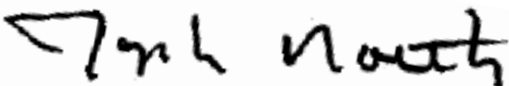
 Corrections and Community Supervision DIRECTIVE	TITLE		NO. 4935
	Applying to Visit Correctional Facilities		DATE 04/05/2024
SUPERSEDES DIR #4935 Dtd. 05/02/22	DISTRIBUTION A B	PAGES PAGE 1 OF 3	DATE LAST REVISED
REFERENCES (Include but are not limited to) Correction Law § 46, 146, 401-a; Religious Corporation Law § 2; 7 NYCRR Section II Pt 53; ACA Expected Practice 5-ACI-3D-07; Directives #2917, #4900	APPROVING AUTHORITY 		

- I. **PURPOSE:** To set forth rules applying to visits to facilities by persons not employed by the Department.
- II. **POLICY**
- A. In times of disturbance, uprising, or riot, only those persons directly involved in restoring order and those who are permitted entry by the Commissioner of the Department of Corrections and Community Supervision (DOCCS) or designee shall be permitted to enter the facility.
 - B. The employee in charge of an entrance may, at any time when it is deemed necessary in order to maintain safety and security of the facility, search the person of any official, employee, or of anyone else who may enter or leave the facility (see Directive #4900, "Security in Gate Areas/Secure Posts").
 - C. Any person who may refuse to abide by any of the rules concerning the method and manner of entering and leaving the facility shall not be permitted to pass. The employee in charge of the entrance shall detain anyone who shall violate or attempt to violate any of such rules, and they shall immediately report such event to the Superintendent, or Officer of the Day if after business hours.
 - D. Any person who is under the influence of intoxicants or who gives indication that they are not in full possession of their normal mental faculties shall be refused admission. The Superintendent or, if after business hours, the Officer of the Day shall be advised immediately.
 - E. Before invitations are extended by incarcerated individuals or employee organizations to persons, vendors, volunteers, organizations, Federal, State, and local legislators or their staff, they must first be approved by the Superintendent of the facility at which the visit is requested, and then be referred to the Deputy Commissioner for Correctional Facilities for review and submission to the Commissioner for final approval.
- III. **OFFICIAL VISITORS**
- A. Commission of Correction: "The Commission, any member or any employee designated by the Commission must be granted access at any and all times to any correctional facility or part thereof..." as stated in Correction Law § 46.

- B. NYS Government Officials and Ministers: “The following persons shall be authorized to visit at pleasure all correctional facilities: The Governor and Lieutenant Governor, Commissioner of General Services, Secretary of State, Comptroller and Attorney General, members of the Commission of Correction, members of the Legislature and their accompanying staff and any employee of the Department as requested by the member of the Legislature if the member requests to be so accompanied, provided that such request does not impact upon the Department’s ability to supervise, manage, and control its facilities as determined by the Commissioner, Judges of the Court of Appeals, Supreme Court and County Judges, District Attorneys, and every clergy or minister, as such terms are defined in Section 2 of the Religious Corporation Law, having charge of a congregation in the county wherein any such facility is situated,” as stated in Correction Law § 146.
- C. Correctional Association of New York: Members of the Visiting Committee of the Correctional Association of New York may visit correctional facilities where prior arrangements have been made by the Office of Counsel.
- D. Occupational Safety and Health Administration (OSHA)/Labor Department: OSHA, Department of Environmental Conservation (DEC) or New York State Department of Labor (DOL), and Public Employee Safety and Health (PESH) inspectors may visit facilities unannounced to conduct inspections or to investigate complaints. The inspectors, upon producing appropriate credentials and identification, must be processed pursuant to Directive #4900. The Superintendent or Acting Superintendent shall make necessary arrangements for the inspectors to be escorted to the areas to be inspected without delay and assist them with information or documentation which they may require.
- E. Justice Center for the Protection of People with Special Needs: “The Justice Center shall have direct and immediate access to all areas where State prisoners are housed, and to clinical and Department records relating to incarcerated individuals’ clinical conditions,” as stated in Correction Law § 401-a.
- F. New York State Department of Health (NYS DOH) Staff: NYS DOH staff are authorized to enter facilities on an ongoing basis to conduct Tuberculosis (TB) control and prevention activities, Human Immunodeficiency Virus (HIV) surveillance and/or testing, and to monitor or supervise NYS DOH authorized community-based organization provider services.

NYS DOH staff should arrange pre-approval for their visit by means of a gate clearance and show their NYS DOH State identification upon arrival.

- IV. OTHER VISITORS**: “No other person not otherwise authorized by law shall be permitted to enter a correctional facility except by authority of the Commissioner of Correction under such regulations as the Commissioner shall prescribe,” as stated in Correction Law § 146.

V. PROCEDURE

- A. All visitors, official or otherwise, shall be processed in accordance with Directive #4900.
- B. Any person not connected with the facility or designated by law as an official visitor shall not be permitted to enter unless they can show that they have proper business to transact or are provided with an official pass or other proper authority.

- C. Persons who are not on facility or Departmental business shall obtain permission from the Superintendent before being admitted to the facility. The Superintendent shall be informed of the nature of the visitor's business and the names of employees whom they wish to contact.
- D. Any non-employee of the facility who is allowed to enter shall have their name reported to the Superintendent. Visits from PESH/DOL require notification of the Fire/Safety Coordinator.
- E. When visits are made in accordance with the provisions of § 146 of the Correction Law, as well as in emergencies, entry shall be made in a permanent record of the name of the visitor, the purpose of the visit, the beginning time, and the time the visit is terminated. An email containing the name, purpose, and start and ending time of the visit shall be sent to the Deputy Commissioner for Correctional Facilities, assigned Assistant Commissioner for Correctional Facilities, and the Assistant Commissioner for Government Affairs within 24 hours after the visit ends.
- F. Persons who are not Departmental employees shall leave the facility through the same entrance through which they were admitted and shall be so informed at the time of admittance.
- G. Persons denied entry to the facility by the Superintendent shall be advised in writing. Copies of such notification shall be submitted to the Deputy Commissioner for Correctional Facilities.
- H. No visits to patients shall be permitted without the approval of the Superintendent, who shall consult with the facility physician.
- I. No person shall be permitted to interview an incarcerated individual after business hours except by permission of the Superintendent or the Officer of the Day during non-business days and hours.
- J. Consistent with Department Policy (see Directive #2917, "Cellular Telephones and Pagers"), cellular phones, wireless phones, devices with wireless/Wi-Fi/Bluetooth capabilities, pagers, laptop computers, personal digital assistants, any devices with Global Positioning System (GPS) capabilities, any device with audio or video recording capabilities, radios, cameras, or other similar electronic devices are prohibited (see Directive #4900).