
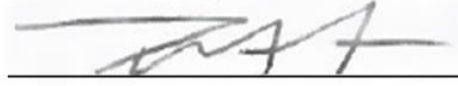


<b>POLICY TITLE: JUVENILE RESIDENT TELEPHONE ACCESS</b>		<b>PAGE 1 OF 13</b>
<b>POLICY NUMBER: 16.2 (JF)</b>		
<b>CHAPTER 16: COMMUNICATION, MAIL AND VISITING</b>		
	<b>STATE of MAINE</b> <b>DEPARTMENT of CORRECTIONS</b>  <b>Approved by Commissioner:</b> 	<b>PROFESSIONAL STANDARDS:</b>  <b>See Section VIII</b>
	<b>EFFECTIVE DATE:</b> <b>February 1, 2002</b>	<b>LATEST REVISION:</b> <b>December 15, 2022</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 permit juvenile residents reasonable access to telephones to maintain ties with family members and others who have had a positive influence on a resident's life in order to maximize the resident's development and growth and promote a successful reentry into the community.

**IV. DEFINITIONS**

1. Facility law enforcement officer - facility correctional investigative officer (detective) or facility Special Investigations and Intelligence Unit (SII) officer.
2. Guardian ad litem (GAL) - an individual appointed by a court to represent the best interests of a minor in an ongoing child protection case, family matter (e.g., divorce case), or probate matter. A GAL may be an attorney, mental health professional, or CASA (Court-Appointed Special Advocate) volunteer. A GAL is not a legal guardian of the minor and may not act as such in any way.
3. Juvenile community residential facility - housing outside the secure perimeter of Long Creek either on or off grounds in a Department employee supervised residential setting.

**V. CONTENTS**

- Procedure A: General
- Procedure B: Resident Telephone Calls, General
- Procedure C: Privileged Phone Calls

- Procedure D: Free Phone Calls
- Procedure E: Prohibition on Telephone Contact and Termination of Calls
- Procedure F: Suspension and Restriction of Telephone Privileges
- Procedure G: Monitoring of Resident Telephone Calls
- Procedure H: Appeals and Grievances

**VI. ATTACHMENTS**

- Attachment A: [Resident Telephone System Language Preference](#)
- Attachment B: Authorization to Monitor Communications ([paper/fillable](#))
- Attachment C: Communications Monitoring Record ([paper/fillable](#))

**VII. PROCEDURES**

**Procedure A: General**  
*4-JCF-3A-16, JCRF 5G-05, & JCRF 5G-05-1*

1. The Commissioner, or designee, shall ensure any contract for telephone services for juvenile residents shall:
  - a. comply with all applicable state and federal regulations;
  - b. be based on rates and surcharges that are commensurate with charges to the general public for like services, with any deviation reflecting actual costs in the provision of services, including any necessary security measures, and the purpose of generating funds for deposit into the facility resident benefit account; and
  - c. provide the broadest range of calling options, consistent with the requirements of sound correctional management.
2. All funds generated from the resident telephone system shall be deposited in the facility resident benefit account.
3. The Superintendent, or designee, shall implement facility specific practices to provide residents with reasonable access to the resident telephone system in accordance with this policy.
4. The facility Superintendent, or designee, shall make available specialized services or equipment for providing telephone access to any resident in need of a reasonable accommodation due to a physical disability.
5. Each Juvenile Program Manager (JPM), or designee, shall, consistent with the facility's telephone schedule, develop a telephone schedule for their housing unit. All telephone calls placed through the resident telephone system shall be made during the authorized times.
6. Except for privileged phone calls, there is a limit on the duration of phone calls placed through the resident telephone system of thirty (30) minutes, which may be implemented through an automatic cut-off time. If a phone call is cut off prior to the allowable duration, the resident shall be permitted to redial the number.
7. Otherwise, limits may not be placed on the number or duration of phone calls placed through the resident telephone system unless facility staff determines it is necessary to

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
16.2 Juvenile Resident Telephone Access	16. Communication, Mail and Visiting	Page 2 of 13 12/15/22R

allow other residents reasonable access to the resident telephone system or unless a phone call is terminated in accordance with Procedure E.

8. Residents shall not be permitted to use credit or debit cards for telephone calls, calling cards, call forwarding, three-way calling, or conference calling.
9. Residents shall not be permitted to make calls on electronic communication devices, including, but not limited to, a cell phone, tablet, computer, or any other device containing a means of internet access or capable of receiving or transmitting information electronically, except for facility provided video visitation, if applicable, a privileged call under the circumstances described in Procedure C, or as otherwise authorized by the Superintendent, or designee (e.g., for a resident without access to the resident telephone system, a resident whose reactions to a phone call or behavior during a phone call require in-person monitoring, or a resident housed in a juvenile community residential facility, etc.).
10. A resident housed in a juvenile community residential facility may be allowed a cell phone (state-issued or personal) if authorized by the Superintendent, or designee.
11. The Superintendent, or designee, shall determine the extent of telephone privileges for any resident who is housed in another setting (e.g., has been admitted to a hospital, etc.).
12. Residents shall not be permitted to make calls to toll-free numbers, except for toll-free numbers authorized by the Commissioner, or designee (e.g., PREA hotline, statewide sexual assault response line, etc.).
13. A resident shall not be allowed to make a personal phone call to Department staff, volunteer, or student intern unless approved by the Superintendent, or designee, and, if the person works or volunteers elsewhere, unless also approved by the facility Chief Administrative Officer, or designee, Regional Correctional Administrator, or designee, or Central Office supervisor, as applicable. The person called shall comply with Department Policy 3.5, Code of Conduct in all respects.
14. Residents shall not be permitted to receive incoming phone calls.
15. During facility orientation, residents shall be provided information concerning the facility's telephone schedule and rules. Residents shall also be informed that withdrawals for phone calls placed through the resident telephone system, other than free calls, are automatically made from the resident's individual phone account and shall be provided information about sample call rates.
16. Residents shall also be informed that except for free phone calls made in accordance with Procedure D, they shall be responsible for costs associated with calls made through the resident telephone system, regardless of whether a call is successfully completed or not. A resident who experiences a problem completing a phone call may contact designated staff for assistance.

<b>POLICY NUMBER/TITLE</b>	<b>CHAPTER NUMBER/TITLE</b>	<b>PAGE NUMBER</b>
16.2 Juvenile Resident Telephone Access	16. Communication, Mail and Visiting	Page 3 of 13 12/15/22R

17. During facility orientation, residents shall be informed of the possibility of phone calls, except privileged calls, being monitored. The phone rules and a notice stating that phone calls are subject to being listened to and/or recorded, except privileged calls, shall also be included in the resident handbook.
18. The Superintendent, or designee, shall designate staff to post signage approved by the Department's Director of Operations, or designee, adjacent to all resident telephones, including phones in visit booths, stating that phone calls are subject to being listened to and/or recorded, except for privileged calls.
19. The resident telephone system shall include a recorded warning of the possibility of phone calls, except privileged calls, being monitored before the recipient accepts the call.
20. During facility orientation, each resident shall be asked whether they wish to designate a language preference other than English for the recorded warning for any of the numbers they intend to call using the Resident Telephone System Language Preference form (Attachment A). If the resident wishes to designate such a language preference, they shall be instructed to submit the form to their social worker or other designated facility staff.
21. A resident may request at any time that a language preference for the recorded warning be changed by submitting a new form to their social worker or other designated facility staff.
22. The Department's Director of Operations, or designee, shall designate appropriate Department staff to conduct an audit at least annually to ensure that all of the provisions of this policy related to privileged and free phone calls are adhered to.

**Procedure B: Resident Telephone Calls, General**

1. Every newly received juvenile resident shall be entitled to one free ten (10) minute call to each of the resident's parent(s)/legal guardian(s) after being admitted. This call shall be made immediately following the admitting process, unless that time would not be reasonable, in which case, it must be completed within the first twenty-four (24) hours. If the parent//legal guardian cannot be reached at the time of the initial phone call, the resident shall be permitted to call back once every four (4) hours during reasonable times until contact is made or it becomes clear contact is not possible.
2. For committed residents, the Unit Treatment Team (UTT), which includes the Juvenile Community Corrections Officer (JCCO), shall develop each resident's approved telephone contact list.
3. For detained residents, the JPM, or designee, in collaboration with the JCCO, shall develop each resident's approved telephone contact list.
4. In the event of a special family situation or an emergency involving the family of a resident, if facility staff verifies the family situation or emergency exists by contacting the appropriate agency (e.g., law enforcement, fire, rescue, hospital, nursing home, school, funeral home, etc.), the resident's Juvenile Program Manager (JPM), or designee, or in their absence, the Juvenile Facility Operations Supervisor (JFOS) shall notify the resident and may allow a special phone call on a State-owned staff or office phone. The

<b>POLICY NUMBER/TITLE</b>	<b>CHAPTER NUMBER/TITLE</b>	<b>PAGE NUMBER</b>
16.2 Juvenile Resident Telephone Access	16. Communication, Mail and Visiting	Page 4 of 13 12/15/22R

appropriate staff shall be notified in order to monitor the resident’s reaction to the situation and provide any necessary follow-up with the resident.

5. A resident’s JPM, or designee, may allow a resident to make a special phone call on a State-owned staff or office phone for a therapeutic reason, family reintegration, emotional well-being, or programming or release planning purposes, etc. in accordance with the resident’s Case Plan or otherwise when the JPM, or designee, determines it would be in the resident’s best interests.
6. A resident’s JPM, or designee, may allow a special privileged phone call under the circumstances described in Procedure C.
7. Unless otherwise specifically authorized by the Superintendent, or designee, all other resident phone calls shall be placed through the resident telephone system.
8. Under no circumstances shall a phone call be allowed, whether through the resident phone system, on a State-owned phone, or otherwise, when one of the reasons for prohibiting telephone contact is known to exist as set out in Procedure E.

**Procedure C: Privileged Phone Calls** *4-JCF-3A-01*

1. A legal phone call (also considered a privileged phone call) is a call concerning a legal matter involving a juvenile resident made between that resident and any of the following:
  - a. their attorney or a paralegal or private investigator working for their attorney;
  - b. their guardian ad litem (GAL);
  - c. court clerk’s offices;
  - d. Maine Human Rights Commission; and
  - e. legal advocacy organizations, including, but not limited to; American Civil Liberties Union of Maine, Maine Equal Justice Partners, GLBTQ Legal Advocates & Defenders (GLAD), Disability Rights Maine, NAACP Legal Defense Fund, and the National Lawyers Guild.
2. During initial orientation, each detained resident shall be asked to provide to the Juvenile Program Manager (JPM), or designee, those names and numbers to which the resident wishes to make legal telephone calls. A committed resident may provide to the JPM, or designee, those names and numbers to which the resident wishes to make legal phone calls if they differ from the ones provided while the resident was detained or if the resident was not detained. A resident may provide up to ten (10) legal call numbers. The JPM, or designee, shall provide assistance, as appropriate, to a resident who wishes to make legal telephone calls, including, if a resident does not know the name of their defense attorney, by contacting the resident’s juvenile community corrections officer or the court to find out who the attorney is.
3. The resident’s social worker or other designated facility staff shall verify each attorney’s name and number by using the Maine Bar Directory or the website for the Maine Board of Overseers of the Bar. If the attorney name and number cannot be verified in this way, but the resident says the attorney is licensed out of state, the staff shall contact the relevant jurisdiction’s attorney licensing board for verification.

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
16.2 Juvenile Resident Telephone Access	16. Communication, Mail and Visiting	Page 5 of 13 12/15/22R

4. For a paralegal, private investigator, a GAL who is not an attorney, a court clerk's office, or a legal advocacy organization other than a legal advocacy organization listed above, the staff shall use an appropriate verification method.
5. As necessary, the staff shall contact the Department's legal representative in the Attorney General's office for assistance with the verification process.
6. Once a legal phone call number is verified, the social worker or other designated facility staff shall enter the number as a contact for that resident in CORIS and shall enter the number and mark it as privileged (private) in the phone data base for the Department's contract telephone services provider and shall also note in both places the specifics of who the number belongs to (e.g., attorney Jane Doe, Lewiston District Court Clerk's Office, etc.).
7. All residents may make privileged phone calls to the Maine Human Rights Commission and the legal advocacy organizations listed above.
8. A phone call between a resident and the toll-free statewide sexual assault helpline concerning a complaint of sexual misconduct shall also be treated as a privileged phone call.
9. Only designated staff may mark a phone number as privileged and only a phone number verified as being a legal phone number as defined above or the number of the statewide sexual assault response line may be marked as privileged or be treated as privileged, unless the Commissioner, or designee, determines that another number may be treated as privileged.
10. A resident who intentionally designates as a legal call number a number that does not belong to an attorney, paralegal, private investigator, GAL, court clerk's office, the Maine Human Rights Commission, or a legal advocacy organization as defined above may be subject to suspension or restriction of telephone privileges, discipline, or other appropriate action.
11. A resident may request at any time that a name and number be added to or deleted from the resident's approved legal call number list by notifying their JPM, or designee. If a requested addition would cause the list to exceed the limit, the resident must request a deletion to bring the request within the limit.
12. An attorney, paralegal, or private investigator, GAL, court clerk's office, the Maine Human Rights Commission, or a legal advocacy organization on a resident's legal call number list may submit a written request to be removed from the list and, if requested, the number shall be blocked for that resident. An attorney, paralegal, or private investigator, GAL, court clerk's office, the Maine Human Rights Commission, or a legal advocacy organization may be reinstated to the resident's list upon written request by the resident and the person or organization previously on the list.
13. If it is discovered that a person on the legal call number list has used a legal phone call to communicate about anything other than a legal matter involving the resident, or it is otherwise discovered that the person's relationship with the resident is no longer a professional one, that person's number shall be deleted from the resident's legal call

<b>POLICY NUMBER/TITLE</b>	<b>CHAPTER NUMBER/TITLE</b>	<b>PAGE NUMBER</b>
<b>16.2 Juvenile Resident Telephone Access</b>	<b>16. Communication, Mail and Visiting</b>	<b>Page 6 of 13 12/15/22R</b>

number list and shall no longer be designated as privileged in the Department's phone database.

14. The number or duration of privileged phone calls shall not be limited unless staff determines it is necessary to allow other residents reasonable access to the resident telephone system or for other reasons of safety, security, or orderly management of the facility. Unless staff limits the duration of a call for one of these reasons, if a privileged phone call is cut off prior to the completion of the call, the resident shall be permitted to redial the number. All other rules governing resident phone calls shall apply.
15. Reasonable efforts shall be made to allow residents to make confidential privileged phone calls. If a resident who is unable to make a privileged phone call that is sufficiently private using the resident phone system requests a special privileged phone call to a number that has been marked as privileged in accordance with this policy, or if the recipient of privileged phone calls from the resident requests such a call, the resident's JPM, or designee, shall, with the exceptions noted below, allow a confidential phone call on a State-owned staff or office phone or using a facility cell phone, tablet, or computer.
16. Staff may verify with the recipient that the call is needed before allowing it (for example, by verifying that a letter to or an in-person visit from the resident's attorney would not be sufficient) and may make arrangements with the recipient for the timing of the call based on the recipient's, staff's, and facility's schedules. The number and the duration of special privileged telephone calls may be limited for reasons of safety, security, or orderly management of the facility.
17. Privileged phone calls, whether made on the resident phone system or otherwise, are confidential. Under no circumstances may any Department staff intentionally listen to or record the call. Designated staff may visually monitor the resident, without the ability to listen to the call, to ensure that there is no damage to facility property, that the resident is not accessing records in a staff office, or for other reasons of safety, security, or orderly management of the facility.

**Procedure D: Free Phone Calls**

1. All juvenile residents may make free phone calls to the toll-free PREA hotline, toll-free statewide sexual assault response line, and other toll-free numbers authorized by the Commissioner, or designee.
2. All residents may also make free phone calls to the Maine Human Rights Commission and the legal advocacy organizations listed above.
3. All residents may also make free phone calls to the facility's law enforcement officers using the numbers designated for this purpose.
4. Only designated staff may mark a phone number as free in the phone data base for the Department's contract telephone services provider and only a phone number described above may be marked as a free number or treated as a free number, unless the Commissioner, or designee, determines that another number may be treated as free.

<b>POLICY NUMBER/TITLE</b>	<b>CHAPTER NUMBER/TITLE</b>	<b>PAGE NUMBER</b>
16.2 Juvenile Resident Telephone Access	16. Communication, Mail and Visiting	Page 7 of 13 12/15/22R

5. In addition to the above, and except as set out below in Procedure F, all residents are to receive one hundred twenty (120) minutes of free phone call time each week.
6. The number of free phone call minutes shall be reset to one hundred twenty (120) minutes weekly, with no carryover of prior unused minutes.

**Procedure E: Prohibition on Telephone Contact and Termination of Calls**

1. If a written request is received from an adult or legal guardian of an adult that a juvenile resident not be allowed to make phone calls to that adult, the Superintendent, or designee, shall ensure the adult’s specific phone number(s) are deleted from the resident’s approved telephone contact list.
2. If a written request is received from a minor or parent or other legal guardian of a minor that a resident not be allowed to make phone calls to that minor, the Superintendent, or designee, shall ensure the minor’s specific phone number(s) are deleted from the resident’s approved telephone contact list.
3. Designated facility staff shall delete specific number(s) from a resident’s approved telephone contact list as necessary under the following circumstances:
  - a. A resident who is currently in the Department’s legal custody for domestic violence, a sex offense, child abuse, or child neglect shall not be allowed to make phone calls to their victim unless granted a waiver by the Commissioner, or designee, as set out in Department Policy 6.3, Contact with Victims.
  - b. A resident who is being detained for murder shall not be allowed to make phone calls to the family of the victim.
  - c. A resident who has a child protection case with the Department of Health and Human Services (DHHS) which is still open or which was closed for the reason set out in Department Policy 6.3, Contact with Victims shall not be allowed to make phone calls to that child unless granted a waiver by the Commissioner, or designee, as set out in that policy.
  - d. A resident who is a victim of a domestic violence offense, sex offense, child abuse, or child neglect shall not be allowed to make phone calls to the offender without the prior approval of the Superintendent, or designee.
  - e. When all contact or telephone contact between a resident and another person is prohibited by a current court order (e.g., custody order, protection from abuse or other protective order, etc.), the resident shall not be allowed to make phone calls to that person.
  - f. When all contact or telephone contact between a resident and another person is prohibited by a condition of bail or conditional release, administrative release, deferred disposition, probation, supervised release for sex offenders, supervised community confinement, parole, or community reintegration status of either person, the resident shall not be allowed to make phone calls to that person. This includes any condition 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 revocation, current detention order for violation of conditional release, or current return from community reintegration status or supervised community confinement.

<b>POLICY NUMBER/TITLE</b>	<b>CHAPTER NUMBER/TITLE</b>	<b>PAGE NUMBER</b>
16.2 Juvenile Resident Telephone Access	16. Communication, Mail and Visiting	Page 8 of 13 12/15/22R



- g. When a resident is prohibited by a current notification issued pursuant to Title 17-A, section 506-A, for the resident not to engage in harassing conduct against another person, the resident shall not be allowed to make phone calls to that person.
  - h. When the resident's parental rights have been terminated, unless the termination was voluntary and not the result, direct or indirect, of either a child protection investigation by DHHS or a termination of parental rights case brought by any party, the resident shall not be allowed to make phone calls to that child.
  - i. The person is a former resident (juvenile or adult) within one year of discharge from any Department facility for whom an exception to receive phone calls has not been approved by the Superintendent, or designee.
  - j. A person on bail or conditional release, administrative release, deferred disposition, probation, supervised release for sex offenders, supervised community confinement, parole, or community reintegration status, for whom an exception to receive phone calls has not been approved by the Superintendent, or designee.
  - k. A resident may be prohibited by the Superintendent, or designee, from making phone calls to any other person when there is reasonable suspicion that allowing a call between them would facilitate criminal activity or juvenile criminal activity or violation of facility rules or would create a risk to safety, security, or orderly management of the facility or to the welfare of the resident or other residents.
  - l. A resident may be prohibited from making phone calls to 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 telephone rules.
4. Having a criminal or a juvenile criminal record shall not, in and of itself, constitute a barrier to phone calls, but the nature and the circumstances of the offense may provide the reasonable suspicion for prohibiting calls.
  5. Being a former staff member, volunteer, or student intern shall not, in and of itself, constitute a barrier to calls, but the reason the person is no longer employed, no longer volunteering, etc. may provide the reasonable suspicion for prohibiting calls.
  6. When a resident is prohibited from making telephone phone calls as set out above, the Superintendent, or designee, shall ensure that all appropriate staff are notified.
  7. Designated facility staff may determine not to allow or to terminate a specific phone call at any time for reasons of safety, security, or orderly management of the facility. The staff shall complete appropriate documentation and submit it to the Superintendent, or designee.

**Procedure F: Suspension and Restriction of Telephone Privileges**

1. If a telephone call is not allowed or terminated due to the behavior of a juvenile resident, the Superintendent shall determine whether to impose a suspension or restriction of telephone privileges.
2. The Superintendent may impose a suspension or restriction of telephone privileges for any other reason of safety, security, or orderly management.

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
16.2 Juvenile Resident Telephone Access	16. Communication, Mail and Visiting	Page 9 of 13 12/15/22R

3. Telephone privileges relating to legal phone calls shall not be restricted or suspended unless the reason for restriction or suspension occurred in relation to a legal phone call (e.g., the resident was threatening the safety of the attorney, etc.). The Superintendent shall consult with the Department's legal representative in the Attorney General's Office before suspending or restricting a resident's telephone privileges relating to legal phone calls.
4. The Superintendent, or designee, shall ensure that the resident is notified in writing of a suspension or restriction of their telephone privileges, that appropriate staff are notified of the suspension or restriction, and that other appropriate actions are taken, e.g., deleting a specific number from the resident's approved telephone contact list, etc.
5. A suspension or restriction may be imposed only by the Superintendent. A suspension or restriction may be imposed for either a definite or indefinite period of time.
6. In the case of a suspension or restriction of a resident's telephone privileges for a definite period of time, once the specified time has elapsed, the resident may apply for reinstatement of full telephone privileges by writing to the Superintendent. The Superintendent may decide to grant reinstatement, extend the suspension or restriction for a definite period of time, or change a suspension to a restriction for a definite period of time.
7. In the case of a suspension or a restriction of a resident's telephone privileges for an indefinite period of time, after a year has elapsed, the resident may apply for reinstatement of full telephone privileges by writing to the Superintendent. The Superintendent may decide to grant reinstatement, extend the suspension or restriction for a definite or indefinite period of time, or change a suspension to a restriction for a definite or indefinite period of time.
8. If a resident's telephone privileges have been suspended, the resident shall be informed in writing that they may reapply for reinstatement once the specified definite period of time has elapsed or, if the suspension is for an indefinite period of time, that they may reapply after one year has elapsed.
9. Nothing in this policy prevents a resident from receiving a disciplinary disposition of loss of telephone privileges for a disciplinary violation related to phone calls in accordance with Department Policy (JF) 15.3, Resident Discipline System.

**Procedure G: Monitoring of Resident Telephone Calls**

1. All telephone calls made on the resident phone system, except for privileged calls, may be recorded. These phone calls and/or the recordings of these phone calls may be listened to with written authorization from the Superintendent, or designee, using the Authorization to Monitor Communications (Attachment B).
2. If authorized in writing by the Chief Administrative Officer, or designee, this monitoring may be done by a facility law enforcement officer if the officer is:
  - a. conducting an investigation of a crime or juvenile crime relating to the security or orderly management of the facility;

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
16.2 Juvenile Resident Telephone Access	16. Communication, Mail and Visiting	Page 10 of 13 12/15/22R

- b. cooperating with an investigation being conducted by another criminal justice agency; or
  - c. engaging in any other activity that is related to the administration of criminal justice or the administration of juvenile justice, including, but not limited to:
    - 1) investigating a disciplinary offense;
    - 2) monitoring the phone calls between a resident and a person the resident is prohibited from calling;
    - 3) randomly monitoring the phone calls of residents prohibited to have contact by this policy; or
    - 4) upon request of the Department's Director of Victim Services, or designee, monitoring the phone calls of a resident who is prohibited to have contact with a victim by this policy, regardless of whether or not the resident has requested a waiver for contact with a victim.
3. Only those communications reasonably suspected to be related to the investigation or other activity may be monitored.
  4. No other Department staff may listen to phone calls and/or the recordings of phone calls or be told the contents of calls made on the resident phone system, except that a facility law enforcement officer may permit other staff to listen or may disclose the contents of calls to other staff as part of engaging in any activity that is related to the administration of criminal justice or the administration of juvenile justice.
  5. Recordings of any communications related to the investigation or other activity shall be maintained in accordance with the Department policy on the preservation of evidence. Investigations shall be coordinated with appropriate criminal justice agencies in accordance with departmental policy.
  6. In every case in which the Superintendent, or designee, authorizes a facility law enforcement officer to monitor communications during telephone calls, the officer shall document on the Communications Monitoring Record (Attachment C):
    - a. the name and MDOC number of the resident;
    - b. the date and time of the phone call;
    - c. a description of the communications monitored, including the name of the person called and the subject matter of the communication;
    - d. a description of any other action taken and the grounds justifying such action, including, if applicable, the identity of any person the officer allowed to listen to the call or its recording or disclosed the contents of the call to and why; and
    - e. the name of the officer monitoring the communications.
  7. The officer shall attach to the Communications Monitoring Record the written authorization from the Superintendent, or designee, to listen to the resident's phone calls.

<b>POLICY NUMBER/TITLE</b>	<b>CHAPTER NUMBER/TITLE</b>	<b>PAGE NUMBER</b>
16.2 Juvenile Resident Telephone Access	16. Communication, Mail and Visiting	Page 11 of 13 12/15/22R

8. After the monitoring is completed, the originals of the forms shall be maintained by the facility law enforcement officer, and copies of the forms shall be forwarded to the Superintendent.
9. If the communications concern criminal activity or juvenile criminal activity or a violation of a court order or condition of bail or conditional release, administrative release, deferred disposition, probation, or supervised release for sex offenders and a court proceeding is likely to result, the resident shall not be notified of the monitoring without the approval of the prosecuting attorney.
10. In any case, the resident shall not be notified of the reason for the monitoring.
11. Neither a facility law enforcement officer nor other facility staff shall provide a recording of a resident phone call to, allow a call or recording to be listened to by, or disclose any specifics relating to a resident phone call (e.g., who the resident made the phone call to, the contents of the call, etc.) to the resident; the person to whom the call was made; or any other person or entity outside of the Department, except a court or criminal justice agency if related to the administration of criminal justice or the administration of juvenile justice or a state agency if related to a statutory function of that agency, or as otherwise allowed by law and policy, and, if necessary, after consultation with the Department's legal representative in the Attorney General's Office.
12. Nothing in this procedure prevents the presentation of a recording as an exhibit in a resident disciplinary proceeding or prevents a facility law enforcement officer from disclosing to Department staff the specifics relating to a resident phone call if necessary to the staff's job responsibilities.
13. In addition, if necessary to the staff's job responsibilities, Department staff may request a facility law enforcement officer to provide them a log showing a resident's phone call history.
14. If there is reasonable suspicion that phone calls to a privileged phone number are not actually privileged in nature, the Superintendent, or designee, shall consult with the Department's representative in the Attorney General's Office as to what steps, if any, may be taken.

**Procedure H: Appeals and Grievances**

1. Except in the case of a denial of approval under Department Policy 6.3, Contact with Victims, a resident may use the grievance process to grieve a decision related to phone calls.
2. In the case of a denial of approval under Department Policy 6.3, Contact with Victims, a resident may appeal the denial as set out in that policy.

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
16.2 Juvenile Resident Telephone Access	16. Communication, Mail and Visiting	Page 12 of 13 12/15/22R

## VIII. 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-16** Reasonably priced public telephone services are accessible to juveniles. There are provisions for transmitting messages. Juveniles with hearing and/or speech disabilities and juveniles who wish to communicate with parties who have such disabilities are afforded access to a telecommunications device for the deaf (TDD), or comparable equipment. Public telephones with volume control are made available to juveniles with hearing impairments.

1. Contracts involving telephone services for juveniles comply with all applicable state and federal regulations
2. Contracts are based on rates and surcharges that are commensurate with those charged to the general public for like services.
3. Deviations from ordinary consumer rates reflect actual rates associated with the provision of services in a correctional setting.
4. Telephone services contain the broadest range of calling options to be consistent with the requirements of sound correctional management.

**JCRF 5G-05** Written policy, procedure, and practice provide for juvenile access to public telephones. Juveniles with hearing and/or speech disabilities, and juveniles 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 juveniles with hearing impairments.

**JCRF 5G-05-1** Written policy, procedure, and practice ensure that offenders have access to reasonably priced telephone services. Correctional agencies ensure that:

1. Contracts involving telephone services for offenders comply with all applicable state and federal regulations.
2. Contracts are based on rates and surcharges that are commensurate with those charged to the general public for like services. Any deviation from ordinary consumer rates reflects actual costs associated with the provision of services in a correctional setting.
3. Contracts for offender telephone services provide the broadest range of calling options determined by the agency administrator to be consistent with the requirements of sound correctional management.

<b>POLICY NUMBER/TITLE</b>	<b>CHAPTER NUMBER/TITLE</b>	<b>PAGE NUMBER</b>
16.2 Juvenile Resident Telephone Access	16. Communication, Mail and Visiting	Page 13 of 13 12/15/22R