



**SAN MATEO COUNTY  
PROBATION DEPARTMENT  
INSTITUTION SERVICES MANUAL**

**ARTICLE 6  
Programs and Activities  
§1375**

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**Topic                      Youth Mail**

**Policy**                      This policy provides guidelines for the receipt, rejection, inspection, and sending of youth mail (15 CCR 1375). Youth shall have ample opportunity to send and receive mail. Mail shall only be restricted when there is a legitimate government interest to do so

Youth may receive mail without restrictions on quantity, provided it does not jeopardize the safety of members, visitors, or other youth, or pose an unreasonable disruption to the orderly operation of the facility (15 CCR 1375).

However, youth may store only a limited amount of mail in their housing area as determined by the Superintendent or the authorized designee. Excess mail will be stored with the youth's personal property and returned when the youth is released.

**1375.1 CONFIDENTIAL CORRESPONDENCE**

Youth may correspond confidentially with courts, legal counsel, officials of this facility, elected officials, juvenile facilities inspectors, government officials, and officers of the court (15 CCR 1375).

These juvenile facilities will also accept and deliver a fax or interoffice mail from these entities.

Institution staff may inspect incoming confidential correspondence for contraband. Institution staff may inspect outgoing confidential correspondence for contraband before it is sealed. If confidential correspondence is inspected, members shall limit the inspection to a search for physical items that may be included besides the correspondence and shall not read or copy the content of the correspondence itself. All inspections shall be completed in the presence of the youth (15 CCR 1375).

**1375.2 SUSPENSION/RESTRICTION OF MAIL PRIVILEGES**

Mail privileges may be suspended or restricted upon approval of the Superintendent or the authorized designee whenever staff learn that mail sent or received by a youth involves:

- a. Threats of violence against any member of the government, judiciary, legal representatives, victims, or witnesses.

- b. A threat to the security of the juvenile facilities, members, or the public.

The District Attorney or County Attorney should be consulted where criminal charges are considered against a youth or there is an apparent liability risk to the Department that relates to suspension or restriction of mail privileges.

### **1375.3 PROCESSING AND INSPECTION OF MAIL BY INSTITUTION STAFF**

Institution staff should process incoming and outgoing mail as expeditiously as reasonably possible. Incoming and outgoing mail should be processed within 24 hours and packages within 48 hours. Mail processing may be suspended on weekends, holidays, or during an emergency.

Assigned institution staff should open and inspect all incoming and outgoing general mail of current youth. The incoming correspondence, other than confidential correspondence, may be scanned as frequently as deemed necessary to maintain security or monitor a particular problem (15 CCR 1375). Mail for youth no longer in detention should not be opened.

Outgoing general mail may not be sealed by the youth and may be read by institution staff when:

1. There is reason to believe the mail would:
  - a. Interfere with the orderly operation of the juvenile facilities.
  - b. Be threatening to the recipient.
  - c. Facilitate criminal activity.
2. The youth is on a restricted mail list.
3. The mail is between youth in detention.

When mail is considered inappropriate under the provisions of this policy or when a youth is sent material that is not prohibited by law but is considered contraband by the juvenile facilities, the material may be returned to the sender or held in the youth's property or unit file to be given to the youth upon release.

Youth shall be notified in writing whenever their mail is held or returned to the sender. Mail logs and records, justification of censoring or rejection of mail, and copies of hold or return notices shall be maintained in the youth's file in accordance with established records retention schedules.

### **1375.4 STAFF AUTHORIZED TO READ MAIL**

Only institution staff designated by the Superintendent, or the authorized designee may scan incoming and outgoing non-confidential mail. These institution staff should receive training on legitimate government interests for reading and censoring mail and related legal requirements.

In determining whether to censor incoming non-confidential correspondence, consideration shall be given to whether rejecting the material is rationally related to a legitimate government interest, and whether alternate means of communicating with others is available.

The impact the correspondence may have on other youth and institution staff is also a factor. Reasonable alternatives should be considered, and an exaggerated response (e.g., discontinuing

delivery of a magazine because of one article) should be avoided.

Outgoing non-confidential correspondence shall only be censored to further a substantial government interest, and only when it is necessary or essential to address the particular government interest. Government interests that would justify confiscation of outgoing mail include, but not limited to:

1. Maintaining facility security.
2. Preventing dangerous conduct, such as an escape plan.
3. Preventing ongoing criminal activity, such as threats of blackmail or extortion, or other similar conduct.
4. Preventing harassment of those who have requested that no mail be sent to them by the youth.

Correspondence and material identified for censorship shall be delivered to the On-Duty Officer of the Day who shall decide if such mail will be censored.

Notices should be sent to the sender of censored correspondence or publications, even when the sender is the editor or publisher. A single notification may be sent if the publication is received by multiple youth.

In each case where it is necessary to remove any item, or correspondence has been rejected or censored, a written record must be made of such action, to include:

1. The youth's name and number.
2. A description of the mail.
3. A description of the action taken and the reason for such action.
4. The disposition of the item.
5. Signature of the Institution Staff.
6. Notification to the youth and sender (unless such notification jeopardizes any investigation or the security of the facility). The written record should document the date and method by which the youth was notified (e.g., in person, by letter).

### **1375.5 BOOKS, MAGAZINES, NEWSPAPERS, AND PERIODICALS**

Unless otherwise in conflict with this policy and prohibited by the Superintendent or the assigned designee, youth may, receive and read any book, newspaper, periodical, or writing accepted for distribution by the U.S. Postal Service.

Publications, magazines, and newspapers shall be accepted only if they are mailed directly from the publisher to a named youth. Youth are not allowed access to any local newspapers or periodicals.

The Department may reject magazines, periodicals, and other materials that may be offensive or impact the safety and security in the daily operation of this facility. (Books, newspapers, and magazines that are on the Approved Books and Magazines list are permitted.). Materials that may be rejected include but are not limited to:

1. Materials that advocate violence or a security breach.

2. Literature that could incite racial unrest.
3. Sexually explicit material, including pornographic magazines, nude pictures, and pictures or descriptions of sexually explicit activities.
4. Publications or writings and mail that are Obscene in nature or incite violence or other criminal activity.
5. Material that could lead to sexual aggression or an offensive environment for youth.
6. Material that could create a hostile, offensive, or dangerous work environment within the institution.
7. Any material with content that is deemed inappropriate or conflicts with the youth's rehabilitation.

Staff shall notify the Officer of the Day whenever a decision is made to reject books, magazines, or periodicals. The Superintendent or the authorized designee will make the final decision on the specific magazines, periodicals, and other materials prohibited within this facility.

Religious texts not supplied by juvenile facilities-authorized entities may be accepted by the chaplain or other religious volunteer who has received training on facility rules involving contraband, and who has been approved by a supervisor to review such documents for distribution.

#### **1375.6 FORWARDING OF MAIL**

Any non-legal mail received for a former youth should be returned to the sender with a notation that the youth is not in detention. Obvious legal mail should be forwarded to the former youth's new address if it is reasonably known. Otherwise, legal mail should be returned to the sender.

#### **1375.7 YOUTH REQUESTS FOR WRITING MATERIALS**

Youth may receive the opportunity to write letters and be provided with writing materials upon request as provided by an approved schedule established by the Superintendent or the authorized designee. Writing materials should include (15 CCR 1375):

- a. Postage.
- b. Writing paper.
- c. One pencil.
- d. Envelopes

Youth shall receive envelopes and writing paper sufficient to maintain communication with courts, legal counsel, officials of this facility, elected officials, inspectors with the Board of State and Community Corrections, government officials, and officers of the court (15 CCR 1377).

Youth should not be permitted to maintain an excess supply of writing materials without the approval of staff.