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Facts and Issues: CPL 106



Jail and Prison Procedures Information for Families

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*Adapted from **How Can I Help?**, published by the Osborne Association, Long Island, New York, used with permission.*

Families need information to stay connected with their loved ones in prison. Families need to know how prisons and jails (correctional facilities) work. Understanding the rules governing contact between prisoners and the family is essential. This information may be available to those familiar with the criminal justice system. It is rarely available to family members or foster parents.

Health care providers as well as social workers, child care workers, youth service agencies, counselors and teachers can help. They can use the Children of Prisoners Library to learn more about the issues. They can give this and other Children of Prisoner Library pamphlets to families and colleagues. This pamphlet outlines some of the policies and procedures of prisons and jails that affect children and families of prisoners.

Letters and phone calls between incarcerated parents and their children are vitally important components in maintaining relationships.

Jails

In most states, the term *jail* refers to local (county or city) facilities housing people awaiting trial, serving short sentences or awaiting transfer to a prison. Jails usually hold inmates (or prisoners) who have been sentenced to three years or less. Jails may also hold former prisoners accused of violating parole. Jails are generally located closer to homes of inmates than prisons.

Prisons

Prisons are state or federal facilities that house people convicted of felonies who are serving longer sentences. State prisons are operated by state

departments of correctional services or agencies with similar names. Prisons are typically located far from the cities and communities where the prisoners and their families live. Prisons may not have been built far away with an anti-family purpose, but distance does discourage family contact.

Classification

Prisons are classified by the levels of security needed to maintain control. Generally, the levels of security used are *maximum*, *medium* and *minimum*.

The type of facility and its classification can influence the following rules and procedures.

Communicating with Prisoners

For many families, the only communication with an incarcerated loved one is through the mail or by telephone. Phone calls may be monitored. Letters may be examined for contraband or evidence of wrongdoing.

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Contraband are items prisoners are not permitted to have. The list of contraband items will vary from facility to facility.

Mail

In most cases, anyone can write to a prisoner. If the envelope is correctly addressed with name, inmate identification number and facility address, it generally reaches its destination. But if the prisoner is no longer there, delivery is delayed.

In many state prison systems, inmates are transferred frequently— especially newly sentenced prisoners. An inmate entering state custody may be moved several times within the first 6 months. Prisoners in federal custody may also be transferred often. Federal prisoners can be taken to any federal facility in any state. While in transit they will likely be held temporarily in local jails along the way.

States with more prisoners than prison space may send some prisoners away to other states or to privately run prisons.

Families are not always notified of transfers until days or weeks after the move. Children and their caregivers can spend days not knowing where their loved ones are.

Families of prisoners often move after a parent's arrest or incarceration. They may be evicted because of the incarcerated parent's arrest or because of worsening financial status. In some cases the apartment might be seized by the

government under federal drug laws. All this can make it difficult for the inmate to contact the family.

• Contraband

As noted earlier, there are rules covering what an inmate may receive in the mail. Letters, cards, and photos are usually acceptable, but many things are not. Drugs and weapons are obviously prohibited. But some other items—newspaper clippings, magazines, books, maps may also be disallowed.

These rules can frustrate children who want to send gifts to their parents. Children make beautiful clay coil pots, key chains, and birdhouses in their art and shop classes. They are disappointed when their incarcerated parents aren't allowed to have these items. Unfortunately, many things children want to send may be returned or destroyed because they are not permitted in a jail or prison.

Rules on sending money and packages to prisoners vary from state to state and institution to institution. Check the rules before sending packages.

• Packages

There are usually strict rules regarding packages. Family members should not purchase something for the inmate until it is known that it will be permitted. Guidelines may be requested when visiting the inmate, or can be mailed by the facility or the inmate.

• Money

Most facilities have ways for visitors to send or leave money for inmates. Usually, this money is placed in the inmate's *account*, allowing him or her to buy snacks and toiletries at an inmate commissary. It's a good idea to use a money order to send money by mail for deposit in the inmate's account. If the inmate has not sent you rules about packages and money, ask at the institution.

Telephone Calls

In most cases, prisoners can call home but they must call collect. Prison telephone systems are usually computerized and limit the prisoner to calling only previously approved numbers. Inmates submit names and numbers to be called to staff for approval. There can be a delay of several days before a number is approved and can be called.

Most prisons have special telephone contracts governing long distance collect calls from prisoners. These contracts place the burden of enormous phone bills on the backs of family members while making large profits for the government and the phone company. It is not unusual for a prisoner's family to have monthly long distance bills as high as \$250. For more about these telephone contracts and how to do something about them, see www.curenational.org/~etc.

Family members need a telephone that can accept long distance collect calls. Many families have a restricted phone

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service which doesn't allow such calls. Some have lost their phone service because of unpaid bills from accepting long distance calls. Social workers or others working with children of prisoners can try to arrange an occasional call to the child through an inmate's counselor or perhaps help by accepting calls or providing emergency funding.

Visiting

Children can be heartbroken and frightened if they travel long distances, only to discover that they won't be able to visit their parent. This may happen because the inmate is no longer at that facility, the visiting hours are over, or for lack of adequate identification.

If possible, put off traveling to a correctional facility until you know the person you want to visit is there. Also, know the visiting times and regulations for that facility. Call the facility to find out as much as possible about visiting rules and procedures. Before calling or visiting, have the correct spelling of the inmate's name, date of birth, and, if possible the inmate identification number.

• Visiting Lists; Who May Visit

In most systems, anyone on an inmates approved visitor list can visit. Each visitor must bring a government issued photo ID. There may be regulations about the number of people allowed on a visitors list and how many visitors are allowed in at one time. Usually, children must be accompanied by an adult. Facility

rules vary on the age children are required to have a photo ID or may visit without an adult. Unmarried minors, not related to the inmate and not accompanied by a parent or guardian, may need written permission signed by the parent or guardian to be allowed to visit.

Children of inmates can usually visit their incarcerated parents unless there is a court order prohibiting visiting on file with the facility. The following people may not be allowed to visit: ex-prisoners, non-citizens of the U.S., and anyone deemed by prison officials to have caused undo upset to the prisoner or correctional staff.

Most correctional facilities also have rules about the timing of visits. Unlike hospitals, sequenced visits are usually not allowed. (Grandmom and Little Sis can't go in for the first hour while George and Timmy wait, and then switch.) People usually cannot leave a visit and return.

Rules vary in situations and institutions. Prisons rely on inmates to get information to families and caregivers. The high cost of telephone calls from inmates interferes with this process. Family members may need to ask for information ahead of time.

For more ideas about visiting with children, see CPL 105: Visiting Mom or Dad.

• Transportation

Some county and city jails can be reached by public transportation.

State prisons are often located in remote areas. Some can be reached by public transportation, but only with several changes of trains or buses. This travel can be costly. Some facilities can't be reached without a car. Some states have free or low cost bus services to correctional facilities. Ask the inmate, prison staff or see Directory of Programs at www.fcnetwork.org for information on what services may be available in your area.

• Visiting Times

Visiting only occurs during approved visiting hours. Prisons and jails vary in the number of visits allowed in a week or month. In some cases, inmates are allowed visits only on specific days. Visiting times can include weekend and evening hours. Visits can last only one hour or may be allowed all day. Most institutions have holiday visiting hours.

Arrive early. There can be long waits between arrival at the facility and the actual visit. To verify visiting hours, call the facility, the Department of Correction's information line, or contact a program near you listed in the Directory of Programs at www.fcnetwork.org.

Before leaving for each visit, remember to confirm that the person you are visiting will be there and the exact times of visits.

Facilities vary in the amount of contact allowed between inmate and visitor. Most state prisons allow visitors to sit together, move around the visiting space

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and touch each other. The type of touching is monitored by the correctional staff. Many jails do not allow contact. Jail visits are often through glass partitions and phones. Some places, visitors are in the same space but may not touch. Still others can touch (hug) at the beginning and end of visits only.

The *count* is a prison practice that can confound visitors and extend the waiting time. Several times a day, movement stops in the facility and inmates are counted. When the count is “right” or “clear,” staff are sure that the right number of inmates are in the facility and no one has escaped. Then movement may resume. If visitors do not arrive before the mid-day count (in most facilities some time between 11 a.m. and 1 p.m.), the inmate cannot be moved to the visiting area until after the count is clear, which might be 45 minutes to two hours later. Inmates already in the visiting room are counted where they are, and need not return to the cell block.

• Identification

Identification is important in all jail and prison visits. Have proper identification for every person with you. This will include a driver’s license or other photo identification. Some facilities require two pieces of identification, including photo ID. Birth or baptismal certificates are inadequate identification except for minor children.

Children must have identification. For children under 18, a birth certificate is generally accepted. For children accompanied by an adult other than a parent or legal

guardian, a letter from the parent along with the birth certificate is necessary.

Social workers or agency officials escorting a child should have a valid driver’s license with picture and agency identification. These rules are typical but can vary from state to state.

• Searches

Corrections officials want to keep drugs and weapons out of their facilities. They view visitors as a prime source of both drugs and weapons, so visitors are searched.

The first frisk is generally by a walk-through metal detector. If the metal detector rings, the item (s) prompting the alarm must be identified and determined permissible. If the item cannot be identified and publicly removed (for example, the under-wire in a bra), the visitor will be subject to a hand scanner or a pat search. Visitors may request that a person of their own gender conduct the remainder of the frisk. A visitor may decline a pat frisk or a complete frisk and request a non-contact visit, or decline to proceed with the visit.

Visitors may be asked to remove some articles of jewelry or clothing (such as shoes, belts, jackets, watches) before the initial search. To speed up the process, you can travel light. Bring only those items you really need. Avoid clothing and hair styles that involve a lot of metal or that will be disturbed by removing hats, scarves, belts, or pins. Never try to bring drugs or weapons into the facility. Leave questionable items

in your car or in the locker provided.

• Visiting Areas

Visiting areas vary greatly from facility to facility. Some are large rooms resembling a school cafeteria with tables and chairs. Others look more like a gymnasium. In some, there can be fixed rows of chairs. In others, chairs are clustered in groups of 3-5, depending on how many visitors are allowed for each inmate.

The size of a visiting space may have little relationship to the size of the inmate population or the number of visitors. There may be little privacy due to noise levels, crowding, physical barriers and surveillance by correction officers. Most visiting rooms offer children few or no services or activities.

A few facilities do have specialized programs for inmates and their children operated by outside organizations, community professionals and sometimes trained inmate caregivers. These children’s visiting centers can provide a nurturing, child-oriented environment and a wide range of age-appropriate books, games, and activities to help parents and children communicate more naturally.

Some facilities may have outdoor visiting areas with picnic tables and playground equipment—often purchased with inmate funds for the benefit of visiting children.

Some prisons may offer special

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events, including outdoor Family Day Picnics, Christmas parties and even summer camping programs. Inmates usually need a good conduct record and a lower risk classification to attend these events.

Prisoners must also name the family members they wish to invite well in advance so they can be cleared for participation. These events may provide a more comfortable setting for visiting children. A Family Day Picnic may be worth making a special effort to bring children.

In a few states, a more private, extended visit may be available. New York has a Family Reunion or Private Family Visitation program that allows some inmates and their families to visit alone in a mobile home on the prison grounds for 24 hours or longer. Similar programs are available to some inmates in California and Mississippi. Such visits are not frequent and are subject to restrictions.

• What to Wear

Each state prison has rules regarding how visitors dress, usually prohibiting short shorts, athletic shorts, plunging necklines, and bare midriffs and backs. Some facilities restrict the color of clothing and types of jackets, sweaters or vests. These rules may not always be enforced with young children. Dress conservatively - at least at the first visit, until you learn the local customs. Enforcement of dress codes and other visiting regulations may not be consistent from visit to visit, because

different staff interpret rules in different ways.

Always ask if there is a written dress code. Dress discreetly and comfortably for what may be a very long day with the possibility of surprise rules. If traveling long distances, bring extra clothing to change into after an all night bus ride. In California and a other few states, there are hospitality centers outside some prisons. These hospitality centers welcome visitors and provide meeting and resting places where visitors can change clothes.

• What to Bring

Generally, few items may be brought into the visiting room. Depending on a facility's rules, exceptions may be made for diaper bag and diapers, baby bottles, combs or small amounts of money. Prohibited items are generally stored in a locker during the visit. Required medication or baby food may be held by the security staff until needed. Rules against bringing in items to entertain children can be a big challenge.

Keeping small children occupied during the waiting period and during the visit is not easy. A few facilities provide some kind of entertainment for children. A very few have special children's centers where parents and children can spend time together working on art projects, playing games or reading books.

In a few states, prisons may provide table games or child care programs where children can be left for short periods to play. Some facilities run televisions and

VCR's to amuse children during the visit.

• What to Do

Physical contact poses a host of problems for correctional facilities as well as families. State facilities typically allow "acceptable physical contact" during the visit, most often an embrace and kiss at the beginning and end of the visit, and brief kisses and embraces during the course of the visit.

Some adults deprived of intimate physical contact over a long period of time can be extremely creative and persistent in finding ways around restrictions on contact. Children have been conceived in prison visiting rooms.

Such behavior in the presence of children can be extremely damaging. Every effort should be made to focus the attention of visits with incarcerated parents on the visiting children. Adults should limit themselves to expressions of intimacy that do not exclude the children or make them uncomfortable.

Even when the child's own parent is not involved in overtly sexual behavior, it is sometimes difficult to prevent children from witnessing sexual behavior. To avoid this, try to keep children intently engaged in their own visits. Also, try sitting close to the front of the visiting room where correction officers are posted, as the most determined couples tend to avoid this part of the room.

To maintain their own

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relationships, adults should try to schedule additional visits that do not include children. They should avoid, as much as possible, the presence of children during expressions of intimacy, arguments or other conversations children don't need to hear.

- **Food**

Usually facilities do not allow visitors to bring food into the visit. Some visiting rooms have vending machines that sell food, beverages and cigarettes. Don't count on it. Eat something as close to the time of the visit as possible, and spare yourself the cost of expensive machine products. Knowing the cost of vendor food and having the correct change will help when children are hungry and fussing.

- **Photographs**

Some prisons may have an opportunity for inmate and family to pose for Polaroid pictures in the visiting room. Though they may be expensive (often \$2 each), a photo of the child and her/his parent can be an important keepsake for the child, the prisoner, and other family members.

- **Advance Notice**

If possible, let the inmate know when you will be coming to visit. If there is time, write the inmate and ask for confirmation by return letter or telephone. A prisoner expecting a visit is likely to be showered and ready when called out to the visit. This can reduce waiting time. Also, this will decrease the chance you will come when the prisoner is

receiving a visit from someone else—such as a lawyer or friend.

An inmate who has received advance notice expects a visit. The inmate will wait and worry all day if the expected visitor does not show.

If you cannot visit as scheduled, try to call the inmate's counselor or other official and beg her/him to tell the inmate. There is no guarantee the message will be received, so it's best to show up when you say you will.

- **Friction Between Corrections and Families**

Correctional systems are operated to maintain security. They are not usually oriented to helping families of prisoners. While some correctional administrators see the value of the family in maintaining order and enhancing rehabilitation, there is often friction between visitors and corrections staff.

Many family members, especially children, see uniformed correction officers as an extension of a law enforcement system that unjustly captured and shackled their loved ones. Many staff see visitors as sources of contraband and disruption. Although there are many extraordinary and extremely professional correction officers, some days it can seem that none of them are assigned to the visiting area.

Too often, visitors don't feel welcome, corrections staff don't feel appreciated, inmates don't feel respected, and children don't get what they deserve from the

experience. Yet, in this context families try to maintain relationships, communicate, and strengthen family bonds. Much needs to be done to improve the correctional response to families, and to help families communicate constructively.



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