

**Broward Sheriff's Office
Department of Detention
Standard Operating Procedures**

07/13

7.20

7.20- INMATE MAIL PROCEDURES (Revised)

POLICY:

It shall be the policy of the Department of Detention (DOD) not to place limits on the volume of lawful mail an inmate may send or receive, or on length, language, content, or source of mail. Limitations may be imposed only when clear and convincing evidence exists to justify such limitations for reasons of public safety or facility order and security. Guidelines for inmate correspondence shall adhere to existing laws and rules governing the management of inmate mail.

AUTHORITY: F.S. Chapter 847; FMJS Chapter 9; ACA 4-ALDF Chapter 2A, 5B, and 6A; FCAC Chapter 12.

Forms:

Inmate Property Inventory and Transfer Form - **BSO DB#21**

Inmate Request Form - **BSO DJ#24**

Rejected Mail Notification Form - **BSO DJ#15**

Long/Short Event Report - **BSO RP#1, BSO RP#2**

Definitions:

Privileged Mail: Mail addressed to or received from attorneys, the courts, public officials, and the media.

Rejected Mail: Correspondence or material that is sexually explicit, poses a threat to the security, good order or discipline of the facility, and / or facilitates criminal activity.

Indigent Inmate: An inmate with one dollar (\$1.00) or less in their commissary account.

PROCEDURE:

A. General Guidelines:

1. Written policy and procedures govern inmate correspondence; they are available to all staff and inmates, reviewed annually, and updated as needed.
2. During the orientation process, inmates are informed of mail procedures. This information is made available to each inmate through the Inmate Handbook.
3. Inmates in special management housing units can send and receive letters on the same basis as inmates in the general population.
4. Incoming and outgoing mail will not be held for more than twenty-four (24) hours and packages will not be held for more than 48 hours, excluding weekends and holidays, unless otherwise provided in this SOP.
5. Inmate correspondence privileges will not be withdrawn as punishment. Mail can be stopped by court order.
6. Incoming and outgoing mail may be opened and inspected for contraband. Mail may be read, censored, or rejected based on legitimate facility interests of order and security. Inmates will be notified when incoming or outgoing letters are withheld in part or full.
7. Mail received for persons not in custody will be returned to sender.
8. Mail Clerks will maintain a daily log of all mail that is returned to sender.

B. Volume and Content of Mail:

1. The volume, content, length, and source of mail that an inmate can send or receive will not be limited, restricted, or rejected, except as provided in this SOP, or unless there is reasonable belief that a limitation, restriction, or rejection is needed to protect public safety or the security and order of the facility. **See sections C and H-2 of this SOP for further information.**
2. Inmates will be notified of restricted or rejected mail in accordance with section H below.

C. Limits on Inmate Correspondence:

1. Inmates will not correspond with other inmates housed in a BSO DOD facility or inmates housed in any other state or local correctional facility without prior approval of the facility commanders of both the sending and receiving facilities.
2. Inmates such as married couples and immediate family members incarcerated within a BSO DOD facility may request to correspond with each other, via letter, with approval of the facility commander(s).
3. Should approval be granted, it will be the responsibility of the facility commander(s) to set specific guidelines, if any, for the correspondence.
4. When correspondence between inmates housed in BSO DOD facilities has been denied or approved, the inmate(s) will be notified in writing.

D. Indigent Inmates:

Indigent inmates will be supplied with writing materials and postage to correspond with attorneys and the court. In addition, inmates without funds will be supplied writing materials and postage at reasonable intervals to correspond with their immediate family.

E. Outgoing Mail Procedures:

1. BSO DOD inmates are permitted unlimited and uncensored correspondence with whomever they wish, unless such mail violates any provisions of this procedure, federal or state law, or court order.
2. Outgoing "privileged" or "legal" mail is governed by Section G of this SOP.
3. Regular outgoing mail will be collected once a day by staff, and will be given to staff members unsealed.
4. Regular outgoing mail may be inspected to determine if:
 - a. The letter contained threats of physical harm against a person or threats of criminal activity
 - b. The letter threatens blackmail or extortion
 - c. The letter contains plans to escape
 - d. The letter contains plans for activities in violation of detention facility rules
 - e. The letter is in code
 - f. The letter contains information which, if communicated, would create a clear and present danger of violence and physical harm to anyone or anything
 - g. The letter contains sexually explicit material
 - h. The letter contains correspondence that could be considered "hate mail."
 - i. The letter contains contraband

5. Outgoing mail suspected of containing security threats will be inspected further by the facility commander or designee. If the inspection indicates that a security threat is present, the facility commander will initiate a formal investigation into the matter.
6. Staff will seal all regular outgoing mail and deliver it to the facility's mailroom.
7. All outgoing mail will be affixed with a stamp that states, "**This letter originates from a Broward County Jail Facility. Inmate mail is uncensored and the Sheriff cannot assume responsibility for its contents.**"
8. Mail is collected by the U.S. Postal Service daily, excluding weekends and holidays.

F. Incoming Mail:

1. All incoming mail will be researched to determine the presence and location of the inmate in the jail system. Inmates no longer housed within any BSO detention facility will have their correspondence marked, "**Return to Sender**", and returned to the U.S. Postal Service. Inmates currently housed within a BSO detention facility will have their housing locations noted on the front of the correspondence.
2. Incoming mail may be monitored and inspected for security purposes, including for the interception of cash, checks, money orders, physical contraband, or to uncover threats that may disrupt the orderly operation of the facility.
3. Any cash, money orders, or cashier's checks found will be verified, and a money receipt completed. A letter identifying the funds received, together with a copy of the money receipt, will be sent to the inmate. The original receipt and funds will be taken to Inmate Banking and deposited in the inmate's account. A copy will be maintained in the Mail Unit.
4. Incoming mail containing contraband will be rejected and processed as follows:
 - a. If the contraband is illegal to possess outside the detention facility an event report will be written to document the incident. The security sergeant or designee and mailroom staff will complete the event report and / or supplement report. If the contraband found is needed for a criminal investigation or prosecution, the security sergeant or designee seizing the contraband will promptly deliver it to the shift commander. The shift commander will secure the found contraband and notify Regional Investigations. **Chain of custody will be maintained.**
 - b. Contraband found in mail that may be legally possessed outside the detention facility will be returned to the sender.
 - c. Perishable and other items that can't be returned via U.S. mail will be disposed of according to BSO Sheriff's Policy Manual section titled "**Evidence/Property Disposition**".
5. Certified or registered mail is picked up at the post office by the BSO mail clerks or signed for by a detention mailroom staff member when it is delivered to a facility by a postal employee. Certified or registered mail is processed in the same manner as all other incoming mail.
6. Incoming mail will not be held for more than twenty-four (24) hours, excluding weekends and holidays.

G. Privileged Mail:

1. Privileged mail means all mail clearly marked "**Legal**" or "**Privileged**" that is either sent to, or received for, an inmate from the following persons and organizations: courts, attorneys, officials of the confining authority, the media, state and local chief executive officers, administrators of grievance systems, and members of the paroling authority.
2. Incoming privileged mail will be delivered to inmates Monday through Friday, and may be opened by staff only to inspect for contraband and only in the presence of the inmate, unless waived by the inmate in writing.

3. During the mail inspection, staff will:
 - a. Conduct a systematic and meticulous search of the envelope and the contents therein
 - b. Inspect the envelope externally and internally, and each page of its enclosed contents, one by one, front and back to intercept checks, money orders and other contraband items
 - c. If contraband is found in privileged mail it will be rejected and the procedures listed in section F-4 of this directive will be followed
4. Outgoing privileged mail must not be sealed by the inmate until it is first inspected by security staff.
 - a. Privileged mail may only be inspected with the inmate present.
 - b. Security staff will not read but scan the letters therein to confirm that it is in fact privileged mail.
 - c. Security staff must confirm that the address destination is to a recognized privileged mail recipient.
 - d. Mailroom staff may not open sealed outgoing privileged mail unless there is reasonable suspicion of a prohibited act as listed in section E-5 of this procedure, and then only in the presence of the inmate.
5. All outgoing privileged mail will be stamped "**Legal Mail**" by the mailroom staff, and may be held for a reasonable time not to exceed seventy-two (72) hours pending verification that it is properly addressed.

H. Rejection of Mail:

1. Inmates will be notified when incoming or outgoing letters are rejected by the completion of the Rejected Mail Notification Form. Rejected mail will be processed as outlined in section F. 4 of this directive.
2. Reasons for rejection of mail may include, but not limited to:
 - a. The letter contained threats of physical harm against a person or threats of criminal activity
 - b. The letter threatens blackmail or extortion
 - c. The letter contains plans to escape
 - d. The letter contains plans for activities in violation of detention facility rules
 - e. The letter is in code
 - f. The letter contains information which, if communicated, would create a clear and present danger of violence and physical harm to anyone or anything
 - g. The letter contains sexually explicit material
 - h. The letter contains correspondence that could be considered "hate mail."
 - i. The letter contains contraband
3. Polaroid photographs will not be accepted through the mail and will be considered contraband.

I. Returned Mail Procedures:

1. Inmate mail returned to the DOD by the United States Postal System due to insufficient postage or an incorrect address will be returned to the inmate who originally sent the letter.

2. If the sender's name does not appear on the envelope, then the letter may be opened to ascertain the sender's name, and returned to the sender immediately.
3. Mail received for inmates no longer in custody will be returned to the sender.

J. Publications:

1. The provisions of this section apply to all publications, including, books, novels, educational reference and correspondence study materials, religious materials, legal materials, newspapers, magazines, brochures, flyers and catalogues, and any other printed materials possessed by an inmate.
2. A variety of outside publications for inmates will be ordered by each facility and made available to inmates through the Inmate Leisure Library. Local newspapers are delivered daily to the inmate population.
3. Leisure reading books, magazines, and newspapers for inmates will not be accepted through the mail. Xerox copies of books, entire publications, or facsimiles of published material, etc. will not be accepted.
4. Except as otherwise provided herein, inmates may receive the following materials from outside sources: published educational books, reference material, correspondence study materials from an accredited school, and religious publications / religious education materials.
5. Inmates wishing to receive published materials from outside sources must complete an Inmate Request Form. The form will be forwarded to the facility commander for review and approval. The facility commander will forward all requests for religious publications / religious educational materials to the Chaplain for review. The Chaplain will approve or disapprove the inmate's request. If a request is denied by the Chaplain, the reason will be written on the request form and forwarded to the Director of Detention for final determination.
6. When an order request has been denied, the reason will be written on the Inmate Request Form and returned to the inmate.
7. The Commissary unit will verify inmate's account for fund availability upon approval of a request.
8. Limitations on receipt of published materials from outside sources:
 - a. Published materials must be sent directly from the publisher or a vendor approved by the Director of Detention via U.S. Postal System or private delivery service. The DOD will not accept published materials from any other source.
 - b. Inmates order published materials at their own risk and expense. The inmate will be responsible for **all** costs.
 - c. Request for published materials must be made by the inmate him or herself, and paid for by funds available in his or her inmate banking account.
 - d. All requests for published materials must be prepaid by the inmate at the time of the order. Inmates are not permitted to pay Cash On Delivery (C.O.D.) for materials requested.
 - e. Books exceeding 8 1/2 x 14 in size will not be accepted. Publications should be softbound, and exceptions to this will be reviewed and may be approved by the facility commander.
 - f. Inmates will not be permitted to receive published materials if publication is found to be detrimental to the security, order, disciplinary or rehabilitative interest of an inmate in any facility within the DOD, or when it is determined that the publication might facilitate criminal activity or may jeopardize the security or safety of inmates, staff, or the general public.
 - g. Publications will be rejected when one of the following criteria is met:
 1. It depicts or describes procedures for the construction of or use of weapons, ammunition, bombs,

chemical agents, or incendiary devices

2. It depicts, encourages, describes methods of escape from detention facilities, contains blueprints, drawings, or similar descriptions of DOD facilities
 3. It depicts or describes procedures for the brewing of alcoholic beverages, or the manufacture of drugs or other intoxicants
 4. It is written in code
 5. It depicts, describes or encourages activities, which may lead to the use of physical violence or group disruption
 6. It encourages or instructs in the commission of criminal activity
 7. It threatens physical harm, blackmail or extortion
 8. It depicts or describes procedures contained within locksmith manuals, schematics
 9. It pictorially depicts sexually explicit/implicit exhibitions or behavior
- h. Delivered published materials that do not meet the requirements of this section will be rejected and returned to the sender. When published materials are rejected the inmate will be notified by the completion of the Rejected Mail Notification Form. It will be the inmate's sole responsibility to contact the publisher or vendor for reimbursement of any funds advanced for rejected published materials. The Broward Sheriff's Office will not be held liable for an inmate's financial responsibility.
- i. Inmates may receive no more than two (2) publications a month.
9. Inmates may possess a total of eight (8) approved hard or soft covered reading materials in their cell in any combination of the following: magazines, books, religious text representing religious beliefs (i.e., Bible / Koran), dictionaries, educational texts, etc. Books and materials provided to inmates participating in facility programs are not included in this total (i.e., GED, Computer Class, AA, NA, etc.).
 10. Inmates are prohibited from removing pictures or sections from books or publications belonging to the DOD. Such alteration will cause the entire book or publication to be confiscated as contraband, and will subject the inmate to disciplinary action.
 11. Inmates are prohibited from posting or otherwise displaying pictures or sections of books or publications. Such activity will subject the inmate to disciplinary action and will cause the posted or displayed materials to be confiscated as contraband.
 12. Inmates will not be permitted to accumulate printed material that may pose a fire hazard in their housing area.

K. Packages:

1. Inmates are **only** permitted to receive packages containing clothing to be worn at court appearances.
2. Packages containing anything except court clothes will be returned to sender. If the package does not have a return address it will be returned to the U.S. Postal Service.
3. The mailroom staff will verify if the inmate is in custody, document the receipt of the package in the daily log, and forward the package to the scanner deputy for inspection. Facilities not having a scanner will transport packages to the nearest facility to have the packages scanned.
4. Mailroom staff will search scanned packages for contraband. Packages containing contraband will be processed in the same manner as incoming mail containing contraband. Procedures for processing are outlined in section F. 4 of the directive

AUDITS: Audits shall be conducted at least annually in accordance with the Internal Audit Schedule.