

 WEST VIRGINIA DIVISION OF JUVENILE SERVICES		<u>POLICY NUMBER:</u> 	<u>PAGES:</u> 4
<u>CHAPTER:</u> Juvenile Services	<u>REFERENCE AND RELATED STANDARDS:</u> WV Code Chapter §§ 49-5-16a and 49-5E-1 et seq.; ACA 3-JTS-5H-01 thru 5H-11; ACA 3-JDF-5G-01 thru 5G-11; ACA JCRF-5G-01 thru 5G-05; Prison Rape Elimination Act (PREA) of 2012, §115.353; PbS Standard – Programming #4 and #5; Justice #4		
<u>SUBJECT:</u> Telephone, Mail Privileges, and Access to Publications			
<u>DATE:</u> January 24, 2014			

POLICY

This policy is to establish the Division of Juvenile Services' procedures on mail privileges, the placing of telephone calls by residents, and resident access to publications.

CANCELLATION

This policy has been reviewed and supersedes Policy 509.00 dated January 1, 2013.

APPLICABILITY

This Policy applies to all Division of Juvenile Services' residential facilities.

PROCEDURES

1. Telephone
 - a. Each facility will provide all residents access to the telephone to make and receive personal calls.
 - b. All Facility Superintendents/Directors will establish an Operational Procedure to ensure residents are able to maintain telephone communications with their families during incarceration and have adequate access to the courts, including attorneys of record.
 - c. A resident may make and receive regular local phone calls without charge and one (1) long distance call of at least fifteen (15) minutes duration to his or her family each week without charge. Free calls to family will not be recorded.
 - d. Residents shall be permitted to receive calls from attorneys, social workers, probation

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officers and close family at any time. If a resident is in school or engaged in hygiene or recreation at the time of a non-emergency call, then the resident shall be permitted to return the call at no cost at a more convenient time.

- e. A resident may make personal collect phone calls in accordance with facility rules and regulations.
- f. Incoming calls will be permitted based on the guidelines as established in the facility's Operational Procedure on resident telephone usage. Under no circumstances will collect calls be accepted.
- g. Residents shall be permitted to make unrestricted legal calls which shall not be recorded or monitored. This includes calls to attorneys, probation officers and social workers. Staff may take reasonable steps to ensure that the call is a legitimate legal call. Residents will be advised that all other calls may be monitored.
- h. Residents with hearing and/or speech disabilities, and residents who wish to communicate with parties who have such disabilities, shall be afforded access to a Telecommunications Device for the Deaf (TDD), or comparable equipment. Public telephones with volume control also shall be made available to residents with hearing impairments.

2. Mail

- a. All residents shall receive ten (10) postage free letters per month regardless of their facility account balances.
 - i. All postage in excess of the general limit of ten (10) is without limits and the responsibility of the resident.
 - ii. Postage for legal, to include judges and prosecutors, and Supreme Court advocates or victim advocacy correspondence will always be provided by the facility and will not be counted as one of the ten (10) monthly letters.
- b. Residents are permitted to send and receive sealed letters to a specified class of persons and organizations, including, but not limited to: court, counsel, officials of the confining authority, administrators of grievance system, and member of the releasing authority.
- c. At the discretion of the Facility Superintendent/Director and for good reason, additional postage free letters beyond the general limit of ten (10) may be allowed but shall be documented.

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- d. Residents will be permitted to engage in written correspondence with 1) all family members, including those who are incarcerated, unless a court or other appropriate authority has determined that communication with such family member is not in the child's best interest, and 2) any individual who is not in the custody or care of the Division of Juvenile Services at the time unless the Superintendent/Director or other appropriate non-DJS authority determines that communications with such individual is not in the child's best interest.
 - e. Incoming mail to a resident may only be opened and scanned for contraband in the resident's presence, unless reasonable suspicion exists to believe the letter contains contraband or inappropriate content. In such instances, the letter will be opened outside of the resident's presence, and the resident will be notified of the withholding, unless such notification would interfere with an active law enforcement investigation.
 - f. Each facility will develop a system to provide stamps and writing supplies (paper, envelopes, writing utensils) to the residents. Writing supplies shall not be denied unless a serious safety or security issue exists. Such denials shall be documented in writing.
 - g. If the resident bears the costs, there is no limit to the correspondence sent.
 - h. Incoming letters/packages shall be delivered to the resident as soon as reasonably possible but no later than the following day. If any mail or packages are censored or rejected, the resident must be notified of the basis for the action and given an opportunity to appeal the decision.
 - i. All first class letters and packages (if applicable) should be forwarded to the resident(s) who are transferred to other facilities or released, provided a forwarding address is available. If a forwarding address is not available, first class letter and packages should be returned to the sender.
 - j. All cash received through the mail is held for the resident in accordance with the procedures approved by the Division of Juvenile Services according to Division Policy 118.00, Juvenile Commissary/Juvenile Trustee Funds.
3. Access to Publications: Each facility will govern resident access to publications.
 4. Each facility will have in place an operational procedure to ensure the standards and practices of this policy are followed.

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RIGHTS RESERVED

The Director reserves the right to modify, suspend or cancel any provision herein in part or entirety, without advance notice, unless prohibited by law.

APPROVED:



Director

1/24/14

Date