
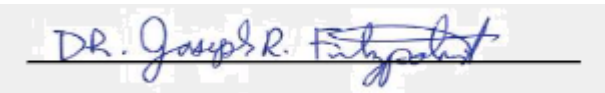


<b>POLICY TITLE: FUNERAL ATTENDANCE AND DEATHBED VISITS</b>		<b>PAGE 1 OF 7</b>
<b>POLICY NUMBER: 21.5 (AF) and 16.5 (JF)</b>		
<b>CHAPTER 21: PRISONER COMMUNICATION CHAPTER 16: COMMUNICATION, MAIL AND VISITING</b>		
	<b>STATE of MAINE</b> <b>DEPARTMENT OF CORRECTIONS</b>  <b>Approved by Commissioner:</b>	<b>PROFESSIONAL STANDARDS:</b>  <b>See Section VII</b>
		
<b>EFFECTIVE DATE:</b> January 25, 2017	<b>LATEST REVISION:</b>	<b>CHECK ONLY IF APA [ ]</b>

**I. AUTHORITY**

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. [Section 3046-A](#).

**II. APPLICABILITY**

All Adult and Juvenile Facilities

**III. POLICY**

The Department of Corrections allows prisoner and residents to attend funerals of and have deathbed visits to certain family members and other persons within the state as set forth in this policy. In addition, prisoners or residents may be permitted access to funerals or deathbeds by video.

**IV. CONTENTS**

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**V. ATTACHMENTS**

Attachment A: Funeral Attendance or Deathbed Visit Application

## **VI. PROCEDURES**

### **Procedure A: General**

1. The Chief Administrative Officer, or designee, may approve a prisoner or resident to attend the funeral of an immediate family member.
2. The Chief Administrative Officer, or designee, may approve a prisoner or resident to have a deathbed visit to an immediate family member.
3. For the purposes of this policy, immediate family member means the prisoner or resident's spouse or domestic partner, parent, child, sibling, grandparent or grandchild, whether the relationship is natural, adoptive, foster or through marriage.
4. Only the Commissioner may approve a prisoner or resident to attend the funeral of or have a deathbed visit to a person other than an immediate family member as defined above.
5. Attendance at a funeral or deathbed visit may only be approved if it is held within the State of Maine.
6. The only allowed funeral destination is a place of worship, funeral home, or cemetery (except for a family plot), unless otherwise authorized by the Commissioner, or designee.
7. The only allowed deathbed visit location is a hospital, hospice facility, nursing home, or other healthcare facility, unless otherwise authorized by the Commissioner, or designee.
8. Not including transportation, a deathbed visit may not exceed two (2) hours, unless otherwise authorized by the Commissioner, or designee.
9. A prisoner may not be allowed both a deathbed visit and attendance at a funeral for the same person.
10. A resident may be allowed both a deathbed visit and attendance at a funeral for the same person.
11. The transportation to the funeral or deathbed shall be as set forth in Department Policies (AF) 14.19, Transportation of Prisoners, General Guidelines or (JF) 9.17, Transport of Residents, as applicable.
12. A prisoner of a facility with a secure perimeter shall be transported by at least two (2) Department security staff, who shall be present at all times during the funeral or deathbed visit.

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13. A prisoner of a facility without a secure perimeter or a resident of a juvenile facility shall be transported by at least one (1) Department security staff, who shall be present at all times during the funeral or deathbed visit.
14. Attendance at the funeral or the deathbed visit may be terminated at any time, for any reason, in the complete discretion of the Commissioner, or designee, or the Chief Administrative Officer, or designee, or the transporting security staff.

**Procedure B: Verification, Notification, and Certification**

1. If staff other than the prisoner’s case manager or resident’s social worker receives a report that a prisoner’s or resident’s immediate family member is terminally ill or has passed away and a funeral is pending, staff shall contact the case manager or social worker, as applicable, or, if that staff member is not available, another member of the prisoner’s or resident’s Unit Team.
2. The case manager or social worker, as applicable, or other designated staff, shall check CORIS and/or other departmental records to verify that the person is an immediate family member of the prisoner or resident.
3. In the case of a reported death of an immediate family member, the staff shall also verify the death by contacting an informed professional, e.g., the attending physician, hospital staff, nursing home staff, hospice care provider or funeral home staff. The verification shall be completed prior to allowing the prisoner or resident to apply to be allowed to attend the funeral.
4. In the case of a reported terminal illness of an immediate family member, the staff shall also verify the status of the family member by contacting the attending physician. If the attending physician verifies that the illness is terminal, the case manager, or other designated staff, shall request that the attending physician provides certification to the Chief Administrative Officer, or designee, that the illness is terminal. The verification and certification shall be completed prior to allowing the prisoner or resident to apply to be allowed a deathbed visit.
5. Once the terminal illness or death of a prisoner’s or resident’s immediate family member has been verified, the staff shall notify the prisoner or resident.
6. The staff may allow the prisoner or resident to make a special telephone call as set forth in Department Policies (AF) 23. 4, Prisoner Telephone System or 16.2 (JF), Access to Telephones, provided that contact with the person to be called is not prohibited by the applicable policy.
7. If the relative or other person arranging the funeral requests attendance of the prisoner or resident at the funeral, the staff shall contact the prisoner or resident to confirm that the prisoner or resident wants to attend.

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8. If the prisoner or resident requests to attend the funeral, the staff shall contact the relative or other person arranging the funeral to confirm that person wishes the prisoner or resident to attend.
9. In a case in which the terminal illness has been certified by the attending physician, if the person who is terminally ill or another relative requests that the prisoner or resident be allowed a deathbed visit, the staff shall contact the prisoner or resident to confirm that the prisoner or resident wants to visit.
10. In a case in which the terminal illness has been certified by the attending physician, if the prisoner or resident requests a deathbed visit, the staff shall contact the person who is terminally ill or another relative to confirm that person wishes the prisoner or resident to visit.
11. The staff shall ensure that the prisoner or resident and other person contacted are aware of the following conditions, if applicable: state-issue clothing to be worn by the prisoner or resident; transport by and the presence of security staff in uniform; and use of restraints, etc.
12. The staff shall notify the prisoner or resident and other persons contacted that insufficient time to process a funeral attendance or deathbed visit application may be a reason to not proceed with the application process.
13. The staff shall document in CORIS when and how the report of a death or terminal illness of a prisoner's or resident's immediate family member was received and the steps taken by the staff to verify the report and any subsequent actions taken.
14. In the case of a request for a prisoner or resident to attend the funeral of or have a deathbed visit to a person other than an immediate family member, the case manager or social worker, as applicable, or other designated staff, in addition to completing the above steps, shall check CORIS and/or other departmental records to verify the relationship between the person and the prisoner or resident and that it is similar to that of an immediate family member. If these records are insufficient, the staff may contact reliable other sources, e.g., community corrections, DHHS, clergy, etc.

**Procedure C: Funeral Attendance or Deathbed Visit Application Process**

1. If all of the above requirements have been met, and both the prisoner or resident and the appropriate outside party wish the prisoner or resident to attend the funeral or have a deathbed visit, the case manager or social worker, as applicable, or other designated staff, shall complete the Funeral Attendance or Deathbed Visit Application form, Attachment A.
2. The staff shall also determine if there is another prisoner or resident anywhere in the Department who might be applying for permission to attend the funeral or have a deathbed visit.

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3. The staff shall verify the location, date and time for the funeral or the deathbed visit.
4. The staff shall contact the Department's Director of Victim Services, or designee, to obtain input.
5. The staff shall contact facility health care staff to find out if any health care requirements of the prisoner or resident need to be considered.
6. Once all the above requirements have been met, the staff shall submit the application to the prisoner's or resident's Unit Team.

**Procedure D: Approval Process**

1. The prisoner's or resident's Unit Team shall review the Funeral Attendance or Deathbed Visit Application, CORIS and other departmental records relating to the prisoner or resident, and any other pertinent information.
2. The Unit Team shall make a recommendation to the Chief Administrative Officer, or designee, based upon the following factors:
  - a. safety of the public;
  - b. safety of any victims, if applicable;
  - c. safety of the prisoner or resident;
  - d. security considerations at the funeral location or deathbed visit site;
  - e. prisoner's or resident's criminal history;
  - f. prisoner's or resident's escape history or escape risk;
  - g. victim sentiment and likely public sentiment, if applicable;
  - h. the length of time remaining until the prisoner's current release date or the resident's likely date of release, as applicable;
  - i. behavior and attitude of the prisoner or resident;
  - j. prisoner's or resident's mental and emotional stability;
  - k. the closeness of relationship with the deceased/terminally ill person;
  - l. any gang membership or association;
  - m. availability of staff resources;
  - n. the possibility that the prisoner or resident will have contact with a victim of the prisoner or resident for domestic violence (unless a waiver has been granted by the Commissioner, or designee, for visits between them);
  - o. the possibility that the prisoner or resident will have contact with a victim of the prisoner or resident for a sex offense or child abuse committed when the victim was a minor (unless a waiver has been granted by the Commissioner, or designee, for visits between them); and

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- p. any other relevant factors.
3. If the funeral or deathbed visit is for an immediate family member, the Chief Administrative Officer, or designee, shall review the recommendation of the Unit Team and determine whether to approve or disapprove the application.
  4. If the funeral or deathbed visit is for a person other than an immediate family member, the Chief Administrative Officer, or designee, shall review the recommendation of the Unit Team and add his or her own recommendation and forward the application with the recommendations to the Commissioner.
  5. If the funeral or deathbed visit is for a person other than an immediate family member, the Commissioner shall review the recommendations of the Unit Team and the Chief Administrative Officer, or designee, and determine whether to approve or disapprove the application.
  6. If an approved deathbed visit is proposed to be longer than two hours or at a location other than a hospital, hospice facility, nursing home, or other healthcare facility, the Chief Administrative Officer, or designee, shall contact the Commissioner, or designee, for authorization.
  7. If approved attendance at a funeral is proposed to be at a destination other than a place of worship, funeral home, or cemetery, the Chief Administrative Officer, or designee, shall contact the Commissioner, or designee, for authorization.
  8. If there is more than one prisoner or resident applying and they are from different Department facilities, the Chief Administrative Officers, or designees, shall consult with each other regarding the applications and coordination of funeral attendance and deathbed visit arrangements, if applicable.
  9. If the deathbed visit or funeral attendance is approved, the Chief Administrative Officer, or designee, shall ensure that the Department's Director of Victim Services, or designee, is notified as soon as possible.
  10. If the deathbed visit or funeral attendance is approved, the Chief Administrative Officer, or designee, shall consult with the appropriate facility security staff and determine the necessary security arrangements. The Chief Administrative Officer, or designee, shall also ensure that any necessary health care requirements are met.
  11. If the deathbed visit or funeral attendance is approved, the Chief Administrative Officer, or designee, shall determine whether the prisoner or resident is able to pay the cost of transportation and per diem compensation of the transporting officers and, if so, shall require the prisoner or resident to do so.
  12. To prevent interaction with others that might lead to escape or another incident, the date, time, and location of the funeral or deathbed visit shall be confidential

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and not be released to the prisoner or resident, or to victims, the media, or any members of the public.

13. A prisoner or resident may withdraw his or her application or, if approved, may decide not to attend the funeral or deathbed visit.
14. Approval for attendance at the funeral or the deathbed visit may be withdrawn at any time, for any reason, in the complete discretion of the Commissioner, or designee, or the Chief Administrative Officer, or designee.

**Procedure E: Use of Video for Funeral Attendance or Deathbed Visits**

1. As an alternative to an in-person attendance or visit, the Chief Administrative Officer, or designee, may approve a prisoner or resident to attend a funeral or have a deathbed visit through video conferencing.
2. As an alternative to an in-person attendance or visit or videoconferencing, the Chief Administrative Officer, or designee, may approve a prisoner or resident to view a video of the funeral or a video of a communication from the terminally ill person.
3. This may be allowed because the funeral or terminally ill person is located out-of-state; the person is not an immediate family member and the Commissioner has not approved in-person attendance or visit; security cannot be maintained or staff resources are not available for an in-person attendance or visit; or for any other reason in the completion discretion of the Chief Administrative Officer, or designee.

**VII. STANDARDS**

None

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