



STRENGTHENING VISITATION RIGHTS

[S.1541](#), SEN. MIRANDA

[H.2314](#), REP. DECKER

DESCRIPTION

An Act to Strengthen Visitation Rights of incarcerated people (Senate) and An Act to Strengthen Family and Community Connection with Incarcerated People (House)

would enhance public safety, reduce recidivism, and promote rehabilitation by ensuring that visitation is not unreasonably restricted and by facilitating the maintenance and growth of positive bonds between incarcerated people and their friends, family, and broader community.

WHY THIS MATTERS



Visitation between incarcerated people and their loved ones is critical to the health and wellbeing of families, children, incarcerated people, and people who work in prisons. Maintaining vital connections to the community helps alleviate experiences of isolation that can lead to trauma, psychiatric harm, and disciplinary issues while incarcerated. Community connections are also imperative as people work towards release and to meet the challenges of re-entry.

Restrictions on visitation negatively impact children of incarcerated parents and caregivers. In Massachusetts, Black and Latinx children are respectively, nine and three times more likely than White children to have a parent in prison, and the negative impacts they experience as the result of parental incarceration have a ripple effect that leads to racial injustice and inequity. Further, unreasonable dress code guidelines for visitors often fail to respect and take into account religious practices, individuals' sexual orientation, gender identity, racial identity, class, and culture.

The Department of Correction has been moving in the wrong direction on visitation, implementing highly restrictive visitation policies that drive a harmful wedge between families and communities.



IMPACT

An Act to Strengthen Visitation Rights/An Act to Strengthen Family and Community Connection with Incarcerated People will:

- Ensure incarcerated people have
 - no less than five 4-hour visiting periods per week, as well as no less than two visiting periods per day.
 - no limits on the number of unique individuals who are eligible to visit an incarcerated person.
 - a reasonable process, the ability, and the knowledge to update their visitor list.
 - reasonable physical contact with visitors and the ability to hold their minor children, have a designated area for visitors with minor children, and the ability to play with and instruct their children.
 - access to the same visitation as people in general population regardless of which unit they are in, provided that visits may be restricted up to 15 days for a disciplinary infraction.
- Ensure visitors
 - do not have to submit private and personal information for pre-approval more than is strictly necessary to maintain security of the facility.
 - have a dress code that is respectful of visitors' religion, race, class, culture, gender identity, and sexual orientation.
 - may see their incarcerated friends and family members if they are transferred to a hospital and in critical condition or in imminent danger of death, and ensure incarcerated people can have confidential visits if there has been a death in the family.
 - are not excluded from visitation without a reasonable individualized suspicion that their visitation poses a security threat, or barred on the basis that they are formerly incarcerated, have a role, past or present, in a correctional institution, or have participated in specific community functions.
 - have access to online scheduling for visitation and outdoor visitation options, such as visitation in the yard or other common outdoor area, wherever feasible.
- Prohibit canceling/altering of visitation due to routine drills/operations.
- Allow for video and other electronic communication, but ensure that such communication must be supplemental to, and not replace, in-person visitation, must be provided without cost, and must be at least 30 minutes in length.
- Ensure training for all staff and administrators on the importance of visitation, the importance of respectful conduct toward family and other visitors, and sensitivity to racial, cultural, gender, sexuality, disability, and religious needs and differences.

CONTACT

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