TITLE 81 - JAIL STANDARDS BOARD

CHAPTER 9 - STANDARDS FOR JAIL FACILITIES - MAIL, VISITING AND TELEPHONE SERVICE

**001 Policy.** It is the policy of the state of Nebraska that all jail facilities shall provide mail, visiting, and telephone services for all inmates.~~inmates, except those inmates on work or educational release status during the hours they are outside the jail facility.~~ Such services shall be consistent with the Standards established herein.

**002 Mail Services.** All jail facilities shall make provisions for the handling of incoming and outgoing inmate correspondence in accordance with the following requirements:

**002.01** ~~Facility employees shall not limit the volume of mail to or from an inmate.~~ The length, source, or volume of mail an inmate may send or receive at his/her own expense, shall not be limited, except where there is clear and convincing evidence to justify the limitation for reasons of public safety, facility order, or security. Any restriction of mail will be documented.

**002.02** Inmates shall be allowed to send or receive mail from any persons or organizations, except where there is clear and convincing evidence that justifies a restriction.

**002.03** Inmates shall be allowed to send sealed confidential mail to a specified class of persons or organizations to include, at a minimum, their legal counsel, courts, elected~~government~~ officials, members of the confining authority, the State Ombudsman, and the Board.

**002.03A** Confidential mail received from this specified class of persons or organizations may be opened only in the presence of the inmate. Delivery of confidential mail shall be documented.

**002.03B** Confidential mail may be inspected for contraband, cash, checks, or money orders but shall not be read.

**002.03C** The facility administrator may choose to attach a letter to any outgoing confidential correspondence, disclaiming any responsibility for the nature of the contents of such correspondence.

**002.04** Incoming or outgoing non-confidential mail may be inspected for cash, checks, money orders, or contraband.

**002.04A** Cash, checks, or money orders shall be removed from incoming mail. Cash shall be promptly~~ and properly~~ credited to the inmate's account. Checks or money orders received in incoming mail may be cashed and credited to the inmate's account.

**002.04B** If contraband is discovered in either incoming or outgoing mail, it shall be removed, with that action and disposition being properly documented.

**002.04C** No disciplinary action shall be taken against an inmate because of the contents of his incoming mail unless it can be proven that he had prior knowledge of the contents.

**002.05** Incoming or outgoing non-confidential mail may ~~should not~~ be perused to assure~~read or rejected, except where there is clear and convincing evidence~~ that a particular item or correspondence does not threaten~~threatens~~ the safety and security of the jail facility, any public official, any other person, or is being used in the furtherance of illegal activities.

**002.05A** Objectionable portions of incoming or outgoing mail shall not be blacked out, removed, or otherwise changed. Such correspondence shall be delivered unaltered or totally rejected.

**002.05B** Rejected correspondence shall be returned to the sender or placed with the inmate's personal property. The sender shall be notified as to the reasons for the rejection and the action properly documented.

**002.06** Indigent inmates shall receive sufficient materials and postage for a reasonable amount of correspondence to maintain family and community ties, and for legal or other confidential correspondence.

**002.07** Mail shall be delivered within twenty-four hours, excluding weekends~~Sundays~~ and holidays.

**002.08** The facility administrator may require books or magazines received by inmates through the mail are sent directly from the publisher or a mail order business.

**003 Visiting Services.** All jail facilities shall make provisions for inmate visitation in accordance with the following requirements:

**003.01**~~.~~ In all facilities there shall be opportunities for inmate visitation with clergy, counselors, and legal representatives.

**003.01A** Clergy providing religious counseling, physicians, probation/parole officers, and mental health and addiction therapists shall be allowed to visit at any reasonable time for any reasonable length of time. Visits between inmates and visitors of the types identified herein shall be contact visits unless the inmate or visitor indicate otherwise or unless the facility administrator has reasonable grounds to believe a contact visit would present a threat to jail security. If a contact visit is denied on the basis of a threat to jail security, the reason shall be documented.

**003.01B** Attorneys or their legal assistants shall be allowed to visit their clients at any reasonable time for any reasonable length of time. However, in the event of an emergency, then attorneys or their legal assistants shall be allowed to visit their clients at any time. The facility administrator may establish reasonable procedures to require identification of any person who presents himself or herself to be an attorney or an attorney's authorized representative representing an inmate detained in the facility. Unless otherwise indicated by the inmate or the visitor, all attorney-client visits shall be contact visits.

**003.01C** Contact visits between inmates and their attorneys or the attorneys' legal assistants, clergy, physicians, probation/parole officers, mental health and addiction therapists shall be in a private area or room so as to allow for confidential communication among up to four (4) people with adequate writing space. No physical barriers such as wire mesh, glazed barriers, or other physical obstructions shall be placed between inmates and any of the above specified visitors during contact visits. Such visits shall not be monitored, except that facility employees may visually observe the visitation through glazed observation panels or by means of closed circuit television as necessary to maintain appropriate levels of security.

**003.01D** In all holding facilities, inmate visits with persons other than those specifically identified in Chapter 9, paragraphs 003.01A and 003.01B shall be provided at the discretion of the facility administrator.

**003.02** In all detention facilities, each inmate shall be allowed at least two (2) visits per week by persons other than those specified in Chapter 9, paragraphs **003.01A** and **003.01B** above.

**003.02A** No restrictions shall be placed on who may visit an inmate except that any person other than the inmate's spouse who is under the age of eighteen (18) may be denied visitation unless accompanied by their parent or guardian and that any person who the facility administrator has reasonable grounds to believe presents a threat to jail facility security or order may be precluded from visiting.

**003.02B** Inmates shall be allowed at least two (2) hours of visiting time each

week in two (2) or more visits. Visits shall not be limited to less than one-half (1/2) hour.

**003.02C** Enough hours shall be set aside weekly to fulfill the visiting requirements of all inmates housed in the detention facility.

**003.02D** Any person unable to visit during the regular visiting hours may~~should~~ be allowed to visit at least once a week at another time approved by the facility administrator.

**003.02E** The facility administrator may make special arrangements for those persons who must travel over 150 miles to visit an inmate.

**003.02F** At the discretion of the facility administrator, visits may be of the contact type.

**003.02G** Other than visits specified in Chapter 9, paragraphs **003.01A** and **003.01B**, inmates found guilty of violating facility rules may have visits limited or temporarily revoked.

**003.03** All visitors shall be required to register their names and provide all other information required in the visitor's register described in Chapter 3, paragraph **002.06.**

**003.04** For non-professional~~contact~~ visits, visitors may be required to submit to a pat search. ~~procedure.~~ If the visitor does not wish to submit to a search, the facility administrator may restrict the visit to a non-contact type. ~~Basic searching techniques are as follows:~~

~~003.04A Pat Search. This involves touching and feeling of the visitor's clothing, other than hats, jackets, coats, wigs, and shoes. The pat search shall be considered the routine method of searching visitors entering the jail facility and may be conducted at any time. Female visitors shall be searched by female employees and male visitors searched by male employees.~~

~~003.04B Body Search. A body search entails the removal of all clothing except undergarments. The body search may be conducted only where there exists substantial evidence that the visitor may introduce contraband into the jail facility.~~

~~003.04C Strip Search. This requires the removal of all articles of clothing and an examination and intrusion into the body orifices and cavities. Facility employees may supervise strip searches, but only qualified medical employees may establish contact with the body cavities or orifices. Strip searches may occur only when there exists probable cause to believe the visitor is carrying contraband. Only the facility administrator may authorize a strip search of visitors.~~

**003.05** Inmates shall be allowed to accept from visitors only those items approved by the facility administrator.

**003.06** Visitors who refuse to abide by any policy or procedure concerning visiting may be denied the privilege of visiting.

**004 Telephone Services.** All jail facilities shall make provisions for inmate telephone services in accordance with the following requirements:

**004.01** Inmates shall be allowed to make a reasonable number of outgoing ~~local or collect long distance~~ telephone calls to legal representatives or to maintain family and community ties.

**004.02** Inmates~~Pre-trial detainee shall be allowed to receive emergency telephone calls, except where such action significantly disrupts jail facility operations. In such cases, the pre-trial detainee~~ shall be allowed to return verified emergency telephone calls~~the call~~ within a reasonable amount of time.~~twelve (12) hours.~~

**004.03** Telephone calls to or from legal counsel~~representatives~~ shall be of reasonable lengths of time and shall not be monitored.

**004.04** Telephone calls may~~shall not~~ be monitored and recorded if allowed~~unless otherwise authorized~~ by law. If calls are monitored or recorded, both parties shall be so notified.

**004.05** Telephone calls other than those to or from legal council~~representatives~~ may be limited or revoked as a disciplinary measure.

**004.06** The facility may require that any costs for telephone calls be borne by the inmate of the party called.

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