

JS 44 (Rev. 06/17)

CIVIL COVER SHEET

17-CV-4443
17 4443

The JS Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by the rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of filing the civil cover sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
Allen Woods, & Keith Campbell, ind individually & on behalf of all others similarly situated.

(b) County of Residence of First Listed Plaintiff Philadelphia
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
See attachment.

DEFENDANTS
Sean Marler, in his capacity as Warden of the Federal Detention Center of Philadelphia
County of Residence of First Listed Defendant Philadelphia
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff

2 U.S. Government Defendant

3 Federal Question (U.S. Government Not a Party)

4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input checked="" type="checkbox"/> 540 Mandamus & Other <input checked="" type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding

2 Removed from State Court

3 Remanded from Appellate Court

4 Reinstated or Reopened

5 Transferred from Another District (specify)

6 Multidistrict Litigation - Transfer

8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 First & 14th Amendments of the United States Constitution

Brief description of cause:
 Prisoners' Bivens Action challenging visitation policy at the Federal Detention Center Phila

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ _____

CHECK YES only if demanded in complaint:
 JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE: 10/5/17 SIGNATURE OF ATTORNEY OF RECORD: [Signature] OCT - 5 2017

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

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UNITED STATES DISTRICT COURT

17 4443

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: Federal Detention Center of Philadelphia, 700 Arch Street, Phila, PA 19106

Address of Defendant: Federal Detention Center of Philadelphia, 700 Arch Street, Phila, PA 19106

Place of Accident, Incident or Transaction: Federal Detention Center of Philadelphia, 700 Arch Street, Phila PA 19106 (Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock? (Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes [] No [X]

Does this case involve multidistrict litigation possibilities? Yes [] No [X]

RELATED CASE, IF ANY:

Case Number: Judge Date Terminated:

Civil cases are deemed related when yes is answered to any of the following questions:

- 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes [] No [X]
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes [] No [X]
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court? Yes [] No [X]
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? Yes [] No [X]

CIVIL: (Place [X] in ONE CATEGORY ONLY)

A. Federal Question Cases:

- 1. [] Indemnity Contract, Marine Contract, and All Other Contracts
2. [] FELA
3. [] Jones Act-Personal Injury
4. [] Antitrust
5. [] Patent
6. [] Labor-Management Relations
7. [] Civil Rights
8. [] Habeas Corpus
9. [] Securities Act(s) Cases
10. [] Social Security Review Cases
11. [X] All other Federal Question Cases. (Please specify) Bivens Action

B. Diversity Jurisdiction Cases:

- 1. [] Insurance Contract and Other Contracts
2. [] Airplane Personal Injury
3. [] Assault, Defamation
4. [] Marine Personal Injury
5. [] Motor Vehicle Personal Injury
6. [] Other Personal Injury (Please specify)
7. [] Products Liability
8. [] Products Liability — Asbestos
9. [] All other Diversity Cases (Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Mira Baylson, counsel of record do hereby certify:
[] Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
[X] Relief other than monetary damages is sought.

DATE: 10/5/17 Mira Baylson 209559 Attorney-at-Law Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

OCT -5 2017

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 10/5/17 Attorney-at-Law 209557 Attorney I.D.#



IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
CASE MANAGEMENT TRACK DESIGNATION FORM

Allen Woods & Keith Campbell

v.

Sean Muller, in his capacity as
Warden of the Federal Detention Center of Philadelphia

CIVIL ACTION

17 4443

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (x)

10/5/17
Date

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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ALLEN WOODS and KEITH CAMPBELL,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

SEAN MARLER, in his capacity as Warden
of the Federal Detention Center of Philadelphia,

Defendant.

17 4443

Case No. _____ cv _____

COMPLAINT—CLASS ACTION

This class action challenges the cruel and unconstitutional visitation policy of the Federal Detention Center of Philadelphia (“FDC”), which makes it impossible or unreasonably difficult for many pre-trial inmates to see their minor children while in custody. This policy, which is among the most draconian visitation policy in the federal system, serves no legitimate penological interest and is at odds with the regulations of the Federal Bureau of Prisons. Plaintiffs, Allen Woods and Keith Campbell, who are pre-trial detainees in the FDC and the parents of minor children, allege as follows, individually and on behalf of all others similarly situated:

INTRODUCTION

1. Plaintiffs, Allen Woods and Keith Campbell, bring this civil class action for injunctive and declaratory relief against the Warden of the FDC, Sean Marler, because the FDC's visitation policy, among the most restrictive in the federal correctional system, unreasonably prevents them and the other members of the Class from seeing their minor children in violation of the United States Constitution. As Plaintiffs and the other Class members are federal pre-trial inmates,¹ Plaintiffs bring these claims under the First and Fifth Amendments of the United States Constitution, and pursuant to *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971).

2. Plaintiffs are parents of children whom they cannot see, because of policies targeted at pre-trial inmates in the FDC.

3. Without visitation, it is difficult for inmates, including Plaintiffs, to maintain their relationships with their children.

4. Numerous studies have found that "inmates' family relationships and ties to those family members during prison improve post-release outcomes." Christy A. Visher & Jeremy Travis, *Transitions from Prison to Community*, 29 ANN. REV. SOC. 89, 100 (2003) (collecting sources). "[S]ubstantial empirical evidence" indicates "that frequent, high-quality visitation can reduce prison violence, maintain family bonds, break the intergenerational cycle of incarceration, and smooth the reentry process, thereby reducing recidivism rates." Chesa Boudin, Trevor Stutz, & Aaron Littman,

¹ As used in this Complaint, the term "pre-trial inmate" refers both to an inmate who is awaiting trial and to an inmate who is awaiting sentencing. "Although it is a misnomer, the case law often refers to an inmate awaiting sentencing—even if he has pled guilty to his crimes or been convicted after trial—as a 'pre-trial detainee'" *Bistrain v. Levi*, 696 F.3d 352, 367 n.6 (3d. Cir. 2012).

Prison Visitation Policies: A Fifty-State Survey, 32 YALE L. & POL'Y REV. 149, 151-52 (2013) (footnotes omitted) (collecting sources).

5. Inmate visitation affects a staggering number of American families. Nationally, “54 percent of inmates are parents with minor children (ages 0-17), including more than 120,000 mothers and 1.1 million fathers,” and “2.7 million children have a parent behind bars.” Pew Charitable Trusts, *Collateral Costs: Incarceration's Effect On Economic Mobility* 4 (2010), available at http://www.pewtrusts.org/~media/legacy/uploadedfiles/pes_assets/2010/collateralcosts1pdf.pdf. This reality is especially acute for African-American families, including Plaintiffs' families: “One in 9 African American children (11.4 percent) . . . have an incarcerated parent.” *Id.*

6. The FDC is a facility of the Federal Bureau of Prisons (“BOP”), which is a unit of the United States Department of Justice.

7. The BOP's own regulations state: “The Bureau of Prisons encourages visiting by family, friends, and community groups to maintain the morale of the inmate and to develop closer relationships between the inmate and family members or others in the community.” 28 C.F.R. § 540.40. Other BOP regulations specifically contemplate that, although wardens have some discretion over visitation policies, pre-trial inmates' visitation rights will not be restricted to their immediate family members. *See, e.g., id.* §§ 540.44, 540.50(a), 540.51(a), 551.120.

8. In or about July 2016, the FDC implemented a new visitation policy (the “FDC Policy”) that severely restricts pre-trial inmates' permissible visitors. Exhibit A. Under the FDC Policy, pre-trial inmates are denied visits by friends and relatives, except for members of their “immediate family.” “Immediate family” consists only of parents, step-parents, foster parents, siblings, current spouses, and children. A child under the age of 16 cannot enter the FDC without an

adult, and that adult must be an inmate's immediate family member. When an inmate is not currently married to the other parent of his or her child, that other parent is not a member of the "immediate family" who can bring the child to visit.

9. Many inmates, including Plaintiffs and the other Class members, are not currently married to the other parent of their children and do not have adult immediate family members who are willing, available, and suitable to bring their minor children to the FDC. The practical impact of this policy is that Plaintiffs, along with many other inmates at the FDC, cannot receive visits from their children.

10. The FDC's new policy applies to pre-trial inmates but not to sentenced inmates.

11. Sentenced inmates in the FDC, including those who are brought into the FDC on writ or who are serving a sentence at the FDC, are allowed to have as visitors not only immediate family members, but also more distant relatives, as well as unrelated friends. A sentenced inmate's child can, therefore, visit his or her incarcerated parent in the FDC when accompanied by any of a range of eligible adults, including a more distant relative or unrelated friend of the inmate.

12. The FDC Policy is significantly more restrictive for pre-trial inmates than policies at numerous federal facilities for sentenced inmates with heightened security concerns. For example, the visitation policy in effect for inmates at the high-security United States Penitentiary in Canaan, Pennsylvania allows visitation by immediate family members, "other relatives," and "friends and associates," and permits children to visit if "accompanied by an adult parent or guardian." BOP Institution Supplement (July 31, 2010), at 3, 17, *available at* https://www.bop.gov/locations/institutions/caa/CAA_visit_hours.pdf.

13. While the FDC's policy allows for the inmate's child to come into the facility with the inmate's immediate family member, if such a person is available, the policy does not allow the child's mother or legal guardian to accompany the child if she is not married to the child's father, even though the mother or guardian is emotionally and legally responsible for the child's well-being.

14. Mr. Woods and Mr. Campbell have pleaded not guilty to all of the charges against them and are awaiting trial. They are innocent until proven otherwise. Yet, if they were to be convicted and sentenced, they would be able to see their minor children. Such is the absurd result of the FDC's visiting policy.

15. The FDC Policy makes it impossible for Plaintiffs and many other FDC pre-trial inmates to maintain meaningful ties with their children, particularly their small children, who cannot meaningfully communicate with inmates by telephone or in writing. By so doing, the FDC Policy violates their First Amendment rights to freedom of association; their Fifth Amendment rights as pre-trial inmates against cruel and unusual conditions of confinement; and their Fifth Amendment rights against intentionally unequal treatment without a rational basis.

16. Defendant has intentionally adopted and implemented the FDC Policy.

17. The severe restrictions in the FDC Policy are not required by any legitimate security or penological considerations.

18. On behalf of themselves and others similarly situated, Plaintiffs seek relief including injunctive and declaratory relief, as well as an award of costs and attorneys' fees.

JURISDICTION

19. Plaintiffs bring this action under the First and Fifth Amendments to the United States Constitution and under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971).

20. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1343, in that it raises questions of federal law, pursuant to the United States Constitution and other federal laws governing civil rights.

21. Venue in the Eastern District of Pennsylvania is proper pursuant to 28 U.S.C. § 1391, because the alleged unlawful conduct that forms the factual and legal bases of this Complaint occurred within the geographical limits of this District.

22. This Court has personal jurisdiction over Defendant because at all times relevant to this action Defendant has been employed in Philadelphia, Pennsylvania, and all the actions and omissions complained of herein have occurred in Philadelphia, Pennsylvania.

PARTIES

23. Plaintiff Allen Woods, inmate number 44691-066, has been confined in the FDC since June 2016, and is unable to see his six-year-old son, D.W. He is awaiting trial.

24. Plaintiff Keith Campbell, inmate number 08921-015, has been confined in the FDC since April 2017, and is unable to see his two-year-old son, S.C. He is awaiting trial.

25. Defendant, Sean Marler, is the Warden of the FDC. As Warden, Defendant's responsibilities include setting visitation policies for the FDC and overseeing their implementation. He is sued only in his official capacity.

FACTS

26. The FDC is a federal administrative security facility located at 700 Arch Street in Philadelphia. It houses approximately 1000 inmates. Like all federal administrative security facilities, it houses inmates with all types of security designations.

27. Detainees often remain in the FDC as pre-trial inmates for months or years. To date, Plaintiffs' times in the FDC range from six months to nearly 1½ years.

28. Social visitation (that is visitation between inmates and people who are not lawyers or clergy) for inmates in general population at the FDC occurs in a large, open visitation room under constant guard and video surveillance. There is a small room off the main visiting room that is used in certain instances to accommodate small children.

29. Inmates are allowed to receive visits from a pre-approved list of social visitors on one day each week, for no more than three hours per visit, between the hours of 6:15 AM and 2:30 PM. Each inmate has a pre-approved visitor list. Every possible social visitor must fill out extensive paperwork and undergo a background check prior to approval.

30. Social visitors cannot take personal belongings, with limited exceptions, into the visitation room. They must pass through a metal detector and send their belongings through an x-ray machine, and they are subject to search prior to entering and while within the visiting room.

31. Most inmates housed at the FDC, including Plaintiffs and the other members of the Class, are awaiting trial or sentencing on a federal indictment. Some other FDC inmates are awaiting hearings on allegations that they have violated the terms of their supervised release.

32. A minority of the inmates at the FDC have been sentenced. These sentenced inmates include some serving short sentences at the FDC, as well as some who are brought to the facility on a

writ when, for example, their habeas petition has been granted a hearing in this Court, or when they are expected be called as a witness in a trial in this Court or another court in the Philadelphia area.

33. The visitation policy at issue in this Complaint applies to pre-trial inmates. Sentenced inmates, including sentenced inmates in the FDC on writ, may have social visits not only from immediate family members but also from a broader range of screened and approved family members, friends, and associates.

34. The FDC claims that it makes exceptions and allows a pre-trial inmate an otherwise ineligible social visitor where “it is verified that an inmate has no immediate family members.” In practice, the FDC issues such exceptions rarely and inconsistently. For example, the FDC has required some pretrial inmates to provide death certificates to prove the death of both of their parents, even when the inmates claim to have no relationship with their parents and the parents are not on their visiting list. Neither of the Plaintiffs has been granted such an exception.

35. The BOP’s own system for determining the security level of sentenced inmates, which determines the facility to which inmates are assigned to serve their sentences, can penalize inmates who had few or no visitors prior to sentencing. A number is assigned to inmates to reflect their community ties, based in part upon the number and frequency of visits the inmate has received. This number is one of several factors that determine an inmate’s level of dangerousness. *See* https://www.bop.gov/policy/progstat/5100_008.pdf.

36. Thus, if they are convicted and sentenced, Plaintiffs and other Class members may be given higher security designations and sent to less desirable prisons after sentencing because they have been denied visitation from their children.

37. Although inmates have limited access to phone calls, email, and postal mail, that access is restricted and costly, and these methods of communication are no substitute for in-person visitation for maintaining ties with children, especially young children.

38. Since the adoption of the FDC Policy, some pre-trial inmates in the FDC and their romantic partners have sought to marry in order for the romantic partners to qualify as “immediate family” eligible to visit the inmate and to bring the inmate’s children as visitors.

39. The FDC claims that it allows marriages to occur in the visiting room on two days every year.

40. If a couple wishes to marry, the non-incarcerated partner must go to the Philadelphia marriage office and apply for a license prior to the designated marriage date set by FDC employees. Then, upon approval, the couple can be married on two pre-approved days each year—one in the summer and one in the winter.

41. Since the adoption of the FDC Policy, there has thus far been one such “wedding day,” in July 2017.

Allen Woods

42. Plaintiff Allen Woods and Chamira Williams are the parents of D.W., a six-year-old boy. Mr. Woods has been confined at the FDC since on or about June 22, 2016, awaiting trial. He has been unable to see D.W. since the adoption of the FDC Policy.

43. Mr. Woods has two approved visitors: his sister and his adult daughter. D.W.’s mother and legal guardian, Chamira Williams, will not allow these approved visitors to bring D.W. to visit.

44. Ms. Williams would bring the child herself, if it were allowed. She remains friendly with Mr. Woods, although they are no longer romantically involved.

45. Ms. Williams has no criminal history. She works as a certified nursing assistant and is currently in school to become a registered nurse.

46. Before his incarceration, Mr. Woods had a strong relationship with his young son. They would frequently spend time together in and outside of the home. D.W. is precocious and frequently asks questions about his father. D.W. finds it stressful not to see his father. It was particularly difficult for both father and son when D.W. recently turned six and Mr. Woods was able only to send him a birthday card, but not to see him in person.

Keith Campbell

47. Plaintiff Keith Campbell and his girlfriend, Dayna Walter, have a two-year-old son, S.C. Mr. Campbell, Ms. Walter, and S.C. lived together prior to his arrest. Mr. Campbell has been confined in the FDC since April 2017 and has not been able to see S.C. since then.

48. Mr. Campbell is awaiting trial in United States District Court in Delaware. No trial date has been set.

49. When Mr. Campbell was arrested, he was initially jailed in Delaware. During that time, Ms. Walter and S.C. visited Mr. Campbell approximately once every two weeks, on each of his appointed visiting days.

50. During their visits in Delaware, Mr. Campbell and S.C. would bond, cuddling together in the plastic chairs of the visiting room. S.C. would touch Mr. Campbell's face and wrap his hand around Mr. Campbell's index finger. It was through these visits that S.C. learned who his father was.

51. S.C. is an impetuous child. At two years old, he climbs trees and will even jump into water if he is not watched. S.C. has photographs of Mr. Campbell in his bedroom and asks about his father every day.

52. Mr. Campbell speaks on the telephone with S.C. nearly every day and emails him nearly every day through Ms. Walter, but it is difficult for Mr. Campbell and S.C. to maintain a strong relationship without in-person visitation.

53. Mr. Campbell has not seen Ms. Walter or S.C. since he was transferred to the FDC from jail in Delaware on or about April 4, 2017.

54. Mr. Campbell has one visitor on his visiting list at the FDC: his mother, Carolyn Campbell. She has visited him only twice. Her home is a two-hour drive from the FDC and she has no method of transportation to the FDC, so she must depend on the kindness of friends for rides. She works full time in a hospital payroll department, plus part time jobs on weekends, and has difficulty scheduling time off to travel to Philadelphia.

55. Ms. Walter and Ms. Campbell have a difficult relationship, and Ms. Walter will not allow Ms. Campbell to take S.C. to the FDC to visit his father. Ms. Walter would, however, visit Mr. Campbell with S.C. if allowed.

56. In sum, both of the Plaintiffs are unable to see their children under the FDC Policy. Neither is married to the mother of his children, and neither has adult immediate family members who can accompany the children as visitors.

CLASS ACTION ALLEGATIONS

57. Plaintiffs bring this case as a proposed class action pursuant to Federal Rule of Civil Procedure 23(b)(2) and Local Rule 23.1 on behalf of themselves and a class of persons.

58. Plaintiffs assert their causes of action on behalf of a Class defined as follows:

All current and future pre-trial inmates at the FDC who are or will be eligible to have social visitors but unable to see their child or children under the FDC's visitation policies, practices, and patterns. The class period commences from the time of the filing of this Complaint, and continues so long as Defendant persists in the unconstitutional policies, practices, and patterns.

59. Plaintiffs may amend the proposed definition of the Class, in accordance with the Federal Rules of Civil Procedure, based on legal development or facts learned during discovery.

60. The members of the Class are so numerous that joinder of all Class members is impracticable. The FDC holds approximately 1000 inmates, the large majority of whom are pre-trial inmates. Although Plaintiffs do not know the precise number of Class members, the number of current inmates who are Class members is likely in the hundreds, and is still larger when future inmates are taken into account. In any event, the number of Class members is far greater than could be feasibly addressed through joinder. The precise number is uniquely within the possession of Warden Marler and the FDC, and because all Class members are or will be in his custody, they readily may all be notified of the pendency of this action by Warden Marler.

61. There are questions of law and fact common to Class members, and these questions predominate over any questions affecting only individual members. Common legal and factual questions include, among others:

- a. whether the FDC violates the First and Fifth Amendment rights of Class members by subjecting them to more restrictive visitation rules than those that apply to sentenced inmates in the FDC, including whether there is a rational basis for imposing more restrictive visitation rules on FDC pre-trial inmates than FDC sentenced inmates;

- b. whether the FDC Policy unreasonably burdens Class members' ability to maintain meaningful ties with their children;
- c. whether the FDC Policy bears a valid, rational connection to a legitimate governmental interest;
- d. whether Class members have adequate alternative means of maintaining ties with their children;
- e. whether the requested relief would impose a significant burden on the FDC's resources; and
- f. whether any ready alternatives to the FDC Policy exist that would fully accommodate Class members' rights at *de minimis* cost to valid penological objectives.

62. Plaintiffs are members of the Class they seek to represent and have claims that are typical of the Class they seek to represent. Each Plaintiff is a pre-trial inmate at the FDC who has a child or children whom he is unable to see under the FDC Policy.

63. Plaintiffs will fairly and adequately represent and protect the interests of the Class members because their interests coincide with, and are not antagonistic to, the interests of the Class members they seek to represent. Plaintiffs have retained counsel for this action who are competent and experienced in class actions, civil rights litigation, and federal criminal law. There are no conflicts between Plaintiffs and the other members of the Class.

64. Class certification is appropriate pursuant to Federal Rule of Civil Procedure 23(b)(2) because Defendant has acted or refused to act on grounds that apply generally to the class, so that final injunctive relief or corresponding declaratory relief is appropriate respecting

the class as a whole. The Class members are entitled to injunctive and declaratory relief to end Defendant's common, uniform, unfair, and unconstitutional policies, practices, and patterns.

CAUSES OF ACTION

Count I: First Amendment

65. Plaintiffs, on behalf of themselves and the Class, incorporate paragraphs one through 64 as if fully set forth herein.

66. Defendant, acting intentionally and under color of federal law, has deprived and continues to deprive Plaintiffs and the other Class members of their constitutional rights to association.

67. The actions of Defendant in restricting Plaintiffs and the other Class members from in-person visits with their children unconstitutionally interfere with the First Amendment rights of association of Plaintiffs and the other Class members.

68. As a result of these actions of Defendant, Plaintiffs and the other Class members have experienced and continue to experience deprivations of their First Amendment rights, and they are therefore entitled to injunctive and declaratory relief, as well as costs and attorneys' fees.

Count II: Fifth Amendment—Conditions of Confinement

69. Plaintiffs, on behalf of themselves and the Class, incorporate paragraphs one through 68 as if fully set forth herein.

70. Defendant, acting intentionally and under color of federal law, has deprived and continues to deprive Plaintiffs and the other Class members of their constitutional rights to be free from cruel and unusual conditions of confinement.

71. The actions of Defendant in restricting Plaintiffs and the other Class members from in-person visits with their children unconstitutionally interfere with the Fifth Amendment rights of Plaintiffs and the other Class members to be free from cruel and unusual conditions of confinement.

72. The actions of Defendant in subjecting Plaintiffs and the other Class members to more restrictive visitation rules than those Defendant applies to sentenced inmates unconstitutionally interfere with the Fifth Amendment rights of Plaintiffs and the other Class members to have, as pre-trial inmates, conditions of confinement that are not more restrictive than those of sentenced inmates in the same facility.

73. As a result of these actions of Defendant, Plaintiffs and the other Class members have experienced and continue to experience deprivations of their Fifth Amendment rights, and they are therefore entitled to injunctive and declaratory relief, as well as costs and attorneys' fees.

Count III: Fifth Amendment—Equal Protection

74. Plaintiffs, on behalf of themselves and the Class, incorporate paragraphs one through 73 as if fully set forth herein.

75. Defendant, acting intentionally and under color of federal law, has deprived and continues to deprive Plaintiffs and the other Class members of their constitutional rights to enjoy equal protection under law.

76. The actions of Defendant in restricting Plaintiffs and the other Class members from in-person visits with their children, while according sentenced inmates at the FDC more lenient visitation rules that make it likelier that sentenced inmates will be able to see their

children, are unjustified by any rational basis, and unconstitutionally interfere with the Fifth Amendment rights of Plaintiffs and the other Class members to equal protection under law.

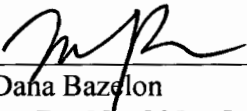
77. As a result of these actions of Defendant, Plaintiffs and the other Class members have experienced and continue to experience deprivations of their Fifth Amendment rights, and they are therefore entitled to injunctive and declaratory relief, as well as costs and attorneys' fees.

RELIEF REQUESTED

WHEREFORE, Plaintiffs and Class members pray for relief as follows:

- a) Certification of Plaintiffs' claims as a class action pursuant to Federal Rule of Civil Procedure 23;
- b) Designation of Plaintiffs as representatives of the Class members;
- c) Designation of Plaintiffs' counsel of record as Class counsel;
- d) A declaration that the FDC Policy implemented and enforced by Defendant is unconstitutional;
- e) An order enjoining Defendant from continuing such unconstitutional visitation policies, practices, and patterns, and directing Defendant to submit to the Court in writing the policy adopted to replace such policies, practices, and patterns;
- f) An award of costs incurred herein, including reasonable costs and attorneys' fees to the extent allowed by law; and
- g) Such other and further relief as this Court deems necessary, just, and proper.

Respectfully submitted,



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Counsel for Plaintiffs and Proposed Class Members

Dated: October 5, 2017

EXHIBIT A

U.S. Department of Justice

Federal Bureau of Prisons

Federal Detention Center

Philadelphia, PA 19106

OPI: Correctional Services

Number: PHL 5267.09A

Date: 07/18/2016

Subject: Visiting Regulations

Institution Supplement

1. PURPOSE To provide specific guidelines for implementation of Program Statement 5267.09, Inmate Visiting Regulations, dated December 10, 2015. This supplement includes regulations for the Special Housing Unit.

2. DIRECTIVES AFFECTED
 - a. DIRECTIVES RESCINDED:

IS 5267.08E, Visiting Regulations, (03/21/2014)

 - b. DIRECTIVES REFERENCED:

PS 5267.09, Visiting Regulations, (12/10/2015)

PS 5360.09, Religious Beliefs and Practices, (12/31/2004)

PS 7331.04, Pretrial Inmates, (1/31/2003)

PS 5500.11, Correctional Services Manual, (10/10/03)

PS 5510.15, Searching, Detaining, or Arresting Visitors to Bureau Grounds and Facilities, (07/17/2013)

3. STANDARDS REFERENCED
 - a. American Correctional Association 4th Edition Standards for Adult Correctional Institutions: 4-4156, 4-4267, 4-4285, 4-4498, 4-4499, 4-4499-1, 4-4500, 4-4501, 4-4503, and 4-4504.

 - b. American Correctional Association 4th Edition Performance - Based Standards for Adult Local Detention Facilities: 4-ALDF-2A-61, 4-ALDF-5B-01, 4-ALDF-5B-02, 4-ALDF-5B-03, 4-ALDF-5B-04, and 4-ALDF-7E-05.

DISTRIBUTION: Executive Staff, Department Heads, AFGE, NERO

4. **VISITING ROOM:**

The visiting room is arranged to provide staff with adequate supervision of inmates and visitors in conjunction with a comfortable and pleasant atmosphere. There are sections within the visiting room specifically designated as a parent/children's area as well as those designated for private legal visits. All regular visits not requiring special security measures will be conducted in the institution's visiting room.

All visits for inmates with special security needs will take place in the Special Housing Unit visiting rooms. All non-contact visiting will take place in the Special Housing Unit.

Inmates with separatees and families of separated inmates will not be permitted in the Visiting Room at the same time. Visitation for inmates with separation assignments will be processed on a first come, first serve basis. The remaining visitors will be processed as soon as the Visiting Room Officer notifies the Front Lobby Officer the separated Inmate and his/her visitors have departed.

The Warden has the authority to restrict or suspend a general population inmate's regular visiting privileges when there is reasonable suspicion that the inmate has acted in a way that would indicate a threat to the good order or security of the institution. Ordinarily, the duration of the restriction or suspension should be limited to the time required to investigate and initiate the discipline process. Reasonable suspicion exists when reliable information and/or facts are presented to the Warden that the inmate is engaged, or attempting to engage, in criminal or other prohibited acts. Reasonable suspicion must be directed specifically to the inmate in question.

The maximum capacity for the visiting room is 346.

5. **VISITING TIMES:**

Inmate visitation will commence Wednesday through Monday from 6:15 a.m. until 2:30 p.m. Visitor processing will be discontinued 30 minutes prior to any scheduled institution count. There will be no inmate or visitor movement during this period of time without authorization from the Operations Lieutenant.

Visiting room out-counts will be submitted to the Control Center, 30 minutes prior to the scheduled count time. Visitor processing will conclude one hour prior to the completion of inmate visiting, (1:30 p.m.)

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NOTE: A visitor may not visit male and female inmates at the same time, regardless of their family ties, nor will inmates be allowed to have multiple visits during the same day.

Male Inmates:

Wednesday thru Saturday, visitation will be on a scheduled rotation by floor assignment. Visitation will begin at 6:15 a.m. until 2:30 p.m.

Female Inmates:

Sunday and Monday, 6:15 a.m. until 2:30 p.m.

Special Housing Unit Inmates:

Sunday through Saturday 7:30 a.m. until 2:30 p.m. Visitation will be on a scheduled rotation by floor assignment. Male and Female Special Housing Unit inmates will be allowed to visit on the same day as their assigned units.

Legal Visits:

Sunday through Saturday, 6:15 a.m. until 8:00 p.m. Tuesday, is designated as a legal visit only day.

6. **FREQUENCY OF VISITS AND NUMBER OF VISITORS:**

A. **Approved Visits & Number of Visitors:**

Inmates will be permitted to visit a minimum of four hours per month. The following time allotments are in effect for each listed group of inmates:

- Female Inmates - May visit during their entire visiting day, twice a week, totaling approximately sixty-four (64) hours a month.
- General Population Male Inmates - Three (3) hours per visit, once a week, totaling twelve (12) hours per month.
- SHU Inmates/Non-Contact Visits - One and a half (1½) hours per visit, once a week, totaling six (6) hours per month.

Ordinarily, inmates will be allowed no more than five visitors in the visiting room at a time regardless of age. Exceptions may be granted, by request from the

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Unit Manager, through the Captain, with the approval of the Associate Warden of Programs. Consideration will be given to the availability of space and when needed, special visits will terminate prior to the regularly scheduled visits.

B. Special Visits:

Special visits will be authorized in accordance with established regulations and will not be used to circumvent regulations on background checks or disciplinary sanctions. All special visits must be requested by the Unit Manager, and routed through the Captain and Associate Warden of Programs for approval. A signed memorandum authorizing the visit must be forwarded to the Front Entrance Officer and Visiting Room Officer(s), ordinarily 24 hours prior to the visit.

Supervision of special visits will be provided by unit staff during non-visiting hours/days.

7. REGULAR VISITORS:

- A. Immediate Family Members: These persons include mother, father, step-parents, foster-parents, brothers and sisters, spouse, and children.
- B. Friends and Associates: For BOP-Holdover, Writ, and Designated inmates, the visiting privilege ordinarily will be extended to friends and associates having an established relationship with the inmate prior to confinement, unless such visits could reasonably create a threat to the security and good order of the institution. Exceptions to the prior relationship rule may be made, when it is shown that the proposed visitor is reliable and poses no threat to the security or good order of the institution.
- C. Persons with Prior Criminal Convictions: The Warden has delegated the Associate Warden of Programs the authority to place a person with a prior criminal conviction on a visiting list after careful review of the criminal convictions. Unit staff will notify the inmate of the approval or disapproval of the visitor.
- D. Children Under Sixteen. Children under the age of 16 may not visit unless accompanied by a responsible adult. Children shall be kept under supervision of a responsible adult or a children's program. Exceptions in unusual circumstances may be made by special approval by the Warden.

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The signature of a parent or legal guardian on the Visitor Information form (BP-A0629) is necessary to process a request for an applicant under 18 years of age. Ordinarily, completing the questionnaire portion of this form (items 1 through 14) is not required if such an applicant is a verified immediate family member of the requesting inmate.

In unusual circumstances, the Warden, after consultation with Regional Counsel, may make exceptions to the requirement for acknowledgment by parent or legal guardian.

Children should be controlled to the extent of consideration for other's visiting and not be permitted to wander from the immediate area, running about the visiting room, or creating noise that disturbs other visits. Failure to control children will result in termination of the visit. The visiting room officer is not responsible for supervising children.

Children 16 and older are required to have a valid photo ID present during processing.

8. **QUALIFICATIONS OF A SPECIAL VISITOR:**

- A. **Business Visitors:** A pre-trial inmate who was engaged in a business or profession prior to commitment is expected to assign authority for the operation of such business or profession to a person in the community. Special visits may be allowed for the purpose of protecting the pre-trial inmate's business interests. In those instances where an inmate has turned over the operation of a business or profession to another person, there still may be occasions where a decision must be made which will substantially affect the assets or prospects of the business. The Warden accordingly may waive the requirement for the existence of an established relationship prior to confinement for visitors approved under this paragraph.
- B. **Minister/Clergy of Record:** Minister of Record: An inmate requesting to receive visits from his/her minister of record must submit a written request to the Chaplain. Upon approval, unit staff will add the name and title to the list as Minister of record.

Inmates may only have one (1) Minister of record on his/her visiting list at one time. The Minister of record will not count against the total of authorized regular visitors.

Clergy: Visits from clergy (other than Minister of record) will be in accordance with general visitor procedures and will count against the total number of regular visits allowed.

- C. PVS Visitors: These individuals will follow the procedures as with attorney visits and in conjunction with the attorney visiting schedule. They are required to provide their PVS identification cards at all times for admission into the institution. PVS visitors will be approved through Religious Services staff prior placement on the inmates visiting list.

9. **ATTORNEY VISITS:**

Attorneys are permitted to visit during the visiting hours of 6:15 a.m. to 8:00 p.m., seven days a week. Tuesdays are dedicated for legal visits. Processing will stop at 3:30 p.m., for attorneys in preparation for the 4:00 p.m. count. On weekends and Federal Holidays processing will stop at 9:30 a.m., in preparation for the 10:00 a.m. count, and will resume when the count is cleared.

Attorneys must present a valid federal or state bar identification card and picture identification card. Attorneys must also complete the Notification to Visitor Form.

After completing the Notification to Visitor Form, attorneys will be processed through the metal detector and will have their hand stamped before being allowed entry into the Visiting Room. The processing of legal visits will take priority over social visits.

Staff may not subject visits between an attorney and an inmate to auditory supervision. Private attorney visiting rooms are available for legal visits and will only be used for that purpose. Legal visits may be conducted in the open visiting room, if the designated private rooms are all being utilized and the Attorney requests it.

A. **Legal Materials:**

Inmates requiring the use of legal materials from their cell during legal visits, are permitted to bring a reasonable amount of legal material to the visiting room.

Unauthorized property brought to the Visiting Room area will be confiscated and treated as contraband and

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confiscated. During legal visits, inmates are

permitted to give any or all of their legal materials to their legal visitor(s). Prior to returning to their unit, all papers in an inmate's possession will be inspected to verify the papers are limited to legal materials and contain no contraband. However, inmates are not permitted to receive any items, including legal paperwork, directly from their attorney.

Attorneys and other authorized legal visitors, may also leave legal paperwork for an inmate by utilizing the legal mail drop box located in the lobby area of the institution. All documents placed in this drop box must be contained in an envelope. The envelope must be clearly marked with the senders' name (including language such as "Attorney at Law" that clearly identifies the sender as an attorney), inmates' name and register number and the following statement: "SPECIAL MAIL - OPEN ONLY IN THE PRESENCE OF THE INMATE." Absent these markings, any mail left in the drop box will be returned to the sender or destroyed if the sender cannot be determined.

Legal visitors may bring CD's, DVD's, and electronic hard drives, containing criminal discovery into the visiting room. Additionally, equipment associated with reviewing the discovery may be brought in by legal visitors such as ear buds and/or headphones.

Institution computers, located in the attorney visiting rooms, are provided on a first come, first serve basis, and subject to availability.

No other electronic equipment will be permitted into the institution without prior approval from the Warden. Attorneys may contact the legal department for authorization to bring their own laptop computers into the visiting room.

10. **TRANSPORTATION ASSISTANCE:**

FDC Philadelphia is located in downtown Philadelphia, Pennsylvania at the corner of 7th & Arch Streets. It is easily accessible by highway and mass transportation. The area is also serviced by the Philadelphia International Airport, Amtrak and several commercial bus lines.

From New York City & New Jersey: 295 to 30 West. Follow 30 West across the Ben Franklin Bridge and exit at 8th Street. Left on 8th Street to Arch Street. The institution is located at 7th & Arch Streets.

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From Delaware & Points South: 95 North, exit at 676/Callowhill Street. Follow Callowhill Street to 6th Street and make a left onto 6th Street. Follow 6th Street to Arch Street and make a right onto Arch Street. The institution is located on 7th & Arch Streets.

From Points North: 95 South, exit at Callowhill Street. Follow Callowhill Street to 6th Street and make a left onto 6th Street. Follow 6th Street to Arch Street and make a right onto Arch Street. The institution is located on 7th & Arch Streets.

From Points West: 76 to 676 East. Exit at 8th street and follow to Arch Street. The institution is located on 7th & Arch Streets.

Institution Address: 700 Arch Street
Philadelphia, PA 19106

Institution Phone Number: 215-521-4000.

Southeastern Pennsylvania Transit Authority (SEPTA):
215-580-7800

New Jersey Transit: 973-762-5100

Amtrak: 800-872-7245

Greyhound Bus Lines: 800-231-2222

Philadelphia International Airport: 215-937-6937

11. **VISITS TO INMATES NOT IN REGULAR POPULATION STATUS:**

Hospital Patients:

The Warden may approve a visit for an inmate who is housed at a local hospital. In these cases the visitors will be restricted to the immediate family as is in conjunction with the rules and regulations at the local hospital. The Institution Duty Officer will be present for any visit which occurs at the local hospital. All visitors will first report to the institution where they will be processed and directed to the local hospital prior to the hospital visit.

Detention or Segregation Status:

Visitation for Special Housing Inmates will be conducted in the Special Housing Unit, non-contact, visiting rooms, unless the inmate requests a special

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visit through their Unit Team. This request will be routed through the Captain for approval by the Associate Warden of Programs.

Legal Visits conducted in the Special Housing Unit must receive prior written authorization from FDC Philadelphia's Attorney, to have the visiting room window opened during the visit.

12. **PROCEDURES:**

Preparation of the Visiting List:

Unit staff will compile a visiting list for each inmate assigned to their units, in accordance with Program Statement 5267.09, Visiting Regulations. All newly committed pretrial inmates will be required to forward a Visitor Information form (BP-A0629) to the individual they would like to be considered for visiting privileges. If a pretrial inmate departs and returns to this facility, and the visitor information is beyond a year old, the individual must submit a new form.

Unit staff will prepare a computerized list of all approved visitors and distribute this list to the inmate concerned. Unit staff will update the institution's computer visiting program as necessary.

In addition to the visiting computer program, the Correctional Counselor will be responsible for preparing the official list and ensuring a hard (paper) copy exists, in addition to this list being loaded in the computer based program, in the event of a computer error/malfunction.

1. Pretrial and Holdover Inmates: Pretrial and holdover inmates are only permitted visits by immediate family members. A non-immediate family member will be considered to be added to the inmate's visiting list if it is verified that an inmate has no immediate family members. All visitors should have all of their required documentation submitted to the Unit Team within a reasonable time frame prior to a visit being approved.
2. BOP Hold-over and Writ Visiting lists: When an inmate transfers to this facility and is housed on BOP hold-over, or Writ status, immediate family members, on his/her visiting list, will be recognized from another federal Facility, after verifying the relationship on the inmate's Pre-Sentence Report. Inmates will be required to forward a new Visitor Information form (BP-A0629) to all other visitors they would like to be

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considered for visiting privileges. This includes all other visitors, already on the inmates visiting list.

3. Cadre: Cadre inmates will not have to re-submit visitor lists, if they are transferring from another federal facility and have an existing visiting list. The inmate's Central File will be checked to verify visitor's information. Cadre inmates are limited to 10 family members and 10 friends and associates on their Visiting List.

13. **VERIFICATION OF RELATIONSHIPS:**

Unit staff will request information from potential visitors who are not members of the inmate's immediate family prior to placing them on the visiting list. Verification of the relationship will be obtained prior to a visitor being placed on the inmate's visiting list. It is the inmate's responsibility to ensure visitors submit documentation that verifies their relationship. Exceptions to the prior relationship rule may be made, particularly for inmates without other visitors, when it is shown that the proposed visitor is reliable and poses no threat to the security or good order of the institution.

14. **BACKGROUND INVESTIGATIONS:**

Unit staff will request a background investigation of visitors in the following circumstances:

- Pre-trial/Holdover inmates: All visitors will receive a background investigation.
- BOP Holdover and Writ: Immediate family on an inmate's established visiting list, that can be verified on the inmate's Pre-Sentence Report, do not require a new background investigation. All other proposed visitors for a BOP Holdover/Writ inmate do require a background investigation.
- Cadre: Cadre inmates, having an already established visiting list, do not require background investigations, if the inmate's Central File can be checked to verify all visitor's information.

Unit Managers also have authority to deny any prospective visitors who have a criminal history. When a prospective visitor has a criminal history and the Unit Manager determines the visitor is appropriate to visit, the Unit Manager must submit a memorandum to the

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Associate Warden Programs for his/her approval to add this visitor to the visiting list.

15. **FREQUENCY OF CHANGES:**

Inmates may request to make changes to their visiting list once each month.

16. **IDENTIFICATION OF VISITORS:**

The Front Entrance Officer must be able to verify the identity of visitors prior to their admission into the institution.

The primary source of identification for visitors will be photo identification. All visitors age 16 and older must present valid identification. Valid identification includes: A valid state driver's license, state issued identification, government identification or passport. All visitors must complete the Notification to Visitor Form (BP-A0224). Following identification, each visitor must sign the Inmate Visiting Log. The escort of visitors to and from the Visiting Room will be restricted to no more than ten, (10) (to include children) visitors at a time. Visitors will be escorted to and from the Visiting Room by a staff member at all times.

If a visitor is denied entrance, the Front Lobby Officer must complete a memorandum and promptly forward it to the Captain with copies to the inmate's Visiting Room file and Unit Team.

17. **NOTIFICATION:**

Unit staff will notify the inmate of each approval or disapproval of a requested person for the visiting list.

It is the responsibility of the inmate to notify the individuals once they have been approved. Unit staff will provide inmates with an appropriate number of copies of the institution's Visiting Regulations (Attachment 1) to be sent to approved visitors. Copies of the institution's Visiting Regulations will also be available, upon request, at the reception desk with the Front Lobby Officer.

18. **SEARCHING VISITORS:**

Visitors will be subjected to a search of their persons or personal effects, including personal property in their possession as a condition of allowing or continuing a visit.

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Per Program Statement 5510.15, titled Searching, Detaining, or Arresting Visitors to Bureau Grounds and Facilities, only the Warden, Acting Warden or Administrative Duty Officer can authorize staff to conduct a visual search of a visitor.

Visitors are required to clear a walk-through metal detector before being allowed to visit. If the visitor fails to clear a walk through detector he or she will be screened with a hand-held metal detector. If at any time the screening staff member is in question as to whether or not the visitor is in possession of contraband, the Operations Lieutenant will be notified and dispatched to the lobby area to assess the situation. If a visitor has a medical implant that may set off the metal detector, they must provide a medical card to the lobby officer as proof of the implant.

Religious headwear is not considered part of a visitor's belongings, but rather their person. Random pat searches should NOT ordinarily include removal and inspection of religious headwear. Except in emergencies, warden authorization is required before staff pat or visually search religious headwear. Bureau policy does not require the higher degree of reasonable suspicion before searching religious headwear. However, such searches may only occur on authority of the Warden, after considering the factors outlined in PS 5510.15, and must be documented. Searches of religious headwear should be conducted out of the view of other visitors and inmates.

Religious headwear that obscures a visitor's face must be removed sufficiently to reveal the face for identification upon entering and leaving facilities, and does not require the heightened conditions described above or documentation. In these cases, the entire headwear need not be removed if partial removal will reveal the face for identification.

If a visitor is suspected of being intoxicated or under the influence of a controlled substance, the Operations Lieutenant will be notified before the visitor is allowed entry into the institution.

19. **RECORD OF VISITORS:**

The Visiting Room Officer will maintain a daily log of all visits. The Visiting Room computerized program will be utilized to record all visits received by the inmate documenting time of entry and departure.

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Should the computerized system be inoperable, the Computer Services Manager will be contacted immediately. However, if problems persist, and the program is not working, the Unit Team staff will review inmate files for the prescribed inmate to ascertain who is authorized to visit the inmate.

The Front Lobby officer will ensure visitors log their time of arrival and departure in the Inmate Visiting Log Book.

Front Lobby staff will document visits which have been denied for any reason followed by verification for the Operations Lieutenant. In addition, a Visitor denial memorandum will be completed and sent to the Captain.

20. **SUPERVISION OF VISITS:**

The Visiting Room Officer will make positive identification of inmates arriving at the Visiting Room. The inmate will be required to bring his/her Identification Card to the Visiting Room where it will be maintained by the Visiting Room Officer for the duration of the visit. Inmates will be positively identified in this manner before leaving the visiting room.

Prior to entering and departing the Visiting Room, the Visiting Room Officer will conduct a visual search, and screen every inmate through a walk-through metal detector. Staff will visually search only one inmate at a time. All clothing will be thoroughly searched prior to return.

Socially acceptable gestures of communication and affection, such as shaking hands, embracing, and praying, may be permitted within the bounds of good taste at the beginning and the end of each visit. A brief closed mouth kiss upon arrival and at the completion of the visit is acceptable.

Visiting Room Officers will assign seating for inmates and their visitors. Inmates will be required to sit across from their adult visitor(s). Seating or chairs will not be changed without the approval of the Visiting Room Officer.

Inmates will not utilize visitor restrooms. Only one visitor is permitted in the restroom at a time. Restrooms will remain locked when not in use.

Inmates will not be permitted to handle visitor's

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change purses or currency of any kind.

Inmates will not be authorized access to the vending machines or the immediate area surrounding the machines. All purchases are to be accomplished by the inmate's respective visitor(s). All food items purchased via the vending machines must be removed from the original packaging and placed on a paper plate, which will be provided. All food items must be consumed during the visit prior to the visitors departing the Visiting Room.

Inmates are permitted to have photographs taken with their visitor(s). Inmates will not take photographs with other inmates in the Visiting Room. Recreation staff will assign inmates as photographers, provide orientation for the inmate(s) on their conduct/behavior in the Visiting Room, and establish their work schedule.

Visitors are required to maintain continuous supervision and control of children at all times, in all areas, of the Visiting Room, including the restroom. Children will be seated with the visitors during the visit. Children will not be allowed to disrupt other visits. In the event an inmate and/or visitors cannot control the behavior of their children, and a disruption is being caused due to their behavior, the Visiting Room Officer(s) may terminate the visit after notification is made to the Operations Lieutenant and/or Institution Duty Officer (IDO). Normally, a warning prior to the termination of the visit will be given to the inmate concerning the misconduct of the children, and a notice that any further misconduct will result in the termination of the visit.

Inmates and visitors will maintain a professional and courteous manner at all times. Conduct which disrupts the orderly atmosphere of visiting or offends other visitors may be grounds to terminate the visit. Disruptive and/or offensive behavior will be reported to the Operations Lieutenant. In the event a visitor and/or inmate becomes belligerent or rude, the visit will be terminated. The Operations Lieutenant is authorized to terminate a visit for disruptive and/or offensive behavior. Such conduct involving an inmate will result in an Incident Report.

21. **VISITOR/ATTORNEY ATTIRE:**

All visitors will be expected to wear clothing which is neither provocative nor enticing to the extent that a disruption to the orderly running of the institution could ensue. The following attire is prohibited:

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No hats or scarves. This includes scarves around the neck or waist.

No sleeveless tops, blouses, tank tops or jerseys.

No sunglasses or long hair picks.

No tube tops, midriffs, or low cut revealing clothing.

No tight fitting clothes. (i.e., Lycra and spandex)

No see through clothing.

No shorts measuring more than two inches above the knee. (All persons to include children.)

Skirts and dresses must be knee length or lower. If the dress or skirt has a split on the side it must not exceed knee level.

No open toed shoes.

No watches of any kind.

If a jacket or sweater is worn in, it must remain on during the entire visit, to include children. Grey sweat pants and white T-shirts are not authorized, to include all other clothing similar to inmate attire. No dark green or khaki pants or shirts are authorized to be worn inside the facility.

The Lieutenant or Duty Officer will be contacted if an individual's dress attire is in question. At this time, a decision will be made, and the visitor will be notified by the official contacted if the visit will be approved or denied.

22. **AUTHORIZED ITEMS RETAINABLE BY VISITORS:**

Visitors into the institution for the purpose of visiting will be authorized to bring in the following items:

1. One small, clear plastic type wallet, change purse with one and five dollar bills, and change for use in the vending machines. No more than \$50.00 is authorized. The clear plastic bag may not be over a "gallon" size zip lock type bag.
2. Medications required to sustain life, i.e., inhalers, nitro glycerin tablets etc.
3. Infant/Toddler care items:
 - a. Two (2) disposable diapers
 - b. Baby wipes must in a clear plastic container
 - c. One (1) plastic baby bottle
 - d. One (1) clear plastic Sippy cup
 - e. One (1) baby blanket

All other items may be stored in lockers provided by the Front Lobby Officer. No flammable, explosive,

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narcotics, narcotics paraphernalia, or other weapons may be stored within the lockers.

23. **AUTHORIZED INMATE ATTIRE:**

Inmates will be required to wear the following items into the Visiting Room area.

- (1) Green jumper (Males)
- (1) Khaki pants, khaki shirt (Females)
- (1) under pants and T-shirt
- (1) pair of socks
- (1) pair bus shoes

Sweat clothes, shorts or thermal underwear are not permitted.

Medical shoes are authorized to be worn out of the housing unit, but will be replaced with bus shoes prior to entering the visiting area. Current medical documentation is required. Medical footwear will be documented on inmate property inventory forms.

24. **INMATE PERSONAL PROPERTY:**

The following items are the only authorized personal property permitted in the visiting room:

Male/Females:

- (1) Plain wedding band, no stone
- (1) Religious Head Gear
- (1) Religious Necklace and Rosary beads are not authorized.

Female Cadre Only: (1) pair earrings, (no stone)

The "Inmate Visiting Personal Property Inventory Log Form" is to be completed daily by the officer processing inmates, prior to entry into the Visiting Room. This form is used to record those items brought into the Visiting Room by each inmate and again to record those items in the inmate's possession upon completion of the visit.

25. **EMERGENCY TERMINATION OF VISITS:**

In any situation in which the Operations Lieutenant declares an institutional emergency, resulting in the termination of visiting, the following procedures will be followed:

- a. All inmates will be separated from visitors and seated in the chairs adjacent the attorney cubicles. All visitors will be seated in the

chairs located at the Visiting Room entrance.

- b. Staff will physically count all inmates present and ensure this number is consistent with the number of identification cards.
- c. Staff under the direction of the Operations Lieutenant will then escort Visitors from the Visiting Room area into the Front Lobby.
- d. Staff will begin visual searches on all inmates present.

26. **PARENT/CHILDREN'S AREA:**

Inmates/parents are expected to control behavior of the children in the area. If staff determines that behavior is interfering with others in the area, the visit may be immediately terminated.

The female Cadre population is authorized to use the Children's Center after the completion and/or enrollment in the approved Parenting Program, which is an 8 hour program, with the Federal Bureau of Prisons. Inmate/parents are expected to control the behavior of the children in the Children's Center. The use of the Children's Center is for one hour only, per visit. Only the inmate/parent and up to two children, 10 years of age and under, are allowed in the Children's Center. If there are more than two children visiting, the other children will remain in the common area with a guardian. Prior to the use of the room, the inmate/parents must receive approval from the Parenting Coordinator, Education department. Only one family will be allowed to use the Children's Center at a time, unless prior authorization is received. No food or drink is permitted in the Children's Center and it is the responsibility of the inmate/parent to ensure that the room is clean and returned to the way it was found once exiting.

Any inmate with a prior history of Child Sexual Molestation, Child Pornography, Introduction of Contraband, and/or Domestic Violence will not be authorized to use the Children's Center.

27. **WALSH ACT REQUIREMENTS:**

Unit Team will evaluate all inmates on their caseload to determine if they have an inmate who has been

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convicted of a sex offense involving a minor. Any inmate fitting this criterion will have the following annotation placed in the visiting program under the

comments section, "This inmate was convicted of a sex offense involving a minor."

An inmate identified as having a Walsh Act assignment involving a minor will have his/her visits closely monitored.

 //s//

Sean Marler,
Warden

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**VISITING REGULATIONS
FEDERAL DETENTION CENTER
PHILADELPHIA, PA**

1. Visiting will be permitted as scheduled in section 5.

Male Inmates: Wednesday thru Saturday, visitation will be on a scheduled rotation by floor assignment. Visitation will begin at 6:15 a.m. until 2:30 p.m.

Female Inmates: Sunday and Monday, 6:15 a.m. until 2:30 p.m.

Special Housing Unit Inmates: Sunday through Saturday 7:30 a.m. until 2:30 p.m. Visitation will be on a scheduled rotation by floor assignment. Male and Female Special Housing Unit inmates will be allowed to visit on the same day as their assigned units.

Legal Visits: Sunday through Saturday, 6:15 a.m. until 8:00 p.m. Tuesday, is designated as a legal visit only day.

No inmates will be allowed to enter the visiting room after 9:30 A.M. on weekends and holidays in preparation for the 10:00 A.M. count. Institution count times during visiting hours will be 4:00 P.M. and 10:00 A.M. (Weekends/Federal Holidays). All in-processing of visitors in the front entrance will stop one hour and 30 minutes prior to the end of the scheduled visiting hours. Visitors should not arrive earlier than 15 minutes prior to schedule visiting hours. All male inmates will visit for a maximum of 3 hours once a week. Visitor Processing will cease one hour prior to the conclusion of visiting. (1:30pm)

2. Visitors will visit in the institution Visiting Room. For security reasons, Special Housing Unit (SHU) inmates and visitors will visit in the Special Housing Unit. Visitors may visit in SHU two at a time, for a period of one and a half hours. No children under the age of 18 years old are permitted in SHU.
3. Visitors will enter the Visiting Room after being processed in from the Front Entrance. All visitors must provide appropriate photo identification (valid drivers' license, Government I.D., or passport) before being allowed to visit. As a reminder, persons not permitted to visit may not remain in the visiting room waiting area, or the institution. Visitors are not allowed to smoke, loiter, or congregate at the Front Entrance of the institution. Food items and drinks are prohibited within the Front Entrance and Front Lobby areas.
4. Only five (5) visitors (to include children) are allowed to visit at any given time. All visits will begin and end in the Visiting Room. Inmates may embrace and kiss their visitors at the beginning and end of each visit; however, any excessive display of affection will not be permitted and could result in termination of the visit and the inmate subject to an incident report.
5. Children under the age of 18 eighteen must be accompanied by a parent or legal guardian, who must be on the approved visiting list. Children 16 and 17 years old, may only visit alone with written permission from a parent or legal guardian, as described in section 6, paragraph F. Inmates and their visitors will be responsible for keeping children in their company, quiet, orderly, and within the boundaries of the inside visiting area. Children should not be allowed to return to the Visiting Room or leave the Visiting Room unless accompanied by an adult.

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6. Inmates will be held accountable for the conduct of their and child visitors, in compliance with the Bureau of Prisons Program Statement, Inmate Discipline, PS 5270.09.
7. Visiting is an important family function and is a privilege. It is important that the dress code and articles allowed into our facility reflect the professional values and security concerns of the Bureau of Prisons. The following guidelines apply to all adult and child visitors. No gum, candy or lozenges are permitted into the institution.

Visitor/Attorney attire:

All visitors will be expected to wear clothing which is neither provocative nor enticing to the extent that a disruption to the orderly running of the institution could ensue. The following attire is prohibited:

No hats or scarves. This includes scarves around the neck or waist.

No sleeveless tops, blouses, tank tops or jerseys.

No sunglasses or long hair picks.

No tube tops, midriffs, or low cut revealing clothing.

No tight fitting clothes. (i.e., Lycra and spandex)

No see through clothing.

No shorts measuring more than two inches above the knee. (All persons to include children.)

Skirts and dresses must be knee length or lower. If

the dress or skirt has a split on the side it must not exceed knee level.

No open toed shoes.

No watches of any kind.

If a jacket or sweater is worn in, it must remain on during the entire visit, to include children. Grey sweat pants and white T-shirts are not authorized, to include all other clothing similar to inmate attire. No dark green or khaki pants or shirts are authorized to be worn inside the facility.

The Lieutenant or Duty Officer will be contacted if an individual's dress attire is in question. At this time, a decision will be made, and the visitor will be notified by the official contacted if the visit will be approved or denied.

AUTHORIZED ITEMS RETAINABLE BY VISITORS:

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One small, clear plastic type wallet, change purse with one and five dollar bills, and change for use in the vending machines. No more than \$50.00 is authorized. The clear plastic bag may not be over a "gallon" size zip lock type bag.

Medications required to sustain life, i.e., inhalers, nitro glycerin tablets etc.

Infant/Toddler care items:

- a. Two (2) disposable diapers
- b. Baby wipes must in a clear plastic container
- c. One (1) plastic baby bottle
- d. One (1) clear plastic Sippy cup
- e. One (1) baby blanket

All other items may be stored in lockers provided by the Front Lobby Officer. No flammable, explosive, narcotics, narcotics paraphernalia, or other weapons may be stored within the lockers.

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Vending Machines: Visitors may purchase and use the provided food items and microwaves. INMATES ARE NOT, AND WILL REMAIN IN THEIR SEATS. There will be no sharing of any food or drink items between inmates and visitors. All food items purchased must be emptied onto a supplied paper plate. All food items must be consumed in the visiting room prior to the completion of the visit. INMATES ARE NOT AUTHORIZED TO HANDLE MONEY AT ANY TIME.

Sanitation: Inmates and visitors are responsible for the clearing of the area in which they have occupied. Visitors will dispose of trash into the provided trash cans. Tables will not be utilized for feet or additional seating.

8. General Information: Pets of any kind are not allowed on the grounds of the institution. All medication brought in by visitors will be turned into the Front Entrance Officer. The medication will be brought to the Visiting Room by the escorting officer and will remain with the Visiting Room staff until needed. Food and beverages may not be brought into the institution. Inmates will not be allowed to enter or leave the Visiting Room with items other than what was authorized in the Visiting Room. Smoking will not be permitted in the visiting area. Visitors are not to wear inmate clothing.
9. Notification to Visitor: All visitors must sign a statement (English or Spanish) indicating they understand that visitors entering the institution may be subject to search. Anyone refusing the search or refusing to sign the aforementioned statement will be refused entry into the facility. A search may also be made of all hand carried items in the possession of a visitor.

The visitor will be present during the time all items are being searched. The visiting room officer will not store any items lost or left in the visiting room.

10. Penalty for Violation of Visiting Regulations: Any act or effort to violate the visiting guidelines of an institution may result in disciplinary action against the inmate, which may include the denial of future visits, possibly over an extended period of time. Moreover, criminal prosecution may be initiated against the visitor, the inmate, or both, in the case of criminal violations.

18 U.S.C. 1791, provides a penalty of imprisonment for not more than 20 years, a fine, or both for providing or attempting to provide to an inmate anything whatsoever without the knowledge and consent of the Warden.

The Operations Lieutenant and/or the Duty Officer have the authority to terminate any visit due to improper dress, improper conduct on the part of the inmate or his/her visitor(s), or for overcrowded conditions. Visiting room capacity, weather, frequency of visits and distance traveled shall be determining factors when a decision to terminate a visit is made due to overcrowded conditions. Visitors traveling less than 100 miles are considered local visitors. Cameras will not be permitted in the visiting room or on institution property.

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Warden of Fed. Detention Center of Philadelphia Sued Over 'Draconian' Visitation Policy](#)
