

GENERAL DISTRIBUTION

**WEST VIRGINIA
DIVISION OF CORRECTIONS
& REHABILITATION**

NUMBER: 509.00

EFFECTIVE DATE: 20 August 2025

**SUBJECT: JUVENILE MAIL AND
TELEPHONE PRIVILEGES**

POLICY DIRECTIVE

PURPOSE:

To provide policy ensuring juvenile residents have constant access to writing materials and ability to send mail without limitation, censorship or prior reading and receive mail without prior reading; and access to make and receive regular personal and program-related calls without charge.

REFERENCE:

WV Code §49-4-721; ACA Expected Practices 5-JCF-3A-07 through 13 and 16 through 17; 3-JDF-5G-01 through 05 and 07 through 11; 2-CO-5D-01; Prison Rape Elimination Act (PREA) §115.353; and CIYJ Outcome Measures Justice 06 and Programming 20.

RESPONSIBILITY:

Superintendents are responsible for enacting Operational Procedures to ensure compliance with this Policy Directive.

CANCELLATION:

Any previous written instruction on the subject including DJS Policy 509.00, dated 01 July 2017.

APPLICABILITY:

All juvenile facilities within the Division of Corrections and Rehabilitation (DCR). This Policy is available for general distribution and is to be made available for resident review upon the effective date.

DEFINITIONS:

None.

POLICY:

- I. Written policy and procedures governing correspondence with juvenile residents are made available to all juvenile facility staff, residents and their correspondents, and are reviewed annually and updated as needed.
 - A. Copies of the regulations governing correspondence with residents are mailed to the resident's parent or legal guardian within twenty-four (24) hours of the resident's admission.
 - B. All residents have constant access to writing materials and may send mail without limitation, censorship or prior reading, and may receive mail without prior reading, except that mail may be opened in the juvenile's presence, without being read, to inspect for contraband.
 - C. Residents are 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 Corrections and Rehabilitation (DCR) at the time unless the Superintendent or other appropriate authority determines that communications with such individual is not in the child's best interest.
 - D. Incoming mail to a resident is opened by staff wearing protective gloves while in the resident's presence. The resident will not be allowed to touch the contents. All incoming correspondence/photos, along with the front of the envelope, are copied and the copy given to the resident. All originals are placed in the resident's personals and given to him/her upon release. Residents will be notified of any mail withheld, due to contraband or inappropriateness, unless such notification interferes with an active investigation.
 - E. Each facility will 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.
 - F. 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.
 - G. Outgoing mail is held no more than forty-eight (48) hours, excluding weekends and holidays, or emergency situations.

- H. First-class letters and packages are forwarded to the resident if received after the resident is transferred to another facility or released. If no forwarding address is available, first-class letters and packages will be returned to sender.
- II. In order to maintain community ties (e.g., family, personal friends, and so forth) each resident is provided ten (10), one-ounce or less, postage-free letters per calendar month regardless of their trustee account balance.
 - A. This monthly allowance is not transferrable or cumulative from month to month and cannot be exceeded by borrowing from another resident.
 - B. All postage in excess of the general limit of ten (10) is without limits and the responsibility of the resident.
 - C. The cost of mailing letters weighing more than one ounce is deducted from the total monthly allowance available to the resident.
 - D. At the discretion of the Superintendent and for good reason, additional postage-free letters beyond the general limit of ten (10) may be allowed but shall be documented
- III. Residents are permitted to send sealed letters to a specified class of persons and organizations, including, but not limited to courts, counsel, officials of the confining authority, administrators of grievance systems, and members of the releasing authority.
 - A. Incoming mail from this specified class of persons and organizations may be opened only to inspect for contraband and only in the presence of the resident.
 - B. Postage for mail to judges, prosecutors, and attorneys of record, Supreme Court advocates or victim advocacy is always provided by the facility and is not counted in the ten (10) monthly postage-free letters.
- IV. Each juvenile facility provides all residents with access to make and receive personal and program-related calls. Superintendents shall establish facility-specific Operational Procedures to ensure residents are able to maintain telephone communications in accordance with the following.
 - A. Residents may make unlimited telephone calls without charge on their state-provided tablets. The fees for video calls are charged on the individual tablet account. Residents are advised that all calls and video calls on the tablets are recorded.
 - B. When circumstances result in a resident losing access to his /her assigned tablet (e.g., tablet is damaged or tablet privileges are sanctioned), a resident is permitted to make local telephone calls without charge and at a minimum one (1) long distance call of at least fifteen (15) minutes duration to his or her family each week without charge.

- C. Incoming calls are permitted based on the guidelines as established in the facility's Operational Procedure including calls from attorneys, social workers, probation 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. Under no circumstances will collect calls be accepted.
- D. Residents shall be permitted to make unrestricted "privileged" 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 call. Residents will be advised that all other calls may be monitored.
- E. Residents with documented hearing and/or communication challenges, and residents who wish to communicate with parties who have such disabilities, are provided access to assistive technology. The technology provided to a resident with hearing or speech disabilities is determined based on an individual assessment of the needs of the resident. Telephones with volume control are also made available to residents with hearing impairment. Residents are not denied access to assistive technology, except with the Superintendent or designee can present clear and convincing evidence that access will jeopardize the safety and security of the facility or visitors.
- F. Each Superintendent is responsible for ensuring a log is kept any time a PIN number, phone number, email address, phone access, tablet access, etc. is restricted. The searchable log shall include the resident's name, OID number, effective dates of restriction or permanent restriction, details of what is being restricted (specific phone number, specific email address, access to phones, access to tablet, etc.), and reason(s) for restriction. This requirement is not applicable to sanctions such as "loss of privileges" imposed by a Hearing Officer as those are detailed on the Disciplinary Hearing Report.

ATTACHMENT(S):

None.

APPROVED SIGNATURE:
David L. Kelly, Commissioner07/22/2025
Date