
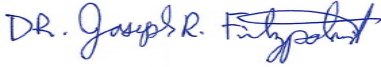


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<b>POLICY NUMBER: 16.1</b>		
<b>CHAPTER 16: COMMUNICATION, MAIL, AND VISITATION</b>		
	<b>STATE of MAINE</b> <b>DEPARTMENT OF CORRECTIONS</b> <b>Division of Juvenile Services</b> <b>Approved by Commissioner:</b>	<b>PROFESSIONAL STANDARDS:</b>  <b>See Section VII</b>
		
<b>EFFECTIVE DATE:</b> February 1, 2002	<b>LATEST REVISION:</b> March 31, 2015	<b>CHECK ONLY IF</b> <b>APA [ ]</b>

**I. AUTHORITY**

The Commissioner of Corrections adopts this policy pursuant to the authority contained in Title 34-A M.R.S.A. Section 1403.

**II. APPLICABILITY**

All Departmental Juvenile Facilities

**III. POLICY**

It is the policy of the Department of Corrections to grant residents the right to communicate or correspond with persons or organizations subject only to the limitations necessary to maintain facility order and security.

All regulations governing correspondence of residents shall be specified in writing, made available to all staff, residents, and their correspondents. Copies of the regulations are mailed to a resident's family within twenty-four (24) hours of the resident's admission.

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## VI. PROCEDURES

### Procedure A: Resident Mail, General

1. It is important that there be constructive correspondence between residents and their families and others as a means to maintain ties with the community. Each facility shall provide residents with the means to engage in such correspondence.
2. Each facility shall maintain practices to inspect, read, and restrict resident mail as necessary to prevent the introduction of contraband, ensure the safety of residents, staff, and others, ensure security, maintain orderly management of the facility, enforce facility rules, prevent criminal activity and protect the welfare of residents.
3. Residents shall be allowed to send and receive mail to and from whomever they wish, except for persons incarcerated in a correctional facility who are not immediate family members and except for present or former residents of a Departmental juvenile facility who are not immediate family members, as long as the mail does not violate any condition of aftercare through community reintegration or any restriction set out in this policy and procedures. Existence of a criminal record shall not, in and of itself, constitute a barrier to correspondence.
4. If the facility is requested, in writing, by a parent/guardian of a resident that the resident not be allowed to send mail to or receive mail from a specified person, whoever receives such request shall notify the Superintendent, or designee. The Superintendent, or designee, shall determine whether to honor that request. If the request is to be honored, the Superintendent, or designee, shall notify the resident's Juvenile Program Manager, who shall notify other members of the housing unit staff and the resident.
5. If the facility is requested, in writing, by an adult or guardian of an adult that the resident not be allowed to send mail to that adult, whoever receives such request shall notify the Superintendent, or designee, who shall honor that request. The Superintendent, or designee, shall notify the resident's Juvenile Program Manager, who shall notify other members of the housing unit staff and the resident.
6. If the facility is requested, in writing, by a parent/guardian of a minor that the resident not be allowed to send mail to that minor, whoever receives such request, shall notify the Superintendent or designee, who shall honor that request. The Superintendent, or designee, shall notify the resident's Juvenile Program Manager, who shall notify other members of the housing unit staff and the resident.

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7. If the facility is requested, in writing, by a parent/guardian of a minor that the resident not be allowed to receive mail from that minor, whoever receives such request shall notify the Superintendent, or designee. The Superintendent, or designee, shall determine whether to honor that request. If the request is to be honored, the Superintendent, or designee, shall notify the resident's Juvenile Program Manager, who shall notify other members of the housing unit staff and the resident.
8. A resident, who is adjudicated of or otherwise known to have committed a sex offense against a minor, shall not be allowed to send mail to or receive mail from the victim without the prior approval of the Superintendent, or designee. A resident who is a victim of a sex offense shall not be allowed to send mail to or receive mail from the offender without the prior approval of the Superintendent, or designee.
9. When contact between a resident and another person is prohibited by court order (e.g., custody order, protection order), the resident shall not be allowed to send mail to or receive mail from that person.
10. When contact between a resident and another person is prohibited by a condition of probation or of conditional release of either person, the resident shall not be allowed to send mail to or receive mail from that person. This includes any condition of probation or of conditional release that is currently in effect, is to become effective at a later date, or is no longer in effect as the result of a current probation revocation or current detention order for violation of conditional release.
11. A resident may be prohibited from sending general mail to or receiving general mail from any other person by the Superintendent, or designee, when there is reasonable suspicion that mail between them would contain contraband or information related to criminal activity, violation of the facility's rules, or a risk to the safety of persons, security, orderly management of the facility, or the welfare of the resident or other residents. A resident may be restricted from sending general mail to or receiving general mail from any other person by the Superintendent, or designee, when there is reasonable suspicion that the resident or other person has violated or will violate the mail procedures.
12. If mail to or from a resident is prohibited or otherwise restricted, the Superintendent, or designee, shall ensure a memo is sent to all appropriate staff, with a copy to the resident's Master Administrative Record and the housing unit Case Management File.
13. All incoming general mail shall be opened and inspected for contraband. Incoming privileged mail shall be opened and inspected for contraband, but only in the presence of the resident.
14. Mail shall be collected from and distributed to residents on every day on which mail service is provided to the facility. Incoming and outgoing mail shall not be held any longer than twenty-four (24) hours, excluding weekends and holidays.

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15. There shall be no limit on the amount of incoming mail a resident is allowed to receive or the amount of outgoing mail a resident is allowed to send, provided the resident has sufficient funds to pay for postage. Residents shall not be allowed to possess mail or correspondence in excess of that which is set out in the policy and procedures governing allowable items.
16. Each facility shall operate a mailroom for mail that is received at or sent from the facility. Mailroom staff shall be responsible for processing all mail, incoming and outgoing. Residents may only send and receive mail through the U.S. Postal Service or other recognized mail delivery service and processed by the facility mailroom. Any incoming mail that has no verifiable return address shall not be delivered and the resident shall be notified using Attachment A, Notification to Resident, Non-Delivery of Mail [or Contents of Mail] Received, except as provided in Procedure H. 2. Such mail may be opened and read by the Superintendent, or designee.

**Procedure B: Outgoing/Incoming General Correspondence**

1. Outgoing General Correspondence

- a. Each facility shall provide envelopes and writing materials in reasonable quantities to residents to ensure an opportunity for constructive correspondence. Each resident shall be offered free postage for up to two (2) one-ounce letters per week, which may not be carried over from week to week.
- b. Each resident shall place all outgoing general correspondence in a designated secure resident mailbox, except that a resident, who is in the Special Management Unit or otherwise has no access to a resident mailbox, shall hand all outgoing correspondence to a staff person. The staff shall place the resident correspondence in a resident mailbox or deliver it to the facility mailroom.
- c. All outgoing general correspondence shall conform to the following standards:
  1. The resident's full name, facility name, and facility address shall be in the upper left-hand corner of the envelope. The resident shall put nothing other than the recipient's name and address, the resident's name, facility name and address, and postage on the envelope. Any envelope not meeting these requirements shall be returned to the resident, unless it is evidence of a violation of a facility rule or criminal activity or violation of a court order or condition of probation or conditional release currently in effect.
  2. The envelope shall not contain contraband, any item intended for a person other than the addressee, including a letter intended for another person, or any item not belonging to the sender. Outgoing mail suspected to contain any of the above shall be opened and if found to contain any of the above shall not be processed and the

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resident shall be notified, except as provided in Procedure H. 2. (See Attachment B, Notification to Resident, Non-Processing of Outgoing Mail). Any mail in violation of these requirements shall be secured as evidence for use in administrative or court proceedings.

3. All outgoing correspondence shall be sealed by the resident.
  4. The mailroom staff shall visually and physically inspect each outgoing envelope to ensure that a Department of Corrections disclaimer appears on the envelope and to check for possible contraband.
- d. Mailroom staff shall be responsible for the collection of all outgoing correspondence. A collection schedule shall be posted in all housing units.
  - e. Mailroom staff shall ensure proper postage, paid for by the resident or within the resident's free mail allotment, is affixed to all correspondence or return the correspondence to the resident.
  - f. Mailroom staff shall develop and maintain a system for tracking the payment of postage costs by residents and for tracking residents' use of the free mail allotment.

## 2. Incoming General Correspondence

- a. Mailroom or other designated staff shall open and inspect all incoming general correspondence envelopes to check for money orders and/or checks, stamps, and cash or other contraband. The receipt of all money orders and/or checks shall be logged. The money order and/or check shall be placed back into the correspondence envelope in which it was received, and forwarded to the facility's Business Office. If stamps are found, they shall be forwarded to the resident's housing unit for use by the resident.
- b. Receipt of cash is not allowed. The receipt of any cash shall be logged that the cash was received and returned to sender or otherwise handled as set out below. The cash shall be returned to sender, if the sender can be determined from the mail. If the sender cannot be determined from the mail, the cash shall be deposited into the facility's Resident Benefit Account. The resident shall be promptly notified, using Attachment A, of the action taken, except as provided in Procedure H. 2. If other contraband is found, it shall be removed and handled in accordance with Department policies and procedures and the resident shall be notified, using Attachment A, except as provided in Procedure H. 2. If the contraband is prohibited by law (dangerous weapon, tool or other item that may be used to facilitate escape, alcohol, or illegal drugs), the envelope and its contents shall immediately be turned over to the facility Correctional Investigator, or designee and the resident shall not be notified, except as set out in Procedure H.2.
- c. Mailroom or other designated staff shall remove cancelled stamps from all incoming envelopes. The Chief Administrative Officer or designee may require staff to remove address labels and/or envelopes prior to the distribution of incoming general correspondence.

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- d. Mailroom or other designated staff shall be responsible for the distribution of all incoming general correspondence. A distribution schedule shall be posted in all housing units.
- e. A resident shall not be allowed to distribute any other resident's mail. A resident shall not be allowed to have access to another resident's mail without that resident's permission.

**Procedure C: Outgoing/Incoming Privileged Correspondence**

1. Privileged mail is correspondence concerning a legal matter or official government business in any jurisdiction involving a resident if the correspondence is between that resident and any of the following:
  - a. Attorneys;
  - b. Judges, court clerks, and courts;
  - c. Maine Human Rights Commission;
  - d. Appointed and elected government officials, including, but not limited to, the President, the Governor, commissioners of state agencies other than the Maine Department of Corrections, federal and state senators and representatives, tribal chiefs, and mayors and town and city councilors;
  - e. Advocates of government agencies; and
  - f. Legal advocacy organizations, including, but not limited to, American Civil Liberties Union, Maine Equal Justice Partners, Maine Civil Liberties Union, Disability Rights Center, NAACP Legal Defense Fund, and National Lawyers Guild.
2. Correspondence between a resident and a sexual assault response services agency concerning a complaint of sexual misconduct shall be treated as privileged.
3. Outgoing absentee ballots and outgoing correspondence to the Commissioner of Corrections shall be treated as privileged.
4. Outgoing Privileged Correspondence
  - a. Outgoing privileged correspondence shall meet the same requirements as outgoing general correspondence except that the words "Privileged Mail" shall be written by the resident on the front of the envelope.
  - b. Mailroom or other designated staff shall handle outgoing privileged correspondence in the same manner as outgoing general correspondence.
  - c. Residents shall be provided free postage for outgoing privileged correspondence.
  - d. Abuse of the privileged correspondence process (e.g. using the process to send personal correspondence) shall result in a restriction on the amount of privileged correspondence that the resident may send and any other

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restrictions as determined by the Superintendent or designee, after consultation with the Department's legal representative.

5. Incoming Privileged Correspondence

- a. Incoming correspondence shall be treated as privileged only if it is in an official envelope with a verified return address.
- b. Mailroom or other designated staff shall handle incoming privileged correspondence in the same manner as incoming general correspondence, except that it may not be opened without the resident being present.
- c. Mailroom or other designated staff shall deliver all privileged correspondence to the appropriate housing unit staff.
- d. Housing unit staff shall open and inspect the privileged correspondence, with the resident present, to check for checks, money orders, stamps, or contraband. If money orders and/or checks are found, they shall be handled as set out in Procedure B. 2. (a) above. If stamps are found, they shall be forwarded to the resident's housing unit staff for use by the resident. If cash or other contraband is found, it shall be removed and handled as set out in Procedure B. 2. (b) above. If the contraband is prohibited by law (dangerous weapon, tool, or other item that may be used to facilitate escape, alcohol, or illegal drugs), the envelope and its contents shall immediately be turned over to the facility Correctional Investigator, or designee.

**Procedure D: Publications**

- 1. Resident access to publications shall be prohibited only when the Superintendent, or designee, determines that:
  - a. The publication constitutes a threat to safety, security, or the orderly management of the facility;
  - b. The publication contains sexually explicit material;
  - c. The publication facilitates criminal activity;
  - d. The publication is substantially detrimental to a resident's rehabilitation, e.g. a sex offender receiving magazines containing pictures of persons or children in underwear or otherwise not fully clothed; or
  - e. The publication is unsuitable for juveniles.
- 2. For the purposes of this policy, it is presumed that any material which depicts or describes explicit sexual behavior, material which is sadomasochistic, material depicting or describing the use or manufacture of drugs, alcoholic substances, firearms, explosives, weapons, or other skills or implements which could reasonably be used to effect escape or cause harm or injury to persons or property, material related to gangs or gang activities, or material which promote hate, violence or bias is prohibited. Other materials may also be prohibited as directed by the Superintendent, or designee.

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3. Residents may not have subscriptions to publications but may receive individual publications through the mail. If the publication is found to be unacceptable by the Superintendent, or designee, the resident shall be promptly notified (See Attachment C, Notification to Resident, Non-Delivery of Publication Received) and the material shall be returned to the sender, or otherwise disposed of in accordance with the procedures for non-allowable property disposition.
4. Residents may not have or receive catalogs, mail order club membership offers, or junk mail. Mailroom or other designated staff shall immediately dispose of any incoming mail consisting of any of these items.

**Procedure E: Packages**

1. A resident may only send and receive packages through the U.S. Postal Service, or other recognized mail delivery service, and processed by the facility mailroom.
2. Mailroom or other designated staff shall search each incoming package for contraband. If contraband is found, it shall be removed and handled in accordance with Procedure B. 2. (b) above. If the contraband is prohibited by law (dangerous weapon, tool or other item that may be used to facilitate escape, alcohol, or illegal drugs), the package and its contents shall immediately be turned over to the facility Correctional Investigator, or designee.
3. Mailroom or other designated staff shall return any mail order package to the sender.
4. Incoming and outgoing packages shall not be held longer than forty-eight (48) hours, excluding weekends and holidays.
5. Mailroom or other designated staff shall forward allowable incoming packages to the resident's Juvenile Program Manager. The Juvenile Program Manager shall ensure that the package is searched again and that items given to the resident are added to the resident's personal property inventory form and that an updated copy of the form is forwarded to Admitting. Any item that is not given to the resident shall be disposed of in accordance with Department policies and procedures and the resident shall be notified, by receipt of Attachment A or C, (as applicable) except as provided in Procedure H. 2.
6. The Juvenile Program Manager shall ensure that any items being sent out of the facility by a resident belong to that resident and are removed from the resident's personal property inventory form and that a copy of the updated inventory form is forwarded to Admitting. If contraband is found, it shall be removed and handled in accordance with Department policies and procedures, and the resident shall be notified, using Attachment B, except as provided in Procedure H. 2. If the contraband is prohibited by law (dangerous weapon, tool or other item that may be used to facilitate escape, alcohol, or illegal drugs), the package and its contents shall immediately be turned over to the facility Correctional Investigator, or designee, and the resident shall not be notified, except as set out in Procedure H.2.

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7. The Juvenile Program Manager shall ensure that an outgoing package is sealed, properly marked with the name of the resident, and forwarded to the mailroom. The resident shall complete an address label to be affixed to the package by the mailroom staff after mailroom staff wraps the package.
8. Mailroom staff shall ensure proper postage, paid for by the resident, is affixed to all packages or shall return the package to the resident. A resident sending a package insured shall be provided the necessary forms and be required to pay all additional charges.
9. Mailroom staff shall develop and maintain a system for tracking the payment of postage costs by residents.

**Procedure F: Certified Mail**

1. Mailroom staff shall handle incoming certified mail for residents in the same manner as other incoming mail, unless it is return receipt requested. If it is return receipt requested, staff shall not sign for it. Mailroom staff shall forward the mail and the return receipt form to the resident's Juvenile Program Manager, who shall present it to the resident for the resident to sign. If the resident fails to sign the form, the mail and form shall be returned to the mailroom to be given to the U.S. Postal Service. If the resident signs the form, the Juvenile Program Manager shall follow mail inspection procedures and return the signed form to the mailroom to be given to the U. S. Postal Service.
2. A resident sending certified mail shall be provided the necessary forms and be required to pay all additional charges.

**Procedure G: Forwarding Resident Mail/Change of Address**

1. All changes of the resident's home address shall be entered into the database and placed in the resident's Master Administrative Record and Case Management File. Notification shall be provided to the resident and the resident's Juvenile Program Manager and Social Worker.
2. During the release process, the resident shall be asked to provide the resident's home address or other forwarding address.
3. If mail is received for a former resident, the mail shall be forwarded to the last known home address or other forwarding address. If no forwarding address exists, the mail shall be returned to the sender.

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## Procedure H: Written Records

1. In every case in which a resident's mail is found to contain contraband, or is received from or addressed to a prohibited correspondent, a report shall be written, to include, but not be limited to:
  - a. The name of the resident(s);
  - b. The date and time;
  - c. A description of the mail in question;
  - d. A description of the action taken and the grounds justifying such action; and
  - e. The name of the staff taking the action.
2. The report shall be forwarded to the Superintendent, with copies to the Deputy Superintendent of Operations and other staff designated by the Superintendent. Copies of the report shall be placed in the resident's Master Administrative Record and Case Management File, and the resident shall be notified, by receipt of Attachment A, B, or C, unless the mail concerns criminal activity or violates a court order or a condition of probation or conditional release currently in effect. If the mail concerns criminal activity or violates a court order or a condition of probation or conditional release currently in effect, the resident shall not be notified nor shall a copy be placed in the resident's Case Management File without the approval of the prosecuting attorney.

## VII. PROFESSIONAL STANDARDS

### ACA:

- 4-JCF-3A-01** Juveniles have access to counsel confidential contact with attorneys, their authorized representatives, the courts, and to legal material. Contact includes, but is not limited to, telephone communications, uncensored correspondence, and visits.
- 4-JCF-3A-07** All regulations governing correspondence of juveniles are specified in writing, made available to all staff, juveniles, and their correspondents. Copies of the regulations are mailed to a juvenile's family within 24 hours of the juvenile's admission.
- 4-JCF-3A-08** Indigent juveniles, as defined in policy, receive a specified postage allowance to maintain community ties. When the juvenile bears the mailing cost, there is no limit on the volume of letters the juvenile can send.
- 4-JCF-3A-09** Juveniles are provided the right to communicate or correspond with persons or organizations subject only to the limitations necessary to maintain facility order and security. Juveniles' mail, both incoming and outgoing, may be opened and inspected for contraband. When based on legitimate facility interests of order and security, mail may be read, censored, or rejected. The juvenile is notified when incoming or outgoing letters are withheld in part or in full.

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- 4-JCF-3A-10**            **There is a provision for the forwarding of first class letters and packages after transfer or release.**
- 4-JCF-3A-11**            **Juveniles send sealed letters to a specified class of persons and organizations, including but not limited to: courts, counsel, officials of the confining authority, administrators of grievance systems, and members of the releasing authority.**
- 4-JCF-3A-12**            **Excluding weekends and holidays, incoming and outgoing letters are distributed to juveniles within 24 hours, and packages are distributed within 48 hours.**
- 4-JCF-3A-13**            **All monies received through the mail are held for the juvenile in accordance with the procedures approved by the parent agency.**
- 4-JCF-3A-14**            **Juveniles are provided access to publications.**
- 4-JCF-5F-05**            **Juveniles have an opportunity to participate in practices of their religious faith that are deemed essential by the faith's judicatory, limited only by documentation showing a threat to the safety of persons involved in such activity or that the activity itself disrupts order in facility.**

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