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NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

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OVERTON, DIRECTOR, MICHIGAN DEPARTMENT OF
CORRECTIONS, ET AL. *v.* BAZZETTA ET AL.CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE SIXTH CIRCUIT

No. 02–94. Argued March 26, 2003—Decided June 16, 2003

Responding to concerns about prison security problems caused by the increasing number of visitors to Michigan’s prisons and about substance abuse among inmates, the Michigan Department of Corrections (MDOC) promulgated new regulations limiting prison visitation. An inmate may be visited by qualified clergy and attorneys on business and by persons placed on an approved list, which may include an unlimited number of immediate family members and ten others; minor children are not permitted to visit unless they are the children, stepchildren, grandchildren, or siblings of the inmate; if the inmate’s parental rights are terminated, the child may not visit; a child visitor must be accompanied by a family member of the child or inmate or the child’s legal guardian; former prisoners are not permitted to visit except that a former prisoner who is an immediate family member of an inmate may visit if the warden approves. Prisoners who commit two substance-abuse violations may receive only clergy and attorneys, but may apply for reinstatement of visitation privileges after two years. Respondents—prisoners, their friends, and family members—filed a 42 U. S. C. §1983 action, alleging that the regulations as they pertain to noncontact visits violate the First, Eighth, and Fourteenth Amendments. The District Court agreed, and the Sixth Circuit affirmed.

Held:

1. The fact that the regulations bear a rational relation to legitimate penological interests suffices to sustain them regardless of whether respondents have a constitutional right of association that has survived incarceration. This Court accords substantial deference to the professional judgment of prison administrators, who bear a

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significant responsibility for defining a corrections system's legitimate goals and determining the most appropriate means to accomplish them. The regulations satisfy each of four factors used to decide whether a prison regulation affecting a constitutional right that survives incarceration withstands constitutional challenge. See *Turner v. Safley*, 482 U. S. 78, 89–91. First, the regulations bear a rational relationship to a legitimate penological interest. The restrictions on children's visitation are related to MDOC's valid interests in maintaining internal security and protecting child visitors from exposure to sexual or other misconduct or from accidental injury. They promote internal security, perhaps the most legitimate penological goal, by reducing the total number of visitors and by limiting disruption caused by children. It is also reasonable to ensure that the visiting child is accompanied and supervised by adults charged with protecting the child's best interests. Prohibiting visitation by former inmates bears a self-evident connection to the State's interest in maintaining prison security and preventing future crime. Restricting visitation for inmates with two substance-abuse violations serves the legitimate goal of deterring drug and alcohol use within prison. Second, respondents have alternative means of exercising their asserted right of association with those prohibited from visiting. They can send messages through those who are permitted to visit, and can communicate by letter and telephone. Visitation alternatives need not be ideal; they need only be available. Third, accommodating the associational right would have a considerable impact on guards, other inmates, the allocation of prison resources, and the safety of visitors by causing a significant reallocation of the prison system's financial resources and by impairing corrections officers' ability to protect all those inside a prison's walls. Finally, respondents have suggested no alternatives that fully accommodate the asserted right while not imposing more than a *de minimus* cost to the valid penological goals. Pp. 4–9.

2. The visitation restriction for inmates with two substance-abuse violations is not a cruel and unusual confinement condition violating the Eighth Amendment. Withdrawing visitation privileges for a limited period in order to effect prison discipline is not a dramatic departure from accepted standards for confinement conditions. Nor does the regulation create inhumane prison conditions, deprive inmates of basic necessities or fail to protect their health or safety, or involve the infliction of pain or injury or deliberate indifference to their risk. Pp. 9–10.

286 F. 3d 311, reversed.

KENNEDY, J., delivered the opinion of the Court, in which REHNQUIST,

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C. J., and STEVENS, O'CONNOR, SOUTER, GINSBURG, and BREYER, JJ., joined. STEVENS, J., filed a concurring opinion, in which SOUTER, GINSBURG, and BREYER, JJ., joined. THOMAS, J., filed an opinion concurring in the judgment, in which SCALIA, J., joined.