

YOUTH SERVICES POLICY

Title: Correspondence and Packages Next Annual Review Date: 11/14/2017	Type: C. Field Operations Sub Type: 2. Security Number: C.2.9
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References: La. R.S. 14:91.11; La. R.S. 14:402; U.S. DOJ PREA Standard 115.401 (n); ACA Standards 2-CO-3C-01, 2-CO-5D-01 (Administration of Correctional Agencies); 4-JCF-3A-01, 4-JCF-3A-07, 4-JCF-3A-08, 4-JCF-3A-0, 4-JCF-3A-10, 4-JCF-3A-11, 4-JCF-3A-12, 4-JCF-3A-13, 4-JCF-3A-14, 4-JCF-3A-15, 4-JCF-3C-04, (Performance-based Standards for Correctional Facilities); and YS Policy Nos. A.1.4 "Investigative Services", A.2.30 "Mail Precautions", A.3.8 Budget and Fiscal Management Activities", B.5.3 "Administrative Remedy Procedure", C.1.7 "Crime Victims Registration and Notification", C.2.11 "Prison Rape Elimination Act (PREA); and C.2.22 "Contraband Control – Secure Care Facilities"	
STATUS: Approved	
Approved By: <i>Mary L. Livers, Deputy Secretary</i>	Date of Approval: 11/14/2014

I. AUTHORITY:

Deputy Secretary of Youth Services (YS) as contained in La. R.S. 36:405; and La. R.S. 14:402. Deviation from this policy must be approved by the Deputy Secretary.

II. PURPOSE:

To establish procedures regarding the receipt and sending of mail and packages at all secure facilities.

III. APPLICABILITY:

Deputy Secretary, Assistant Secretary, Undersecretary, Chief of Operations, Deputy Assistant Secretary, Regional Directors and Facility Directors.

Facility Directors are responsible for implementation of this policy and conveying its contents to youth and their family members, affected employees, and affected members of the public.

IV. DEFINITIONS:

Crime Victims Services Bureau (CVSB) - A public service of DPS&C Corrections Services which enable victims of crime to register for notification, and facilitates access to information available to crime victims. (Procedures for Crime Victims Services referrals regarding crime victim notifications made directly to any YS office or secure care facility are outlined in YS Policy No. C.1.7)

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Indigent Youth - A youth in the custody of or under the supervision of YS who has little or no money.

Prison Rape Elimination Act (PREA) - An Act signed into law in September 2003. This legislation requires the Bureau of Justice Statistics (BJS) to initiate new national data collections on the incidence and prevalence of sexual violence within correctional facilities. PREA defines four categories of sexual abuse for purposes of data collection: abusive sexual contacts, nonconsensual sexual acts, staff sexual harassment and staff sexual misconduct. (Refer to YS Policy No. C.2.11)

V. POLICY:

It is the Deputy Secretary's policy that reasonable restrictions (consistent with acceptable custody practices and the interests of crime victims) be placed on youth's ability to send and receive letters and publications through the mail.

Reading or censorship of letters and publications shall generally be limited to those items containing material that interferes with legitimate YS objectives (including but not limited to deterrence of delinquency, rehabilitation of youth, maintenance of internal/external security of a facility, or maintenance of an environment free from sexual harassment), or if the reading or censorship is necessary to prevent the commission of a crime or to protect the interests of crime victims. All outgoing mail shall be stamped to indicate it originates from a secure care facility.

The receipt of packages through the mail must conform to the list of approved package items at the facility. Packages must be inspected and handled in accordance with this policy. All incoming and outgoing mail and packages must include the youth's Client ID number.

VI. PROCEDURES FOR LETTERS:

A. Receipt and Sending of Letters through the Mail:

1. Restrictions on the number of letters written or received and the length or language of the letter must be justified in accordance with this policy and documented.

Restrictions on which youth may be allowed to send and receive letters from through the mail must be justified in accordance with this policy.

Youth may not send or receive letters from adult prison inmates unless the person is officially listed in their record as an identifiable parent, legal spouse, sibling or grandparent, or unless an exception has been approved by the Facility Director.

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Youth may not send or receive letters from any youth under the supervision or in the custody of YS, unless an exception has been approved by the Facility Director.

2. On the written request of the person receiving correspondence from a youth or of a minor's parent or legal guardian, the facility may refuse to mail correspondence addressed to that person.
3. All mail, incoming and outgoing, shall be handled without unjustified delay. Letters shall not be held more than 24 hours, and packages not more than 48 hours. This does not prohibit the holding of mail for youth who are temporarily absent from the facility, and does not include weekends, holidays or emergency situations. An exception to this provision may be made when Investigative Services (IS) request a letter or package be retained for the purposes of an on-going investigation. (Refer to YS Policy No. A.1.4)
4. No record shall be kept of whom a youth corresponds with, except when the Facility Director determines that it is necessary for legitimate YS objectives (including, but not limited to, deterrence of delinquency, rehabilitation of youth, maintenance of internal/external security of a facility, or maintenance of an environment free from sexual harassment), or it is necessary to prevent the commission of a crime, or to protect the interests of crime victims, and has authorized in writing the keeping of such record. Facility staff may, in these cases, maintain copies/logs for verification purposes.
5. Youth shall not initiate contact with the victim(s) of their crime(s) or the victims' family members, except in accordance with specific procedures established by the Facility Director in conjunction with the Crime Victims Services Bureau (CVSB).

B. Inspection of Letters

1. Outgoing Letters

All outgoing letters (with the exception of those noted in 2. below) shall be posted unsealed, and inspected for contraband. The youth's name, Client ID number, living area, and the address of the facility shall be written or typed on the upper left hand corner of the envelope. Drawing, writing or marking on envelopes, other than the return and sending address, shall not be permitted. All outgoing mail shall be stamped to indicate it originates from a secure care facility.

2. Outgoing privileged mail, as listed below, may be posted, sealed, and shall not be opened or inspected except as indicated in Section VI.D.:

- a. Identifiable courts;
- b. Identifiable prosecuting attorneys;
- c. Identifiable Probation and Parole Officers/Juvenile (PPO/J);
- d. Federal, State and local chief executive officers;
- e. Identifiable attorneys;
- f. Deputy Secretary, Assistant Secretary, Undersecretary, Chief of Operations, Deputy Assistant Secretary, Regional Directors, and other officials and administrators of grievance systems of YS;
- g. Local, State, or Federal law enforcement agencies and officials; and the
- h. U.S. Department of Justice (DOJ) Prison Rape Elimination Act (PREA) Auditor

It is the responsibility and duty of designated facility staff to verify the legitimacy of the official listed on the envelope. For purposes of this exception, "identifiable" means that the official or legal capacity of the addressee is listed on the envelope and is verifiable. If not, the letter is to be treated as regular mail, and an appropriate inquiry made into the youth's intent in addressing the envelope as privileged mail.

Youth shall be permitted to send confidential information or correspondence to the U.S. DOJ PREA Auditor, identified by Central Office, in the same manner as if they were communicating with legal counsel.

3. Incoming Letters

Incoming letters may be opened and inspected for contraband.

Incoming privileged mail as listed below may be opened and inspected for contraband only in the presence of the youth addressee, except as indicated in Section VI.D.:

- a. Identifiable courts;
- b. Identifiable prosecuting attorneys;
- c. Identifiable PPO/J's;
- d. Federal, State and Local chief executive officers;
- e. Identifiable attorneys;
- f. Deputy Secretary, Assistant Secretary, Undersecretary, , Chief of Operations, Deputy Assistant Secretary, Regional Directors, and other officials and administrators of YS grievance systems;
- g. Local, State, or Federal law enforcement agencies and officials; and the
- h. U.S. DOJ PREA Auditor.

Upon the determination that this mail is not identifiable privileged mail, it shall be treated as all other incoming mail and shall be opened and inspected for contraband, and an appropriate inquiry made into the sender's intent in addressing the envelope as privileged mail.

Youth shall be permitted to receive confidential information or correspondence from the U.S. DOJ PREA Auditor, as noted above.

C. Reading of Letters

Youth's letters may be read only when the Facility Director/designee, the appropriate Regional Director or the Director of IS has determined through relevant information that the correspondence may contain material that interferes with legitimate YS objectives (including but not limited to deterrence of delinquency, rehabilitation of youth, maintenance of internal/external security of a facility, or maintenance of an environment free from sexual harassment), or if the reading is necessary to prevent the commission of a crime, or to protect the interests of crime victims. In such cases, a written record shall be maintained by designated facility staff and shall include:

1. Youth's name and Client ID number;
2. The specific reasons it is necessary to read the mail;
3. Approximate length of time the mail is to be read;
4. A photo copy and a list of each piece of correspondence, including the date received and the name of the sender; and
5. Signature of the Facility Director/designee, appropriate Regional Director or Director of IS.

D. Mail Precautions:

Facility Directors are authorized to open and inspect incoming and outgoing privileged mail outside of the youth's presence in the following circumstances (refer to YS Policy No. A.2.30):

1. Packages and letters that are unusual in appearance or appear different from mail normally received or sent by the individual;
2. Packages and letters of odd sizes, have excessive postage or excessive packaging material such as masking tape, string, etc., not customarily received or sent by the individual;
3. Packages and letters marked with any suspicious or threatening language.
4. Packages and letters that are leaking, stained or emitting a strange or unusual odor or have a powdery residue;

5. Packages and letters having a city and/or state postmark that is different from the return address;
 6. Packages and letters having other suspicious signs, i.e. excessive weight, ticking sound or protruding wires or aluminum foil; or
 7. When reasonable suspicion of illicit activity has resulted in a formal investigation, and such inspection has been authorized by the Deputy Secretary/ designee.
- E. Stationery, Envelopes and Stamps
1. These items shall be available for purchase in the canteen.
 2. Indigent youth shall have access to postage necessary to send a minimum of three (3) personal letters per week, postage necessary to send out approved legal mail on a reasonable basis, and basic supplies necessary to prepare legal documents.
 3. When the youth bears the mailing cost, there shall be no limit on the volume of letters the youth can send out.

VII. PROCEDURES FOR PACKAGES:

A. Approved Items for Packages:

Legitimate catalog vendors shall be used to the maximum extent feasible to minimize the possibility of contraband being introduced into a secure care facility. Generally, items available in the canteen shall not be approved for receipt in packages addressed to the youth.

B. Inspection of Packages

All packages shall be inspected for the purpose of discovering contraband. Such inspection shall be done in a manner that is not intended to damage the contents of the package. A list shall be kept of the items a youth has received through the mail by designated facility staff. Employees shall note brand names of each item received whenever possible.

Upon discovery of unapproved items in an incoming package, the youth shall be sent a notice of the contents of the package, the date of its receipt, and the reason the package is unacceptable. If the unapproved items (other than perishables) are of a nature to be returned, the youth shall be notified that he has 21 days to provide return postage for the package. At the end of 21 days, the disposal process may begin as outlined under Section VII. C.

Postage shall be provided for indigent youth. When a package is returned to sender, a note shall be sent with it specifying the reason for its return.

- C. All sealed packages may be opened and inspected in the presence of the youth, in which case a listing or inventory of the package contents may not be required. Upon receipt of a package handled in this manner, the youth shall sign a statement agreeing that all items due him are in the package. If the youth agrees with the contents, staff shall document same in accordance with facility procedures, including giving the youth the option of either returning the package, or accepting the package and dealing directly with the vendor regarding any dispute.

- D. Disposal of Items Received in Packages and Letters

No items, other than perishables, shall be finally disposed of prior to the exhaustion of an administrative appeal of the disposal or acceptance of the item(s). (Failure to timely file constitutes exhaustion.)

- 1. Unapproved items for which no postage has been provided and for which appeals have been exhausted, shall be disposed of in the following manner with documentation of the method of disposal:
 - a. All perishable items shall be destroyed;
 - b. Facility may place items in use in the facility if legitimately needed. Clothing may be used for youth discharging from custody;
 - c. Items may be donated to a charitable organization;
 - d. Items of little or no value may be destroyed; and
 - e. Cash shall be deposited as self-generated revenue in the facility's general operating appropriation in accordance with La. R.S. 14:402(F) and YS Policy No. A.3.8.

- 2. Contraband items (as listed below) received in a letter or package, along with any other pertinent information, shall be turned over to law enforcement authorities in the parish where the facility is located, with notification to the local FBI agent (if appropriate) or the U.S. Postal Service:
 - a. Any controlled dangerous substance;
 - b. Any weapon or explosive;
 - c. Any escape plans; and
 - d. Any plans for criminal activity or acts which constitute criminal behavior.

- 3. Appropriate documentation shall be maintained for the transaction of all items returned to sender or otherwise disposed of by designated facility staff.

4. No unapproved items shall be given to or purchased by an employee of YS.
5. Upon approval of the Facility Director, unapproved items, other than those listed in Section VII.C.2, may be disposed of by turning the items(s) over to an approved visitor of the youth who may agree to receive the unapproved item(s), and having the visitor sign a receipt for the item(s).

VIII. PROCEDURES FOR PUBLICATIONS:

A. Books, magazines, newspapers, pamphlets, leaflets, brochures, and other printed material are considered publications. Such printed material may be read and inspected to discover contraband and unacceptable depictions and literature. Unless otherwise provided by the rules of the facility, all printed material must be received directly from the publisher.

B. Refusal of Publications:

Printed material shall only be refused if it interferes with legitimate YS objectives (including, but not limited to, deterrence of delinquency, rehabilitation of youth, maintenance of internal/external security of a facility or maintenance of an environment free from sexual harassment), or if the refusal is necessary to prevent the commission of a crime or to protect the interests of crime victims. This would include, but not be limited to, the following described categories:

1. The printed material concerns escape methods or plans;
2. The printed material concerns plans to violate facility rules or disrupt its routine;
3. The printed material concerns the introduction, purchase or instructions in the manufacture of controlled dangerous substances, alcohol or other substances or apparatus not consistent with the security or stability of the facility;
4. The printed material concerns the introduction of, or instructions in the use, manufacture, storage or replication of weapons, or instructs in the use of martial arts;
5. The printed material contains material which, reasonably construed, is written for the purpose of communicating information which could promote the breakdown of order through youth disruption, such as strikes or riots or instigation of youth unrest for racial or other reasons; or

6. The material features depictions of nudity on a routine or regular basis or promotes itself based upon such depictions; or is sexually explicit and may therefore contribute to a sexually offensive environment and the sexual harassment of staff or youth. This includes material presented in a manner to provoke or arouse lust, passion or perversion, or to exploit sex.
- C. Newspapers and magazine clippings are considered publications for the purpose of censorship and review pursuant to this policy. However, they are not required to originate from the publisher. The quantity received may be limited by what can be reasonably reviewed for security reasons in a timely manner.
- D. If the printed material contains a presentation of sexual behavior that meets the definition of "material harmful to minors" as established in La. R.S. 14:91.11, it shall be refused. Such material generally exploits, is devoted to or principally consists of descriptions of illicit sex or sexual immorality for commercial gain, and is presented in a manner to provoke or arouse lust, passion or perversion, or to exploit sex.
- E. Procedures when Publication is Refused:

When a publication is refused, the youth may appeal by filing a "Request for Administrative Remedy" pursuant to YS Policy No. B.5.3.

The facility shall retain possession of the disputed item(s) until the exhaustion of administrative and judicial review.

IX. COLLECTION AND DISTRIBUTION OF MAIL:

- A. The collection and distribution of mail is never to be delegated to a youth. Mail shall be given directly to the receiving youth by designated facility staff.
- B. When mail is received for a youth who has been transferred to another facility or released, the facility where the mail is received shall attempt to forward the mail to the youth. If the attempt fails, the correspondence shall be filed in the youth's Master Record.
- C. Youth shall be notified when incoming or outgoing letters are withheld in part or in full, unless there is an ongoing investigation by IS, by the Group Leader, who shall be notified by designated facility staff.

X. PROCEDURES FOR PHOTOGRAPHS, DIGITAL OR OTHER IMAGES:

- A. Youth shall not be allowed to receive or possess photographs, digital or other images that interfere with legitimate YS objectives (including, but not limited to, deterrence of delinquency, rehabilitation of youth, maintenance of internal/external security of facility, or maintenance of an environment free from sexual harassment), or to prevent the commission of a crime or to protect the interests of crime victims. This includes photographs, digital or other images which expose the genitals, genital area (including pubic hair), anal area, cheeks of the buttocks or female breasts (or breasts which are designed to imitate female breasts). These areas must be covered with garments which are not transparent. Lingerie shall not be acceptable whether it is transparent or not. Swimwear shall only be acceptable if the overall context of the picture is reasonably related to activities during which swimwear is normally worn. Suggestive poses alone may be sufficient cause for rejection, regardless of the type of clothing worn.
- B. Each facility shall develop a procedure that serves to reasonably restrict a youth's possession of multiple copies of the same photograph, digital or other image.
- C. Hard-backed photographs, digital, or other images that are subject to alteration or modification may be rejected.
- D. The term "photograph" includes other images such as those created by a digital imaging device or e-mails.
- E. Appeals of photograph rejection under this policy are actionable under the standard procedures of the "Administrative Remedy Procedure".

No photographs shall be disposed of prior to the exhaustion of the administrative appeal process.

Previous Regulation/Policy Number: C.2.9

Previous Effective Date: 02/13/2014

Attachments/References: