

MARION COUNTY JUVENILE DEPARTMENT

Policy Statement

Program Unit:

JUVENILE SERVICES - DETENTION

Subject:

Juvenile Mail

Chapter-Section-Policy Number:

V-H-4.0

Supersedes:

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Approved:


Faye Fagel, Director

REFERENCES

ORS 169.740 (2)(e) (Standards for juvenile detention facilities)

ORS 162.135 (1) (Definitions)

Department Policy: I-D-3.1 (Confiscating Contraband)
I-F-6.0 (Juvenile Rights)
I-F-6.1 (Juvenile Grievance Procedure)
I-F-2.2 (Search and Inventory of Juvenile's Personal Property)

Department Forms: Rejection of Juvenile Correspondence

DOC Form: CD 618d (Outgoing Mail Restriction Notice)

DEFINITIONS

Juvenile Correspondence: Correspondence designated business or personal.

1. Business correspondence is mail sent to and received from a business correspondent such as an attorney, court or court official, state and federal agencies such as Social Security Administration and Oregon Division of Child Support, legal aid bureau or any other agency or person that provides legal services to the juvenile, the Oregon Governor or member of the Oregon Legislature, or the Department Administration and Management. No limits will be placed on the amount of business mail sent or received. Business mail will remain sealed.
2. Mail to and from Probation, Parole Officer, or Department of Human Services Case Worker.(DHS): Official communication between a juvenile and the probation or parole officer, or DHS worker who provides court ordered

supervision of the juvenile's case. Communication is specific to the juvenile's case and supervision.

3. Personal correspondence is all other mail.

Prohibited Mail: Any material that threatens or is detrimental to security, safety, or order within a facility or program, including but not limited to:

1. Mail that contains escape plans, plans to commit a criminal act or to violate facility rules, or the mail constitutes a crime in or of itself or is used in the furtherance of illegal activity.
2. Sexually explicit material that by its nature or content poses a threat or is detrimental to the security, safety, or order of the facility or program, or facilitates criminal activity.
3. Mail sent or received on behalf of another juvenile.
4. Contraband items, including but not limited to weapons or explosives, medications, electronic items, or photographs with chemical substances on the back of the photograph.
5. Un authorized business transactions, such as promotions given in exchange for purchase or subscription, music or book clubs, requests or applications for credit cards, credit or deferred billing transactions.
6. Publications not on the facility's approved reading list and/or sent other than from the official publisher; and
7. Attachments or enclosures that are glued, taped, or otherwise affixed to the envelope or its contents.

POLICY

The department recognizes the importance of interaction between juveniles in its care and custody and members of the community, including family and friends. Such access allows juveniles to maintain contact with their community, and is essential for effective planning for juvenile reintegration into the community. Within the administration of facilities that serve juveniles, the department seeks to balance the positive effects of community contact with the responsibilities and values of the agency's mission.

A juvenile's right to send and receive mail will be protected. Only under very specific circumstances will juvenile correspondence, both mail sent and received, be inspected, read, or rejected. Such circumstances are strictly defined as follows:

1. When based on legitimate interests of order and security and to preserve internal order and discipline within facilities;
2. To maintain internal security against escape or unauthorized entry; or

3. Conditions, as defined by the courts in official documents, such as probation agreements.
4. Clear and convincing evidence that causes staff to believe that a specific piece of mail contains escape plans, plans to commit a criminal act or to violate facility rules, or the mail constitutes a crime in or of itself or is used in the furtherance of illegal activity.

In all instances, staff will adhere to department policy when placing limitations on a juvenile's mail privileges.

I. General Standards

- A. Juveniles are permitted uncensored correspondence as long as it poses no threat to the safety and security of the facility, public officials, or the general public, and is not being used in the furtherance of illegal activities. Such permission includes the right to correspond with family and friends subject only to limitations to maintain facility order and security and conditions imposed by court order.
- B. Juvenile correspondence is designated business or personal.
- C. Staff will provide the opportunity for juveniles to write to public officials and attorneys without restriction. Paper, and envelopes, will be provided. All mail requiring postage will be processed along with the outgoing juvenile department mail. Letters to Probation Officers (PO) may be sent through interoffice mail and do not need to be in an envelope. If not sent in an envelope, the letter must be sealed with tape.
- D. For personal correspondence, staff will provide juveniles the opportunity to write three letters per week, which can be written to their choice of family or friends. Paper, and envelopes, will be provided. All mail requiring postage will be processed along with the outgoing Juvenile Department mail.

The Detention Manager or Assistant Manager may authorize additional correspondence over the three letters per week. The Probation Officer, Parole Officer, or Department of Human Services (DHS) worker may request that a youth have permission to write more than three letters per week to family and friends based on case planning.

II. All Mail:

- A. Be placed in an envelope or appropriate packaging acceptable by the official mail carrier.
- B. Include a sending and return address on the envelope or package.
 1. The address will reflect the juvenile's current placement.

2. Mail sent from or received by juveniles without a sending or return address may be refused.
 - a. Mail sent from juveniles will be returned to the juvenile; the Rejection of Mail form will explain the reason.
 - b. Mail sent to juveniles may be marked "Return to Sender" and returned to the U.S. Postal Service, or referred to the Deputy Director for disposition
 3. Personal correspondence must be sent using U.S. postage via the appropriate mail carrier.
 4. Business correspondence may be sent through the facility's internal delivery system or the county shuttle mail system when the intended recipient can be accessed through those systems. No U.S. postage is required for these letters. Mail to a juvenile's Probation Officer can be sent without an envelope but must be sealed with tape or staples. Business correspondence sent to persons who cannot be accessed by these systems must be sent using U.S. postage via the appropriate mail carrier.
 5. If a juvenile has been directed by a Probation Officer or in court order to write to another juvenile, the Probation Officer or Detention staff may choose to oversee the receipt of that document.
 6. Mail received for juveniles marked "postage due" by the U.S. post office may be returned to sender.
- C. Incoming and outgoing mail will not be held for more than 24 hours, excluding weekends and holidays.
- D. Juvenile may not send or receive mail on behalf of another juvenile.
- E. Mail that is received by detention that does not specify an addressee other than Marion County Detention, may be opened by detention reception along with all other detention incoming mail received.

III. Contraband Search:

- A. Business correspondence must be delivered to a juvenile unopened. Business correspondence may be inspected for contraband only in the presence of the juvenile it is addressed to.
- B. A juvenile's incoming personal mail may be opened and inspected for contraband.
 1. At least two staff will be present during the contraband inspection,

or the contraband inspection may be conducted with one staff in the presence of the juvenile the mail is addressed to.

2. Staff will wear disposable gloves while performing the contraband inspection.
 3. Only the contents of the envelope or package will be inspected; staff will not read juvenile correspondence.
- C. A juvenile's outgoing correspondence may be inspected in the presence of the juvenile for contraband before it is sealed.
1. Only the contents of the envelope or package will be inspected, staff will not read juvenile correspondence.
- D. If contraband is found, it will be removed and documented in compliance with department policy I-D-3.1 (Confiscating Contraband).
1. The envelope addressed to the juvenile will be stamped "Contraband Removed," the envelope re-sealed, and all other contents of the envelope given to the juvenile.
 2. Currency, money orders, or checks received will be removed and processed in such a way to ensure accountability and loss control in accordance with department policy. The juvenile being sent currency, money orders, or checks will be issued a receipt to become part of their property inventory.

IV. Prohibited Mail:

- A. Staff may reject prohibited mail under specific circumstances defined in this policy. If a concern exists regarding the contents of juvenile correspondence, the staff will confer with the Detention Manager or Assistant Manager. Only the Assistant Director, may read a juvenile's mail.
- B. If mail is rejected, both the sender and intended recipient will be notified, using the Rejection of Juvenile Correspondence form. Such notification will include information about the department's grievance process should the sender or intended recipient disagree with the decision to reject mail. A juvenile's Probation or Parole Officer, or Department of Human Services Caseworker will be notified if a significant issue or violation occurs.

V. Undeliverable Mail:

- A. When an address is available for a juvenile who has been transferred to another facility or released, all letters will be promptly forwarded, unopened, to the juvenile.

B. If no address is available, such mail will be marked "Not at this address", the Juvenile Detention Facility address crossed out, and returned, unopened, to the post office.

V. Training:

Detention will develop procedures reflecting this policy and ensure that staff are trained.

Frequently Asked Questions:
Juvenile Mail Policy

1. What is juvenile mail?

Mail includes correspondence or packages sent and/or received by juveniles under the care, supervision and custody of the Marion County Juvenile Department. Mail does not lose its distinction because it has been opened and read, or because it does not contain postage. For example, letters dropped off by family or friends to a juvenile placed within the Detention Facility constitutes mail, as do letters read by a juvenile and maintained in his/her personal items.

2. How is juvenile mail protected?

It is the department's intent that a juvenile's right to send and receive mail is protected. A blanket procedure that allows staff to open juvenile mail and limits the persons with whom a juvenile may correspond has been held unconstitutional by the courts. Only specifically designated people within the department are allowed to read juvenile mail.

The department policy defines the very strict circumstances under which a juvenile's mail may be read and who can read it to make a decision if the correspondence should be rejected. Such a decision will not be made by individual staff, but will follow department direction and procedure.

Such circumstances are defined in policy as follows:

When based on legitimate interests of order and security and to preserve internal order and discipline

To maintain internal security against escape or unauthorized entry; or

Situations as defined by the courts in official documents, such as probation agreements.

For example, all juvenile mail may be inspected for contraband items (pursuant to the guidelines expressed in the policy) because contraband is a legitimate safety/security issue. However, staff who conduct the search do not have the authority to read the correspondence. If staff have cause to believe the content of the correspondence violates safety/security issues, the specific letter should be referred to the Detention Manager or designee to determine whether it will be rejected or forwarded to the juvenile.

3. How do staff know whether an juvenile's mail violates safety and/or security provisions unless staff read the mail?

The agency is concerned with safety and security issues, and the court system has stood behind agencies that make decisions that ultimately infringe on an juvenile's rights but only when such decision is made because of safety and security reasons.

Under no circumstances should staff routinely read juvenile mail, even if staff suspect that the content of the mail is a threat to safety/security. Staff must refer such mail to the Detention Manager or designee for determination of safety/security risks

Staff may suspect that a juvenile's mail constitutes a threat to safety/security through a number of means:

Overhearing conversations in the facility;

Information relayed from a juvenile's Probation Officer or Caseworker;

Observations during mail contraband check (but not related to contents of letters read by staff).

4. What kinds of mail are prohibited?

Any material that threatens or is detrimental to security, safety, or order within the facility is prohibited, including but not limited to:

Mail with escape plans, plans to commit a criminal act or to violate facility rules, or the mail constitutes a crime in and of itself.

Sexually explicit material that by its nature or content poses a threat or is detrimental to the security, safety, or order of the facility or program;

Contraband items including weapons or explosives, medications, electronic items, photographs with chemical substances on the back of the photograph;

Unauthorized business transactions such as promotions, music or book clubs, applications for credit cards;

Publications not on the facility's approved reading list and/or sent other than from the official publisher;

Attachments or enclosures that are affixed to the envelope or its contents.

Again, only the Detention Manager or designee may read a juvenile's correspondence to determine whether it should be rejected or forwarded to the juvenile.

5. What about gang writing, gang symbols, or gang-related pictures?

Courts have held that confined juveniles have rights beyond those accorded to confined adults. And while the courts will support a department policy that allows searches, reading, and/or rejection of juvenile mail based on security or safety issues, it will not do so based on treatment issues.

Detention staff should be able to clearly identify gang-related material and identify a safety/security issues related to that piece of mail. Gang-related mail may be rejected because it meets the specifications within prohibited mail because such mail violates the department's anti-gang policy.

However, if staff believe that a specific piece of mail falls within this policy, it should be referred to the Detention Manager or designee for determination if it will be rejected.

6. What type of notice is required if a juvenile's mail is rejected?

Both the sender and the intended recipient must be notified of the rejection. Use the Department Rejection of Juvenile Correspondence form.

7. Who can read juvenile mail?

Specific department staff have the authority to read juvenile mail:

For juveniles placed within Detention: The Deputy Director or their specific designee.

If Detention Staff suspect that the contents of a particular piece of mail is a safety/security threat, the Staff should refer the piece of mail to these staff who will decide if the piece of mail will be rejected.

8. What can we do about "junk" mail, such as VISA applications and music club promotions?

These types of mail may be rejected and returned to sender. However, both the sender and intended recipient must be made aware of such rejection. Use the Department Rejection of Juvenile Correspondence form.

9. Can we censor mail?

The department does not censor mail.

10. Can the department place restrictions on the persons with whom juvenile may correspond?

Court orders or legal agreements may prohibit a juvenile from corresponding with certain individuals. Staff are required to enforce such limitations. However, no other blanket restrictions may be placed on a juvenile's right to correspond with friends, family, or members of the community, except as outlined in policy.

11. What if the department provides postage?

This does **not** constitute a valid reason to restrict a juvenile's right to correspond with friends, family, or community members.

12. What about letters between Department juveniles and Department of Corrections inmates?

Blanket restrictions, such as prohibited correspondence with a particular class of persons, are not allowed. Again, it is a staff responsibility to enforce restrictions ordered by courts or in legal documents. However, the Department of Corrections may prohibit an inmate from sending unwanted mail to a particular person or address when requested by the person or, in the case of a minor child, by the child's parent or legal guardian. Such request should be made to the Department of Corrections facility where the inmate is incarcerated. Staff should work with the juvenile and the juvenile's parent or legal guardian to initiate such a request, as outlined in policy.

13. Can juveniles use the county shuttle mail or the Department's internal mail system to send personal correspondence?

Personal correspondence must be sent using U.S. postage using the appropriate mail carrier.