

TITLE 77 - JAIL STANDARDS BOARD

CHAPTER 8 - STANDARDS FOR COMMUNITY RESIDENTIAL FACILITIES -
MAIL, VISITING AND TELEPHONE SERVICE

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

002 Mail Services. All community residential facilities shall establish policies and procedures for the handling of incoming and outgoing inmate correspondence in accordance with the following requirements:

002.01 All facility regulations concerning inmate correspondence shall be specified in writing and made available to staff members, inmates and their correspondents.

002.02 Facility employees shall not limit the volume of mail to or from an inmate.

002.03 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. Inmate to inmate correspondence can be read.

002.04 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, government officials, members of the confining authority, and the Board.

002.04A Confidential mail received from this specified class of persons or organizations may be opened only in the presence of the inmate. The delivery of confidential mail to an inmate is documented.

002.04B Confidential mail may be inspected for contraband, cash, checks, or money orders but shall not be read.

002.04C The facility administrator may choose to attach a letter to any outgoing correspondence,

disclaiming any responsibility for the nature of the contents of such correspondence.

002.05 Inmate's incoming or outgoing personal mail may be opened and inspected for cash, checks, money orders, or contraband.

002.05A Cash, checks, or money orders shall be removed from incoming mail and properly credited to the inmate's account.

002.05B If contraband is discovered in either incoming or outgoing mail, it shall be removed, with that action and disposition being properly documented.

002.05C No disciplinary action shall be taken against an inmate because of the contents of their incoming mail unless it can be proven that they had prior knowledge of the contents.

002.06 Incoming or outgoing personal mail may be read or rejected, when based on legitimate facility interests of order and security, threats to any public official, any other person, or is being used in the furtherance of illegal activities.

002.06A Objectionable portions of incoming or outgoing mail shall not be censored. Such correspondence shall be delivered unaltered or totally rejected.

002.06B The inmate is notified in writing when incoming or outgoing personal mail is rejected, returned to the sender or withheld.

002.07 Indigent inmates, as defined in policy, receive a specified postage allowance to maintain family and community ties.

002.08 Mail shall be delivered within twenty-four hours, excluding weekends and holidays.

003 Visiting Services. All community residential facilities shall establish policies and procedures 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 Attorneys, legal representatives, 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 visitors indicate otherwise or unless the facility administrator has reasonable grounds to believe a contact visit would present a threat to facility security.

003.01B The facility administrator may establish reasonable procedures to require identification of any person who presents himself or herself as a professional identified herein who is requesting contact visitation with an inmate detained in the facility.

003.01C Contact visits between inmates and professionals identified herein, 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. 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.

003.02 In all community residential facilities, each inmate shall be allowed at least two (2) personal visits per week.

003.02A Inmates receive approved visitors except where there is substantial evidence that the visitor poses a threat to the safety and security of the facility, staff or the inmate.

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 facility.

003.02D Provisions are made for special visits.

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

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 002.04.

003.04 For contact visits, visitors may be required to submit to a pat search procedure. Searches performed on visitors shall be documented. If the visitor does not wish to submit to a search when there is reasonable suspicion related to safety and security concerns, the facility administrator may restrict the visit to a non-contact type. Where there is substantial evidence that the visitor poses a threat to the safety of the inmate or the security of the facility, or is a threat to introduce contraband into the facility, the visit may be denied.

003.04A Female visitors shall be searched by female employees and male visitors shall be searched by male staff.

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. There are telephone facilities on the premises which are accessible to inmates. The facility has established policies and procedures to govern telephone services which address the following requirements:

004.01 Inmates shall be allowed to make a reasonable number of outgoing telephone calls to legal representatives or to maintain family and community ties.

004.02 Inmates shall be allowed to receive emergency telephone calls, except where such action significantly disrupts facility operations. In such cases, inmates shall be allowed to return the call within twelve (12) hours.

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

004.04 Telephone calls other than those to or from legal representatives may be limited or revoked as a disciplinary sanction.

EFFECTIVE DATE: April 2, 2012