

MISSISSIPPI DEPARTMENT OF CORRECTIONS

AGENCY WIDE

SOP NUMBER

31-01-01

INITIAL DATE

OFFENDER MAIL SERVICES

12-01-1982

ACA STANDARDS: 4-4487 thru 4-4496

EFFECTIVE DATE 02-01-2014

STATUTES:

NON-RESTRICTED

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APPLICABILITY:

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This procedure applies to all Mississippi Department of Corrections employees involved in the establishment and operation of offender mail services.

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POLICY STATEMENT:

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It is the policy of the Mississippi Department of Corrections (MDOC) to provide offender mail services.

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DEFINITIONS:

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<u>Indigent Offender</u> – An offender who has less than the current price of one first-class postage stamp in their MDOC offender account and has maintained that balance for thirty consecutive days preceding requested mailings.

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Identifiable - The official or legal capacity of the addressee is identified on the envelope.

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<u>Privileged/Official Mail</u> – Offenders' mail, to identifiable probation and parole officers, identifiable state and federal departments and agencies, identifiable MDOC officials, private prison officials, regional jail officials or officials of MDOC contract agencies.

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<u>Legal Mail</u> – Offenders' mail whether for litigation to the offender's attorney or in an attempt to regain legal services, to a judge or court clerk and/or to the opposing party in the offender's litigation.

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<u>Contraband</u> – Any items not authorized by Mississippi Code, MDOC policy, procedure, or post order.

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Illegal Contraband – Items prohibited for use or possession by federal or state law.

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<u>Publications</u> – Pre-paid soft cover books, subscriptions and newspapers sent from the publisher, distributor or vendor.

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Offender to Offender Mail – Correspondence sent from one offender to another of blood relationship or verified marriage approved in writing by the Superintendent, Community Corrections Director, Warden or designee.

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<u>Loco Parentis</u> – Persons having had the day-to-day responsibilities of caring for and financially supporting the offender as a child.

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42 <u>Blood Relationship</u> – For purpose of this definition, a blood relationship will be defined as 43 the spouse, biological or stepparent, biological or step-grandparent, biological or

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44 stepchild, or biological or stepsibling of an offender or an individual who stands in loco 45 parentis to the offender.

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Mail Recovery Center - A postal facility formerly called dead letter office, dead letter branch, or dead parcel branch that has been designated only to receive and attempt to return mail of obvious value that is undeliverable, cannot be forwarded, has inadequate postage or no return address.

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PROCEDURES:

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Written policy and procedure govern inmate Adult Correctional Institutions: correspondence [4-4487].

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General Mail

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All offenders, regardless of status, will be permitted to send and receive approved letters and/or publications as specified in this procedure. Offenders will not mail to or receive mail from:

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- Released inmates currently under supervision by the MDOC (excluding blood relationships which require approval by the Superintendent).
- An inmate confined in any local, state or federal correctional institution, including county jails, detention centers, half-way houses, privately operated correctional facilities, and juvenile facilities, excluding blood relationships which require approval.
- A current or former MDOC employee or current or former volunteer of any correctional facility that houses State of Mississippi offenders without the prior written approval of the Superintendent.
 - A minor, without the consent of the minor's parents or guardian, unless the minor is married to the inmate, or is the inmate's natural or adopted child.
 - Anyone who advises the Superintendent in writing that they do not wish to receive mail from a particular inmate.
 - Victims of the crime for which the inmate was convicted, or their families, unless approved in writing by the Superintendent.

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Adult Correctional Institutions: When the inmate bears the mailing cost, there is no limit on the volume of letters the inmate can send or receive or on the length, language, content, or source of mail or publications except when there is reasonable belief that limitation is necessary to protect public safety or institutional order and security [4-4488].

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Adult Correctional Institutions: Written policy, procedure, and practice specify that inmates are permitted to send sealed letters to a specified class of persons and organizations, including but not limited to the following: courts; counsel; officials of the confining authority; state and local chief executive officers; administrators of grievance systems; and members of the paroling authority. Staff, in the presence of the inmate, may be allowed to inspect outgoing privileged mail for contraband before it is sealed. Mail to inmates from this specified class of persons and organizations may be opened only to inspect for contraband and only in the presence of the inmate, unless waived in writing, or in circumstances which may indicate contamination [4-4492].

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94 Limitations will include, but not be limited to:

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- Items that can be purchased through the Canteen or obtained through MDOC state issue
- 98 Chaplain's Department, Medical Services and public library
- 99 Mail containing stamps or blank stationary
- Stickers, labels, address labels or decorative stamps
- Mail consisting of security, homemade, or padded envelopes
- A limit of six newspaper clippings
- No more than two pages of Internet copies
- Photos where the non-photo side can be separated (Polaroids)
- 105 Photos of other inmates
- Oils, perfumes or personal property items
- Lottery tickets or games of chance
- 108 Tax forms
- 109 Candy, gum or any food items
- Arts, crafts and hobby supplies
- Any audio or video medium (i.e., cassette, videotape, compact disc, DVD)
- Blank greeting cards will be returned (All greeting cards will be purchased through the Canteen or received from the Chaplain's Department.)
- Battery operated greeting cards, or greeting cards of excessive size (larger than 8 ½ inches by 11 inches)
- Unused greeting cards, stationary, pens, pens/pencils and envelopes

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Offenders will bear the expense of all mailings with the exception of certain legal mail and/or postcards as provided to indigent offenders.

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It will be the responsibility of the offender to notify correspondents of the correct mailing address.

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Security Threat Group Material

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Printer material that by its content is related to a specific Security Threat Group (STG) may be withheld if the presence of that material in an institution is deemed to be detrimental to the security, order, or discipline of the institution or to the rehabilitation of the inmates.

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Printed material containing depictions of hand signs, or other symbols or insignia that appear to be related to a STG may be withheld if:

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- Sign or symbol can be related to a specific STG
- Might reasonably be seen as something that might promote or enhance the image or visibility of the STG within the institution
- May be seen as legitimizing gang behavior
- May conflict with departmental efforts to discourage and prevent STG membership and recruitment.

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Suspected STG printed material will be referred to the institutional STG Coordinator for evaluation.

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143 Privileged/Official Mail as Specified by MDOC

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- Identifiable probation and parole officers
- Identifiable state and federal departments and agencies
- Identifiable MDOC officials, private prison officials, regional jail officials, or officials of
 MDOC contract agencies

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Legal Mail as Specified by MDOC

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- 152 Identifiable attorneys
- 153 Identifiable Judges, court clerks
- Opposing party in the offender's litigation

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Mailroom Log of Privileged, Legal, Official and Administrative Remedy Program (ARP) Mail

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159 Offenders will sign and date the applicable receipt.

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Offenders will be required to accept or refuse delivery of privileged, legal, official and ARP mail.

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Designated staff responsible for handling privileged, legal, official and ARP mail will ensure applicable receipts are returned to the facility mailroom without delay.

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Mailroom and ARP staffs will be responsible for verifying delivery for respective departments.

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The facility mailroom staff will develop and maintain a log to record privileged, legal official and ARP mail. The log will contain:

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- 173 Addressee
- 174 MDOC number
- 175 Unit number
- 176 Building number
- 177 Item number
- 178 Date received
- 179 Date delivered
- 180 Receiving staff

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Mail or Letter Restrictions

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184 A facility's controlling authority or designee will approve all letter restrictions.

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Any mail restrictions will be justified and documented.

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188 A copy will be forwarded to the facility mailroom.

- 190 Individuals including a minor's parent or legal guardian, who do not wish to receive correspondence from an offender, must send a written request to the facility's controlling
- authority or designee (i.e., superintendent or warden).

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193 The Superintendent or Warden may then deny offender correspondence.

The denied correspondence will be returned to the offender in conjunction with written notification of the refusal.

Mail Distribution

General mail distribution will be the responsibility of the designated security staff.

Collection and distribution will never be delegated to an offender.

Adult Correctional Institutions: Written policy, procedure, and practice require that, excluding weekends and holidays or emergency situations, incoming and outgoing letters are held for no more than 24 hours and packages are held for no more than 48 hours [4-4495].

Reasonable measures will be taken to forward all mail to offenders transferred to another institution or facility, paroled, or discharged.

Mail Collection

All offenders, regardless of status, will be provided means to send outgoing mail. Designated institution or facility staff will collect mail once each day except Saturdays, Sundays and holidays.

Handling of Offender Mail

All mail will be handled without delay on a daily basis.

Adult Correctional Institutions: Written policy, procedure, and practice, provide for forwarding first-class letters and packages after an inmate's transfer or release [4-4496].

Mail for transferred or released offenders who have provided a complete forwarding address will be forwarded for the time period indicated below:

 First-Class, Priority and Express mail – 12 months, unless otherwise requested by the mailer.

Newspapers and magazines – 60 days

 Packages weighing 16 ounces or more – 12 months locally. Forwarding charges may be paid by addressee for forwarding outside the local area.

• Circulars, books, catalogs and advertising mail under 16 ounces will not be forwarded unless requested by the mailer.

Mail items delivered by private carriers (UPS, FedEx) cannot be forwarded through the
 U.S. Postal Service; therefore, they will be picked up by the carrier for return to
 sender.

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Case Managers will ensure that the Offender Mail Forwarding form is included in the final screening packet for all offenders included in their caseload.

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The Case Manager will be responsible for assisting the offender with instructions on completing the form and forwarding it to the respective mailroom.

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Offenders temporarily absent from the institution or facility (i.e., hospital and court) will receive all approved mail upon return to the institution or facility. If the offender is away from the institution or facility for a period of time which exceeds five (5) working days, the mail will be returned to the sender.

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Reading an Offender's Mail

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When the Superintendent, Warden or designee determines it is necessary to prevent the commission of a crime or to maintain a facility's security and order, he may authorize the reading of an offender's mail.

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All incoming and outgoing mail for offenders identified as High Risk will be censored. The Superintendent, Warden or designee will forward a signed, written authorization to the Mailroom Supervisor when it is deemed necessary to read an offender's mail.

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Adult Correctional Institutions: Written policy, procedure, and practice provide that inmate mail, both incoming and outgoing, may be opened and inspected for contraband. Mail is read, censored, or rejected based on legitimate institutional interests of order and security. Inmates are notified when incoming or outgoing letters are withheld in part or in full [4-4491].

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Adult Correctional Institutions: Written policy, procedure, and practice provide for the inspection of inmate letters and packages to intercept cash, checks, and money orders [4-4493].

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Censorship status will be reviewed every thirty days.

Incoming and outgoing mail will be censored only if there is possible evidence of any of the following:

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- When incoming or outgoing letters are withheld, in part or full, offenders will be notified unless an ongoing investigation prohibits notification
- 280 Plans for sending contraband in or out of the institution or facility
- 281 Plans for criminal activity
- Threatened blackmail or extortion
- 283 Coded content not understood by the reader
- 284 Plans for activities in violation of MDOC rules
- Instructions for the manufacture of weapons, drugs or drug paraphernalia, or alcoholic
 beverages
- 287 Offender is identified as High Risk
- Mail will be read, censored, or rejected when based on legitimate facility interests or
 order and security

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290 In cases of censorship, a written authorization record will be kept in a designated office 291 and will include:

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- Offender's name and MDOC number
- Specific censorship reasons, relevant information and names of persons supplying information
- Signature of the Superintendent, Warden or designee
 - Copies of the mail read that is relevant to the investigation

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The Mailroom Supervisor will be provided the name of the investigator assigned to the case.

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Mail items that reveal sensitive information will be confiscated without notification to the addressee or sender.

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INTERNAL REVENUE SERVICE (IRS) OUTGOING & INCOMING MAIL

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The Mississippi Department of Corrections will monitor and intercept all outgoing and incoming tax-related correspondence for offenders. Mailroom staff and staff designated to inspect offender mail will forward all mail addressed to or received from the Internal Revenue Service (IRS) to the following address:

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- 312 Internal Revenue Service
- 313 Blue Bag Program, Stop 975
- 1040 Waverly Avenue 314
- Holtsville, NY 11742 315

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For each correspondence being forwarded to the IRS Blue Bag Program, both offender data and prison data is to be included with each piece of correspondence.

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Offender data to be included with each mailing:

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- Offender's Name
- 323 MDOC Number
- Social Security Number 324
- 325 Date of Incarceration
- 326 Release Date
- 327 Offender's Name clearly marked on each mailed article

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Prison data to be included with each mailing:

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- 331 Facility Name and Address
- 332 Sending Official's Name and Telephone Number

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Validated Refund Checks

- 336 Upon receipt, the IRS will review the correspondence and take the appropriate action. If
- 337 the IRS validates that a refund check is correct, it will be returned to the offender with IRS 338 LETTER 4877. Checks received with this letter are NOT to be returned to the IRS.
 - 31-01-01 (f)

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Validated refund checks are to be forwarded to Inmate Accounts along with the IRS LETTER 4877; and Inmate Accounts will handle accordingly.

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- 342 Mississippi Department of Corrections
- 343 Inmate Accounts
- 344 P. O. Box 544
- 345 Jackson, MS 39205-0544

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Outgoing General Mail Inspection

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Unless an investigation warrants otherwise, offenders will be notified when outgoing mail is withheld.

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352 All outgoing offender mail will:

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- Be identified by using red letters indicating that the mail is from a prisoner
- Be processed through the institutional Mail Room prior to being sent out of the facility
- Be inspected for contraband by staff prior to the envelope being mailed
 - Have the offender's complete first and last name (the name under which he is incarcerated), MDOC inmate number, and full return address.

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The complete return address will include:

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- 362 Offender's Name and MDOC Number
- 363 Current Housing Unit
- 364 Institution or Facility Name
- 365 Institution or Facility Address
- 366 City, State, ZIP Code

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The institution or facility name, address, city, state, and zip code may be obtained from the Unit Administrator or designee.

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An Outgoing Inmate Mail form will be completed and accompany oversized mail items, packages or brown envelopes. Postage for this mail must be in the form of a check from Inmate Accounts or stamps that do not exceed the allowable amount an offender can possess.

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Incoming General Mail Inspection

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The Postal Inspection staff will open, examine and scan all general incoming correspondence for disallowable items or contraband.

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381 All incoming mail must be addressed as follows:

- 383 Offender's Name and MDOC Number
- 384 Current Housing Unit
- 385 Institution or Facility Name
- 386 Institution or Facility Address
- 387 City, State, ZIP Code

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388 The return address must be clearly listed as follows:

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- 390 Sender's Name
- 391 Current Address
- 392 City, State, ZIP Code

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394 Mail received without a return address will be sent to the Mail Recovery Center unopened.

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396 If correspondence contains disallowable items, the offender and sender will be notified, 397 along with the amount of return postage if required.

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If the Mail Room does not receive a response within thirty days, the mail will be subject to disposal in keeping with MDOC policy and procedure.

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403 404 Any attempt to use the mail to disseminate large amounts of information to a facility's entire offender population is inherently suspect. If the Superintendent has reasonable cause to believe an attempt is intended to cause disruption or otherwise threaten the order and security of the unit or the facility, the mass mailing material will be restricted.

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Correspondence found to contain contraband (i.e., large sums of money, altered or blank money orders, checks and drugs) will be forwarded to the Corrections Investigation Division.

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411 A written record will be made by the investigator and will include:

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- 413 Offender's name and MDOC number
- 414 Description of questionable mail
- Description of action taken and reason for such action
- 416 Disposition of item(s) involved
- Signature of investigating officer

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Notice of Contraband

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Adult Correctional Institutions: Written policy and procedure govern inspection for and disposition of contraband [4-4494].

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Unless deemed illegal and/or would otherwise interfere with an investigation, a Contraband Notice will be sent to the involved offender and sender.

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Both the offender and sender may appeal to the facility's controlling authority or designee the decision not to deliver the contraband.

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If an appeal is denied or not filed, or if the offender and/or sender fail to indicate a disposition within thirty days, the contraband will be disposed of in accordance with MDOC policy and procedure.

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Material(s) considered contraband by criminal law will be given to the appropriate law enforcement agency.

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436 Offender Account Fund

See policy and procedure, Offender Account Funds (MDOC 02-12 and 02-12-01), for information on how offenders may receive funds from outside sources.

Offender Legal or Official Mail

All legal or official mail from an offender will be mailed through the ILAP office. Legal or official mail will be placed in an envelope and sealed in the presence of the verifying ILAP staff member before mailing. Any mail marked as legal mail that does not bear an ILAP stamp will be returned to the offender to comply with MDOC policy and procedure.

The Superintendent, Warden or designee will make a determination whether to open this type of correspondence.

Outgoing official or legal mail that has not been deposited in the mail through ILAP and remains in an offender's possession will be treated in like manner as all other correspondence and will be subject to being opened and inspected for contraband.

If the official's name, address and legal capacity cannot be verified, designated facility staff will state in writing the means employed to verify the information and/or the fact that it could not be substantiated.

If it is determined that the mail cannot be identified as legal or official mail, the mail will be treated as all other outgoing mail and will be opened and inspected for contraband.

Unless waived in writing by the offender, incoming official and/or legal mail will be opened by MDOC staff in the presence of the offender to be inspected for contraband and scanned front and back of each page to verify the documents are legal.

Indigent Offender Mail

Indigent offenders will be provided assistance as follows:

 Legal Correspondence - Indigent offenders will have access to basic supplies necessary to send out approved legal mail on a reasonable basis as determined by the Legal Assistance Office. The indigent offender will contact the Legal Assistance Office for help in sending any approved legal mail. A record of such access will be

Non-Legal Correspondence – Indigent offenders will be permitted access to one
postcard and subsequent postage per month. Offenders will complete an Indigent
Request Form for Mail Services and forward it to the appropriate Associate Warden or
designee. This method of notification will be covered in offenders' orientation.

Adult Correctional Institutions: Written policy, procedure, and practice provide that Indigent inmates, as defined in policy, receive a specified postage allowance to maintain community ties [4-4489].

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Indigent Mail Protocol

The Associate Warden or designee will ensure an offender has not used indigent mail services in the calendar month by checking the offender's working file.

The Associate Warden or designee will then forward these forms to Inmate Accounts for verification of indigence.

Once indigence is verified by Inmate Accounts, the form will be sent back to the Associate Warden or designee who will issue one postcard to the offender.

After the offender has completed correspondence on the postcard, it will be given to the Associate Warden or designee who will attach the completed Indigent Request Form for Mail Services and forward it to the Mail Room.

The Associate Warden or designee will place a copy of the completed Indigent Request Form for Mail Services in the offender's working file for tracking purposes.

The Mail Room will affix postage and keep on file all completed and verified Indigent Request Forms for Mail Services.

The Mail Room will forward a detailed report to Inmate Accounts at the end of each month reflecting all monies disbursed on indigent offender mail for reimbursement from the Inmate Welfare Fund.

Procedures for Publications

Adult Correctional Institutions: Written policy and procedure govern inmate access to publications [4-4490].

The Superintendent, Warden or designee will determine the number of publications permitted in each offender's possession; however, the Corrections Investigation Division will be responsible for ensuring that each offender is limited to ordering no more than three soft cover books per month with their account funds.

At the discretion of the Superintendent, Warden or designee, hardback books must be checked out from the institution or facility reading library.

Publications will come directly from a recognized publisher, distributor, or authorized retailer.

525 Secondary markets such as eBay and auction sites are not authorized retailers or 526 distributors.

Used books are authorized provided they are shipped directly from a recognized publisher, distributor or retailer.

Incoming publications will be pre-paid. Cash on Delivery (COD) orders, bill me later orders, and contract purchases such as book clubs are prohibited and will be rejected and returned to the sender.

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534 Such printed material must be read and inspected to discover contraband and 535 unacceptable depiction and literature.

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Offenders will be permitted to receive through the mail, certain types of publications containing pictures depicting nudity and some types of sexual acts unless the printed material is refused under guidelines outlined in the "Refusal of Publication" section of this SOP. These pictures should not be imposed on other offenders, staff or visitors by displaying them where others may view them.

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Newspaper clippings, magazine articles, cartoons or copies of material from the Internet may be enclosed within personal mail; however, the content is subject to the procedures for publications. Internet information about staff or other offenders is not authorized. Offenders are not authorized to receive items from the MDOC Misnet.

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Staff will not remove pages of any publication to make the publication acceptable. Staff may remove stapled or perforated items including, but not limited to CDs, DVDs, free product samples, calendars, advertising or promotional items.

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Refusal of Publication

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Only those publications which do not pose a threat to the maintenance of institutional order and security will be allowed in a MDOC facility. Printed material that will not be permitted in a MDOC facility or contract facility includes, but is not limited to the following:

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Escape plans or maps

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Plans to violate institutional or facility rules or disrupt work routines

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Introduction, purchase or instruction in the manufacturing of controlled dangerous substances or alcohol

563 564 565

Introduction of or instruction in the use of or manufacture of weapons, or instruction in the use of martial arts

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Verbiage, which reasonably construed, is written for the purpose of communicating information that could promote the breakdown of order through offender disruption such as strikes, riots, or information of offender unrest

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Images depicting objectionable symbols, which upon display, could potentially cause unrest or otherwise disturb the tranquility of the institution

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Presentation of sexual behavior which threatens the security or orderly running of the institution or facility

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The general standard to apply in determining whether or not sexually explicit material is subject to rejection under this regulation includes, but is not limited to the following:

- 581 Homosexuality (same sex as the recipient)
- 582 Sadomasochism
- 583 Penetration of any body orifice

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584 • Bestiality

Involving children

When a publication is refused, the offender and the publisher, distributor, or vendor will be sent a notice of the received publication, date of receipt and reason for refusal.

Procedures for Photographs

The term "photograph" does not include pictures in publications or magazines.

Offenders will not be permitted to receive or possess photographs that expose the genitals, genital areas (including pubic hair), anal area, cheeks of the buttocks, female breasts (or breasts that are designed to imitate female breasts).

These areas must be covered with garments that can not be seen through.

Lingerie will not normally be acceptable, whether transparent or not.

Swimwear will only be acceptable if the overall context of the picture is reasonably related to activities during which swimwear is normally worn.

Suggestive poses may be sufficient cause for rejection regardless of the type of clothing worn.

If photographs are disapproved, the offender will be sent a notice of the photograph receipt, date of receipt, and reason for disapproval.

Reasons for disapproval will include, but not be limited to:

- Multiple copies of the same photograph
- Hardback photographs that are subject to alteration or modification
 - The context of the picture is reasonably related to security
 - Threat Groups

Offender to Offender Mail

The Deputy Commissioner of Institutions or designee will ensure procedures govern offenders' correspondence to other offenders within the same facility and institution.

All offenders who wish to correspond with one another and have a verifiable blood relationship or have a verifiable legal reason for this correspondence (i.e., a court case or assisting in a pending case), must forward an Inter-Facility Correspondence Request for Approval form to the Superintendent, Community Corrections Director, Warden or designee.

If the offenders requesting permission to correspond are housed at different institutions or facilities, permission must be obtained from both of the Superintendents, Community Corrections Directors, Wardens or designees of the different institutions or facilities.

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631	Correspondence Courses
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633 634	All offenders wishing to receive Correspondence Courses must have a copy of the approval on file in the mailroom.
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636	Approval must be obtained on a case-by-case basis through the Chaplain's Department or
637	the Adult Basic Education Director or designee.
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639	It will be the responsibility of the individual Superintendent, Warden or designee to
640	determine the level of material permitted to accumulate in his institution or facility.
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642	Offender E-Messaging
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644	Offenders will be allowed to receive e-messages through the AccessCorrections web site.
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646	Upon receipt, messages will be approved or rejected by mailroom staff.
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648	<u>Packages</u>
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650	Offenders in institutions will not be allowed to receive packages.
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652	DOCUMENTS REQUIRED:
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654	Indigent Request Form for Offender Mail Services
655	Inter-Facility Correspondence Request for Approval Form
656	Legal and Official Mail Receipt
657	Offender Mail Forwarding Form
658	Outgoing Inmate Package Inventory Form
659	Staff/Offender ARP Legal/Official Mail Log
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661	As required by this procedure and through the chain of command

ENFORCEMENT AUTHORITY			
Reviewed and Approved for Issuance	Deputy Commissioner of Institutions	01/31/14 Date	