

	MARICOPA COUNTY SHERIFF'S OFFICE Policy & Procedure Joseph M. Arpaio – Sheriff	
	Subject INMATE MAIL	Policy Number DK-1
		Effective Date 04-27-12
Related Information	Supersedes DK-1 (06-17-08)	

PURPOSE

The purpose of this Policy is to establish guidelines for receiving, handling, and distributing inmate mail.

POLICY

Inmate mail is a means for inmates to communicate with their families, friends, legal representatives, and other community members. The sending and receiving of mail may only be restricted to the extent necessary to prevent threats to the safety, security, and good order of the facility, the safety or well-being of any individual, or for other legitimate penological purposes.

DEFINITIONS

Contraband: An item whose introduction or possession within a jail is prohibited.

1. **Administrative Contraband:** Any item not specifically included in the definition of "contraband" as specified in Arizona Revised Statutes (ARS) §13-2501, which has nonetheless been prohibited by the Sheriff for possession by inmates, including, but not limited to, money, jewelry, tobacco products, and fire-producing items. These prohibitions may vary by jail.
2. **Criminal Contraband:** Any item specifically defined in ARS § 13-2501, such as dangerous weapons or drugs.

Immediate Family: An inmate's mother, father, sister, brother, child, grandparent, grandchild, legal guardian, or spouse.

Legal Mail: Any mail identified as "Legal Mail" that inmates send to or receive from their attorneys, legal aid agencies, and government officials.

Non-Legal Mail: Mail that inmates send to, or receive from, family, friends, and private organizations. This includes newspapers or magazines received from publishers.

Nudity: The showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state, as specified in ARS § 13-3501(4).

Sexual Conduct: Acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person is a female, breast, as specified in ARS § 13-3501(7).

PROCEDURES

1. **Incoming Mail:** Incoming, non-legal mail will be opened and inspected to intercept contraband. Legal mail will only be opened in the inmate's presence.
 - A. All incoming non-legal mail, unless specifically approved, must be in postcard form.
 1. Standard Postcard Sizes:
 - a. Postcard minimum size requirements are 3.5 inches by 4.25 inches.
 - b. Postcard maximum size is 4.25 inches by 6 inches.
 2. Postcards will not be accepted if:
 - a. Defaced or altered.
 - b. In plastic or any other wrapping.
 - c. Marked with paint, crayons, or markers.
 - d. They bear return address labels or stickers of any kind.
 - e. Watermarked or stained.
 - f. They bear any obvious or unknown contaminant, including perfume or lipstick.
 - g. They depict nudity, sexual conduct, weapons, or gang references.
 - B. Inmates may receive negotiable instruments as defined in Policy DC-2, *Accountability of Monies & Negotiable Instruments*. Acceptable negotiable instruments are:
 1. Any cashier check (also known as an official check).
 2. US Postal money order.
 3. Western Union money order.
 4. Checks from government agencies, privately run jails, or prisons; payable in US funds.
 5. Senders of negotiable instruments must make them payable to the Maricopa County Sheriff's Office for deposit into the inmate's fund account. The envelope containing the negotiable instrument must be addressed to the jail in which the intended recipient is currently housed. The negotiable instrument must bear the sender's name and address. The envelope must state the inmate's name, booking number, and clearly bear the words, "FOR DEPOSIT ONLY" on the outside of the envelope. Detention personnel will deposit the monies in the inmate's fund account, complete a money receipt and forward a copy of the receipt to the inmate.
 6. Mail containing any other administrative contraband, including unacceptable negotiable instruments or foreign currency, as specified in Policy DC-2, *Accountability of Monies & Negotiable Instruments* will be returned to the sender. The inmate addressee and the sender

shall be notified in writing, using a *Mail Rejection Form*. The sender may appeal the rejection to the jail commander for the Central Mailroom and the inmate addressee may appeal the rejection through the inmate grievance procedure.

- C. Inmates may receive up to five photographs by mail provided the envelope is clearly marked "PHOTOGRAPHS". Please note that inmates may only possess a total of five photographs in their cells. The photographs must not exceed four by six inches in size, be unaltered, and may not contain adhesives such as stickers or labels. The back of the photographs must bear the inmate's name and booking number. The photographs shall not bear any other writing. Polaroid photographs are not permitted.
- D. Unless specifically authorized by the jail commander, packages are not permitted. Personnel shall return all unauthorized packages to the sender with a *Mail Rejection Notification* form containing information regarding an opportunity to appeal. The intended inmate recipient will receive a *Mail Rejection Notification* form and may appeal through the inmate grievance procedure.
- E. Subscription publications must be purchased directly through a publisher or the publisher's authorized distributor. Publications that interfere with legitimate penological objectives (e.g. deterrence of crime, good order of the facility, threaten jail safety, to ensure an environment free of sexual harassment, etc.), are not permitted. Restricted subject matter includes, but is not limited to the following:
 - 1. Sending and receiving of contraband.
 - 2. The manufacture and use of illegal drugs, narcotics or poisons, or the brewing of alcoholic beverages.
 - 3. The manufacture and use of explosives.
 - 4. Escape or disturbance techniques.
 - 5. Drawings or photographs depicting nudity or sexual conduct.
 - 6. Gang information.
 - 7. Functionality of locks and security devices (e.g. cameras, alarms) or how to bypass or defeat these devices' security functions.
 - 8. Use of hands, feet, or head as weapons; fighting weapons and techniques; self-defense; and martial arts.
 - 9. Racism or religious oppression.
 - 10. Sabotage or disruption of computers, communications, or electronics.
- F. Publications are reviewed on an individual, case-by-case basis. Mailroom staff shall send a *Mail Rejection Notification* form to the sender of any publication that is rejected based on the criteria above. The *Mail Rejection Notification* form shall inform the sender of the opportunity to appeal the rejection. The intended inmate recipient will receive a *Mail Rejection Notification* form and may appeal through the inmate grievance procedure.

- G. Criminal contraband will be properly impounded, ensuring that the chain of evidence is maintained. An *Incident Report (IR)* will be written, and the Jail Intelligence Division and the Jail Crimes Unit may be notified for further disposition, as appropriate.
2. **Mail Distribution:** Incoming mail shall be delivered within 24 hours of receipt, excluding weekends and holidays, with the exception of mail that is held for violating the law or jail regulations. Jail personnel may retain such mail for a reasonable time.
- A. All incoming mail will be opened and inspected for contraband, but will not be censored. Legal mail will only be opened in the inmate's presence.
 - B. Incoming mail addressed to an inmate located at another jail or agency will be forwarded to the inmate's current location. If a forwarding address is not available, mail will be returned to the sender. If a return address is not indicated, mail will be returned to the US Post Office.
 - C. Mail addressed to an inmate released from custody will be returned to the sender. If a return address is not indicated, mail will be returned to the U.S. Post Office.
 - D. Personnel will distribute mail only to the inmate who is to receive it. Inmates will not handle or distribute another inmate's mail.
 - E. Incoming non-legal, registered or certified mail will be receipted and delivered to the inmate after inspection.
 - F. Unless a jail commander pre-approves it, Office inmates shall not correspond with other Office inmates through the mail. Unauthorized mail addressed to an inmate that bears a return address of any Office jail shall be returned to the sender. Inmates who wish to correspond with immediate family members who are incarcerated in an Office jail may submit an *Inmate Request Form* to the jail commander. The request shall list the family member and the familial relationship of the individual with whom the inmate wishes to correspond.
 - 1. The jail commander or his designee shall verify the relationship of the requesting inmate and the intended recipient.
 - 2. If the two inmate family members are housed at different facilities, both jail commanders' approval to correspond is sufficient. A copy of the approved *Inmate Request Form* will be forwarded to all affected jails, the Central Mailroom and to the correspondents. A copy will also be placed in each inmate's facility file.
 - 3. Each jail will retain copies of currently approved *Inmate Request Forms* which affect the handling of mail at a jail. Copies must include the names and booking numbers of the immediate family members with whom each inmate is authorized to correspond.
 - 4. The jail commander of either facility or his designee may suspend correspondence privileges with other inmates for the following reasons:
 - a. One or both inmates violated jail rules and regulations.
 - b. The reason for the original approval no longer applies or determined erroneous or deceptive.
 - c. The safety, security, or good order of the facility is jeopardized.

- d. The safety or well-being of any individual is jeopardized.
 - G. Inmates may correspond with inmates whose return address is an out-of-agency detention or correctional facility without jail commander authorization.
 - H. Officers shall collect outgoing inmate mail during each shift. All mail must have a return address, correct postage, and in all other ways, comply with US Postal regulations before being delivered to a US Post Office.
3. **Outgoing Mail:** Outgoing, non-legal may be opened and inspected, but will not be censored. Outgoing, legal mail will be opened only in the presence of the inmate when clear and convincing evidence of a security breach establishes good cause.
4. **Volume of Mail:** There is no limitation on the volume of lawful mail, including letters, and publications, which an inmate may send or receive, or in the length, language, or text of the mail, except where there is clear and convincing evidence to justify the limitations for reasons of public safety or for the security and good order of the jail. Inmates who receive large volumes of mail shall keep their cells in a neat and orderly condition. Regarding any excessive mail or publications, an inmate shall either:
- A. Release the excessive mail or publications to his designee.
 - B. With prior approval of the shift commander or higher authority, forward it to the Property Division, where the excessive mail or publications will be held as safekeeping for a maximum of 90 days.
5. **Authorized Reading of Inmate Mail:**
- A. A Jail Intelligence investigator or supervisor may read non-legal inmate mail without a search warrant when one or more of the following conditions apply:
 - 1. The recipient of correspondence from an inmate files a complaint.
 - 2. Incoming or outgoing correspondence displays gang related paraphernalia or drawings.
 - 3. An inmate's current or past behavior indicates he is communicating any of the following:
 - a. Information that would cause violence or physical harm to a person.
 - b. Threats of blackmail or extortion.
 - c. Plans for sending or receiving contraband.
 - d. Plans of escape, or assisting an escape from lawful custody.
 - e. Plans or plots to disrupt the operational order or security of the jail.
 - f. Plans for illegal activities
 - B. Personnel may only read an inmate's legal mail after obtaining a search warrant. Personnel shall place a copy of the warrant in the inmate's Custody or Facility File.
 - C. Personnel will document the reading of legal and non-legal mail and the termination of a publication subscription in the Operations Journal. Details shall include, but not be limited to, the following:

1. The inmate's name and booking number.
 2. A description of the mail which was read or the subscription that was terminated.
 3. The date the mail was read or the subscription was terminated.
 4. The names and serial numbers of personnel involved.
 5. Any other actions taken by the jail commander.
 6. For legal mail only, search warrant information.
- D. Inmates in segregation shall receive the same opportunities and privileges for sending and receiving mail as inmates in general population.
- E. Communication of Procedures: The Inmate Rules and Regulations will include information regarding the facility's correspondence procedures. At a minimum, the handbook will include the following:
1. Notification that legal mail will only be opened in the presence of the inmate.
 2. Notification that all books must be mailed to the Lower Buckeye Jail.
 3. Procedures for obtaining supplies and postage.
 4. Instructions on how to address envelopes.
 5. There is no limit on the volume of correspondence that an inmate may send or receive; or on the length, language, content, or source of correspondence or publications; except when it violates any Office policy.
 6. Notification that general correspondence may be opened and inspected for security reasons.
 7. Notification regarding mail rejection and the opportunity to appeal.