clear and convincing evidence that such visitation jeopardizes the safety and security of the institution or the visitors. No persons shall be denied permission to visit solely because of their sex, marital status, status as an ex-offender, the fact that they are or have been on another inmate's visiting list or because of the marital status of the inmate.

a. Hours:

- (1) Hours for social visiting are from 8:30 a.m. to 3:30 p.m. from Wednesday through Sunday, with no visiting normally on Mondays or Tuesdays, except when they are designated as state holidays. The official visiting week is Wednesday - Sunday.
- (2) Due to present space and staff limitations, all inmates in the general population may normally visit for four (4) hours per week. Visits taking place on Saturday, Sunday or a state holiday may be limited to one two (2) hour weekly visit if allowing for the usual two separate two (2) hour weekly visits would result in some prisoners not being allowed to have visitation time on the weekend. Due to overcrowding in the visiting room visits may during peak visiting times be limited to one hour if allowing the usual two (2) hour visit would result in some prisoners with visitors waiting not being allowed to have visitation. Visitors may divide the four (4) hours of visits into two (2) separate weekly visits of no more than two (2) hours in duration.
- (3) Inmates in level #2, Segregation Unit - visitation for these prisoners shall be governed by a separate policy statement.
- (4) Inmates in level #3, long-term Segregation - visitation for these prisoners shall be governed by a separate policy statement.
- (5) Inmates in CB#4, Protection Status - visitation for these prisoners shall be governed by a separate policy statement.
- (6) Visiting on holidays will be counted as a regular visiting day. When a legal state holiday falls on either a Monday or a Tuesday, the visiting week will be Monday or Tuesday through Sunday.
- (7) Any extra visiting time must be recommended in writing, in advance, by the Casemanager with final approval by the Chief Classification Officer. Because of space limitations, extra visiting time on weekends and holidays should be discouraged. Under special circumstances, a visit may be longer in duration or occur at a time differer from that described above, e.g., if a visitor must travel a long distance or is unable to visit on normal visiting days.

- (8) Visiting hours are not cumulative from week to week. Any portion of one hour of visiting time used will be charged as a full hour except when the visit is terminated by staff for some institutional function over which the inmate has no control, e.g., Parole Board appearances. In that case, the inmate will be entitled to the remainder of his visiting time, provided it can be accomplished in the same visiting week during which the interruption occurred.
- (9) Inmates officially assigned to the Annex or Cell Block #1, Honor Unit, are allotted four (4) hours visiting time on week days (Wednesday-Friday). This time may be divided into two (2) separate two (2) hour visits provided the time is used on week days. Visits of less than two (2) hour duration will count as a two (2) hour visit. An additional two (2) hours visiting time is allotted for weekends. Annex-assigned inmates may conduct weekday (i.e., Wednesday, Thursday, Friday) visits in the designated outside area. Visitors must register and undergo thorough security screening at the Front Entrance Building prior to reporting to the Annex to visit. All restrictions imposed upon regular social visits at the Main Institution as stipulated within the Policy Statement will be enforced.

b. Number of Visitors:

No more than three persons may visit an inmate at one time because of space limitations. When more than three approved visitors wish to visit during the same period, they may alternate so that no more than three visitors are visiting at one time during the regular visiting period. The number of visitors per inmate may be reduced without prior notice if overcrowding or other situations which pose a threat to the security of the institution, exist.

c. Visitors (Underage):

No visitors under the age of eighteen (18) years will be permitted to enter the Penitentiary for visiting purposes unless accompanied at all times by an adult approved for visiting the same inmate. Brothers, sisters, children and grandchildren over the age of sixteen (16) may be approved for visiting privileges and may visit unaccompanied by an adult. Children under 5 years of age will not be charged against the number of visitors (3) allowed to visit at one time. They must, however, be kept under reasonable control in both the visiting room and waiting areas. Nuisance created by children and/or adults will be sufficient reason to terminate a visit.

d. Conduct during Visiting:

Visitors and inmates may kiss and embrace at the beginning and at the end of each visiting period, but other physical displays of affection which are disruptive to the visiting environment will not be permitted. Inmates will be permitted to hold infant children during visits and may assist with feeding.

e. Visitors' Responsibilities:

- (1) Purses, briefcases, packages, etc., must be locked in the visitors' automobiles prior to entering the institution. Vehicles containing contraband other than weapons, alcohol or drugs will be allowed to park in visitors' parking area after locking such items in trunk. Vehicles containing alcohol or drugs will be allowed to park in the visitors' parking area after disposing of the alcohol or drugs.

- (2) Written messages, after inspection and approval by visiting room officer, and photographs, may be exchanged during a visit. Visiting room tables are to be kept clear of all items, such as cigarettes, lighters, matches, wallets, etc.
- (3) Smoking is not permitted by either inmates or visitors in either the social visiting room or special interview rooms. Smoking is permitted by visitors in the visitors' waiting areas.
- (4) The vending machines in the visitors' waiting room and front lobby area are for the use of visitors, but all items purchased must be consumed and/or disposed of prior to entering the visiting room.
- (5) Money may not be left for an inmate but may be mailed to the institution in the form of a cashier's check or money order from approved visitors.
- (6) It is a violation of state law for any person to introduce or attempt to introduce, into the penitentiary any article of contraband including deadly, explosive materials, currency, weapons, ammunition, intoxicants or controlled substance. All visitors will be questioned by the Entrance Building Officer prior to their admittance into the fenced perimeter to determine whether they possess any of the above prohibited items. All persons entering the PNM will be required to pass through a metal detector.
- (7) All packages and items carried into the institution are subject to search by PNM employees and/or state and county law-enforcement officials.
- (8) All visitors shall be informed prior to entering the institution that, upon reasonable cause, they may be subject to search and must sign a statement to that effect. If they choose not to enter, they will not be subjected to a search, and will be escorted from institutional grounds immediately. Where there exists a reasonable suspicion that a particular visitor is attempting to introduce contraband into the institution, the Chief Executive Officer on duty at the facility may order at any time that the visitor be subjected to a more thorough search. A visitor may be requested to remove his/her clothing to submit to a strip search only where the Chief Executive Officer of the PNM determines that there is probable cause to believe that the particular visitor possesses contraband. In such an instance the search may be conducted only by an employee of the PNM of the same sex as the visitor in an area that provides the visitor the greatest possible privacy.

f. Inmates' Responsibilities:

Inmates having visits at any time will submit to complete strip shakedowns before and after each visit. The Lieutenant-in-charge will insure that each inmate is given a complete shakedown as indicated. The search will be conducted by a male employee of the PNM in an area which provides the greatest possible privacy to the inmate. Where there is a reasonable suspicion that the prisoner possesses contraband, the search may involve a visual inspection of the prisoner's body cavities (rectal and/or vaginal inspection) conducted by medical personnel. A prisoner may be subjected to a manual or instrument inspection of his body cavities only where there is probable cause to believe he is concealing contraband. Reasonable suspicion is not created by the mere fact of a contact visit. In such cases the search must be authorized by the Chief Executive Officer of the facility and conducted by a medically trained person.

g. Number of Approved Visitors Per Resident:

Each resident may have up to a maximum of fifteen (15) approved visitors regardless of their relationship, providing they have been cleared by the Visiting Office. The Warden may authorize an increase in the list, under special circumstances such as in cases where the prisoner's immediate family exceeds fifteen (15).

h. Validation of Inmates Returning from Another Facility:

Approval of persons on an inmate's visiting list while at any other correctional institution or facility will be reviewed upon the inmate's transfer back to the Penitentiary of New Mexico. The Visiting Officer will update the approved visiting list upon the inmate's return to PNM and will assure that policy has been followed and determine any change in circumstances.

i. Other Visits:

Inter-prison Visits: (ANNEX)

(a) Inter-prison visits will be allowed for members of the immediate family. Visiting time will not be charged against the inmate's allocated time for visiting.

(b) Establishment of Relationship:

1. If legally married, the Certificate of Marriage must be produced at the time of application for visiting privileges.
2. In the case of a common-law relationship, the applicant will provide evidence that they have cohabited for a period prior to incarceration, or a child or children resulted from their relationship. All materials are to become a permanent part of the central files of both inmates.

(c) Restriction of Inter-Prison Visiting Privileges:

1. If either inmate is at any time placed in disciplinary or segregation status, inter-prison visiting privileges for both inmates shall be immediately suspended and remain suspended until release of the disciplinary segregated inmate.
2. Any breach of rules while visiting, e.g., refusing to obey an order or creating a disturbance, may result in termination of visiting privileges.
3. A written memorandum will be forwarded to the Deputy Warden/Programs on any person

denied, suspended or terminated from receiving visiting privileges at the Penitentiary of New Mexico. The report will include reasons for the denial, name of inmate and visitor involved, and employee approving suspension or termination of visiting privileges is delegated to the designated Duty Officer on weekends and holidays, and the Deputy Warden/Programs or his designee during normal working hours.

(d) Inter-prison visits between immediate family members:

Inter-prison visiting between immediate family members may be approved if it is shown that immediate family ties exist between or among those requesting to visit with each other. Initial approval for these visits must be obtained from the Visiting Officer and the Classification Committee.

(e) Visiting after Release:

Inmates who have visited previously on this basis will be allowed to continue visiting after one of them has been released, provided there are no indications that visiting should be discontinued.

(f) Conduct During Inter-Prison Visits:

All visiting rules and regulations applicable to social visiting will also apply in this category of visiting.

(2) Visits with Members of the Clergy:

Members of the clergy who wish to make one or more visits with an inmate on a professional basis must make a written request prior to the initial visit, to the Warden, a prompt response will be given. Such visiting will not be counted against the inmate's visiting hours. Any member of the clergy who wishes to visit regularly as a friend rather than in his official capacity must make application to be placed on the inmate's regular visiting list as a friend or relative, as appropriate.

(3) Prison Hospital Visits:

The Hospital Administrator, in conjunction with the Visiting Officer, will determine whether a hospitalized inmate may have a visit and whether the visit should take place in the regular visiting room or in the hospital. If the visit is to be held in the hospital, the Deputy Warden/Programs must grant prior approval. If approved, the Superintendent of Correctional Security will provide officer escort for the visitor and officer supervision.

(4) Special Visits:

All special visits not covered in this policy statement, e.g., with prospective employers, law enforcement officers, etc. must be approved in advance, in writing, by the Deputy Warden/Programs, subject to review by the Warden.

Immediate family members who reside out of state and who seldom visit do not necessarily have to be placed on the regular visiting list; they may visit under this regulation.

j. Visitor Identification:

All visitors sixteen (16) years of age and older must present bona fide identification bearing their photograph before being permitted to enter the Penitentiary.

k. Overcrowded Visiting Room:

The ranking shift supervisor or the Duty Officer may alleviate crowded conditions in the Visiting Room by abbreviating two-hour visits to one-hour visits, being careful to credit the concerned inmate with the time not used.

l. Visitors' Register:

Each approved visitor must sign a register upon entering and exiting the institution.

6. DUTY CASE MANAGER AND DUTY OFFICER ASSISTANCE:

Whenever assistance is needed with visiting problems which might arise, the Visiting Officer and/or the assigned Case Manager will be contacted for help. During weekends and holidays, the Duty Case Manager will be contacted for assistance. If the duty Case Manager cannot assist the officers in charge of visiting, he will contact the Staff Duty Officer for additional assistance and decision making. The Duty Case Manager will make frequent contact with the visiting officers during weekends and holidays.

7. CIRCUMVENTING OF REGULATIONS:

Any attempt to circumvent the regulations outlined in this policy statement may result in loss of visiting privileges and possible further action against the inmate and/or visitors pursuant to laws of the State of New Mexico and the Inmate Disciplinary Code (Corrections Division, State of New Mexico).

8. INTERPRETATION AND CHANGES:

Modifications of the provisions of this policy, not included in the consent decree, entered into in Duran v. Apodaca, et al., may be made at any time, as necessary for the proper security and orderly operation of the institution.

M. Jerry Griffin, Warden