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 ensure that residents have access to reasonably priced telephone services to allow constructive communication between residents and their families as a means to maintain family ties. Telephone calls shall be allowed, in certain situations and with appropriate safeguards, to maintain such communication.

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Procedure A: General

1. The Chief Administrative Officer shall ensure that contracts for telephone services for residents:
   a. comply with all applicable state and federal regulations;
   b. are based on rates and surcharges that are commensurate with charges to the general public for like services;
   c. any deviation from ordinary consumer rates shall reflect actual rates associated with the provision of services in a correctional setting; and
   d. provide the broadest range of calling options, consistent with the requirements of sound correctional management.

Procedure B: Resident Telephone Calls, General

1. Every newly received resident shall be entitled to one ten (10) minute call at facility expense to the resident’s parent/legal guardian 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.

2. A resident’s Juvenile Program Manager may allow a resident to make a phone call at facility expense for therapeutic reasons in accordance with the resident’s Case Plan or otherwise when the Juvenile Program Manager determines it would be in the resident’s best interests.

3. A resident telephone system shall be available for resident use in making other outgoing general phone calls in accordance with this policy and procedures. All phone calls made using this system shall be made collect, only to authorized persons, and only during authorized times. Except as otherwise authorized in these procedures, a resident may only make two phone calls a week and only to the resident’s parent/legal guardian and, if the resident is married or has a child, the resident’s spouse or child. If approved by the Juvenile Program Manager, a resident may speak to a sibling as part of a phone call to a parent/legal guardian.

4. Additional collect telephone calls may be offered to a resident as part of the resident’s Behavior Motivation Program as rewards for appropriate behaviors or achievements. Additional phone calls are considered a privilege.

5. Residents shall only make collect calls to persons on the resident’s approved call list established by the Juvenile Program Manager, or designee, and kept in the

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housing unit. Staff shall monitor the calling process as necessary to ensure compliance.

6. Residents shall only make collect calls during authorized times established by the Juvenile Program Manager and in accordance with a schedule established by the Juvenile Program Manager, or designee and kept in the housing unit.

7. Except for speaking with a sibling as allowed under 3. above, a resident shall not speak on the phone with any person who is not on the approved call list unless approved to do so as part of a therapeutic phone call.

8. A resident shall be prohibited from making phone calls to any person who the resident may not send mail to under Departmental Policy and Procedures 16.1, Resident Mail.

9. A resident may be prohibited from making general phone calls to any other person by the Superintendent, or designee, when there is reasonable suspicion that a phone call between them would contain information related to criminal activity, violation of the facility 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 also be restricted in the making of general phone calls by the Superintendent, or designee, when there is reasonable suspicion that the resident or the recipient of a call has violated or will violate the telephone procedures.

10. When a resident is prohibited or otherwise restricted from making phone calls, the Superintendent, or designee, shall ensure that a memo is sent to all appropriate staff, with a copy to the resident’s Master Administrative Record and housing unit Case Management File.

11. Staff shall terminate a phone call if the resident is exhibiting behavior which is inappropriate or it is determined that the call contains information related to criminal activity, violation of the facility rules, or a risk to the safety of persons, security, orderly management of the facility, or the welfare of the resident or other residents or that the resident is violating the telephone procedures.

12. Residents shall not be allowed to receive incoming general phone calls.

Procedure C: Resident Legal Telephone Calls

1. A legal phone call is a phone call concerning a legal matter involving a resident between the resident and an attorney or representative of a legal advocacy organization. A resident shall be provided reasonable opportunities at reasonable times to initiate an outgoing legal telephone call to the resident’s attorney or to a legal advocacy organization and to respond to an incoming phone message from the resident’s attorney or a legal advocacy organization when correspondence would not be sufficient due to time constraints. Priority shall be given to a resident...
with a pending criminal or juvenile criminal charge who needs to call his or her attorney.

2. An outgoing legal phone call shall be provided in an area that affords the opportunity for confidentiality. Under no circumstances shall staff intentionally listen to the conversation.

3. Staff shall terminate a legal phone call if the resident is exhibiting behavior which is inappropriate or it is determined that the call contains information related to criminal activity, violation of the facility rules, or a risk to the safety of persons, security, orderly management of the facility, or the welfare of the resident or other residents or that the resident is violating the telephone procedures.

4. Every outgoing legal phone call shall be made collect. Staff shall verify the telephone number, personally place the outgoing legal phone call, and determine whether the call will be accepted prior to allowing the resident to speak to the recipient of the call.

5. Residents shall not be allowed to receive incoming legal phone calls.

6. Residents shall also be provided reasonable access to make confidential phone calls to sexual assault services agencies.

Procedure D: Recording and Monitoring of Resident Telephone Calls

1. All resident telephone calls, except legal phone calls, may be recorded.

2. With written authorization from the Chief Administrative Officer, or designee, resident telephone calls, except legal phone calls, may be monitored by a Correctional Investigative Officer, or an employee acting at the direction of a Correctional Investigative Officer, if the Correctional Investigative Officer is conducting an investigation of a crime or juvenile crime relating to the security or orderly management of the facility or the Correctional Investigative Officer is cooperating with an investigation being conducted by another criminal justice agency. Only those resident telephone calls reasonably suspected to be related to the investigation may be monitored.

3. Recordings of any conversations related to the investigation shall be maintained in accordance with Departmental policy and procedures on preservation of evidence. Investigations shall be coordinated with appropriate criminal justice agencies in accordance with Departmental policy and procedures.

4. In every case in which the Chief Administrative Officer, or designee, authorizes the Correctional Investigative Officer to monitor a resident’s telephone calls, the Correctional Investigative Officer, or employee acting at the direction of the Correctional Investigative Officer, shall document the following:

   a. The name and MDOC number of the resident;
b. The date and time of each phone call monitored;

c. A description of each phone call monitored, including the number called, the other party(s) if known, and the subject matter of the call;

d. A description of any other action taken and the grounds justifying such action; and

e. The name of the Correctional Investigative Officer, or employee acting at the direction of the Correctional Investigative Officer.

5. The Chief Investigative Officer shall attach to the Phone Call Monitoring Record (Attachment B) the copy of the written authorization from the Chief Administrative Officer, or designee, to monitor the resident’s phone calls, including the reasonable suspicion justifying the monitoring.

6. The forms shall be forwarded to the Chief Administrative Officer. The resident shall not be notified of the monitoring 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-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 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.

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.