APPLICABILITY:

This procedure applies to all MDOC personnel assigned to the Division of Community Corrections; particularly those directly involved in the custody, care and control of offenders.

POLICY STATEMENT:

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

DEFINITIONS:

Indigent Offender – An offender who has a zero balance in his MDOC offender account and has maintained that balance for a continuous period of at least thirty days.

Censorship – The process of examining personal mail and official dispatch to remove information considered to be a threat to the security and safety of the facility.

PROCEDURES:

The Mississippi Department of Corrections does not limit the number of letters an offender sends or receives or the length, language, content or source of mail unless there is reasonable cause or legitimate security interest that exists to believe a limitation is necessary to protect public safety and facility order. The offender must bear the cost of these letters. Any restrictions will be justified and documented.

The Community Corrections Director or designee will approve all letter restrictions.

All offenders, regardless of status, will be allowed to send and receive approved letters and/or publications as specified in this procedure.

Adult Community Residential Services: All regulations concerning offender correspondence should be specified in writing and made available to staff members, offenders and their correspondents [4-ACRS-6A-07].

Anyone including a minor’s parents or legal guardian who is receiving correspondence from an offender may send a written request to the facility to refuse further correspondence. The letter must be returned to the offender with a written explanation.

Adult Community Residential Services: Procedures provide for the forwarding of first-class letters and packages after transfer or release [4-ACRS-6A-09].
Reasonable measures will be taken to forward all mail to offenders transferred to another facility, paroled, or discharged. Mail will be returned to the sender if forwarding is not available.

**INSPECTION/CENSORSHIP OF GENERAL MAIL**

**Adult Community Residential Services:** Offender’s mail, both incoming and outgoing, may be opened and inspected for contraband. When based on legitimate facility interests of order and security, mail may be read or rejected. The offender is notified when incoming mail is returned or outgoing mail is withheld [4-ACRS-6A-08].

**Inspection of General Mail – Outgoing**

All outgoing general mail will be inspected for contraband by unit staff prior to the envelope being sealed by the offender.

Unit staff will utilize the Mail Log to record all outgoing mail. Offenders will be notified when outgoing mail is held unless an investigation warrants otherwise.

**Inspection of General Mail – Incoming**

All general incoming correspondence will be opened by the Facility Administrator or designee and examined for money, disallowable items, or contraband. Staff will refer to standard operating procedure, Offender Property, and comply with the section heading “Inmate Accounts/Receipt of Funds.” When there are other items sent, the whole letter will be returned to sender. Unit staff will utilize the Mail Log to record all incoming mail.

**Reading/Censorship of General Mail**

The Facility Administrator or designee may require reading of an offender’s mail when it is determined to be necessary to prevent the commission of a crime or necessary to maintain security, order, or rehabilitation of the facility.

The Facility Administrator or designee must approve authorization for staff to read offender mail. Once approved, the employee requesting to read the mail must indicate in the Remarks section of the Mail Log, the reason for reading the offender's mail.

In such cases, the Facility Administrator or designee will indicate authorization by writing in the Unit Register the following information:

- Date mail received and read
- Offender’s name and MDOC number
- Name and address from whom mail was received
- Description of the mail
- Specific reason(s) for reading the mail, including all relevant information and names of persons supplying information
- Signatures of the Facility Administrator or designee and employee the reading mail
Incoming and outgoing mail will be censored only if there is possible evidence of any of the following:

- Plans for sending contraband in or out of the facility
- Plans for criminal activity
- Instructions for the manufacture of weapons, drugs, or drug paraphernalia, or alcoholic beverages
- Threatened blackmail or extortion
- Coded content not understood by MDOC staff
- Plans for activities in violation of MDOC rules

The Community Corrections Director or designee will review censorship status every 30 days.

**HANDLING OF OFFENDER LEGAL/OFFICIAL MAIL**

Legal or official mail will be sealed by the offender and will not be opened unless a determination from visual inspection reveals the envelope contains contraband. The Facility Administrator or designee will make the determination.

For the purpose of this exception, "identifiable" will mean the official or legal capacity of the addressee is identified on the envelope. Additionally, the name, official/legal capacity, and address must be verified. Legal or official pertains to the following:

- Identifiable courts
- Identifiable attorneys
- Identifiable correctional field officer
- Identifiable state and federal departments, agencies and officials
- Commissioner/Deputy Commissioner or other officials of the MDOC.

It is the responsibility and duty of facility staff to verify the legitimacy of the official listed on the envelope.

If the name, address and official or legal capacity cannot be verified, designated facility staff will state in writing utilizing the Privilege Mail Receipt form, the means employed to verify whether the information could be determined to be correct and true.

Upon determination that the mail is not identifiable official or legal mail, said mail will be treated as all other outgoing mail and will be opened and inspected for contraband.

Incoming official/legal mail may be opened only to inspect for contraband. Unless waived in writing, the inspection will be conducted in the presence of the offender.

**PROCEDURE FOR CONTRABAND**

Notice will be sent to the offender and sender of the contraband, unless deemed illegal. The notice will indicate the nature of the contraband. Both the offender and sender may appeal to the Community Corrections Director or designee the decision not to deliver the contraband.

If no appeal is taken or if the appeal is denied and the sender or offender does not indicate a disposition within 30 days, the contraband will be discarded.
Correspondence found to contain contraband which includes, but is not limited to large sums of money, altered or blank money orders, checks, or drugs will be forwarded to the Corrections Investigation Division. A written record will be made to include the following:

- The offender's name and MDOC number
- Description of the mail in question
- Description of the item(s) involved
- Disposition of the item(s) involved
- Description of the action taken and the reason for such action
- Signature of officer inspecting mail

PROCEDURE FOR PHOTOGRAPHS

Offenders will not be allowed to receive or possess photographs that violate the legitimate security principles of the facility to include, but not limited to:

- Offenders will not be allowed to receive or possess multiple copies of the same photograph.
- Offenders will not be allowed to receive Polaroid pictures.
- Hardback photographs that are subject to alteration or modification may be rejected.
- The term "photograph" does not include pictures in publications or magazines.
- Offenders will not be allowed to receive or possess photographs if the context of the picture is reasonably related to Security Threat Groups.
- Offenders will be sent notice of the photograph receipt, date of receipt, and reason for disapproval.

PROCEDURE FOR PACKAGES

Written policy, procedure and practice provide for the following in regards to the inspection of packages:

- Offenders may receive no more than 2 (two) packages per month and the size of the package will be no larger than 12 x 12 x 12.
- All packages received will be opened and inspected for contraband.
- Offenders will be notified when packages are rejected based on legitimate facility interest of order and security.

In the event that a package is refused, the Facility Administrator or designee will utilize the Package Inventory Sheet to list allowable items and non-allowable items. The following information will be indicated on the form:

- Date of Inspection
- Inspector
187. Offender Name and MDOC Number
188. Sender’s Name and Address
189. Package Number
190. Allowable Items/Non-Allowable Items
191.
192. The original form will be forwarded to the offender and copies will be forwarded to the sender and the offender working file.
193.
194.
195.
196. PROCEDURE FOR PUBLICATIONS
197.
198. Religious and legal books, pre-paid subscription magazines and newspapers from the publisher are considered publications. Such printed material may be read and inspected to discover contraband and unacceptable depiction and literature.
199.
200. Offenders are permitted to receive through the mail, certain types of publications containing pictures that are not deemed to be obscene unless the printed material is refused under guidelines of “Refusal of Publication” listed below. These pictures should not be imposed upon other offenders, staff or visitors by displaying them where others may view them. Printed material must be received directly from the publisher.
201.
202. Refusal of Publication
203.
204. Printed material will only be refused if it interferes with legitimate facility objectives (deterrence of crime by confinement, rehabilitation of offenders or maintenance of internal security within the facility). In making this determination, the printed material must fall into one of the following described categories for reasons of rejection:
205.
206. • The printed material concerns escape plans
207.
208. • The printed material concerns plans to violate facility rules or disrupt work routines
209.
210. • The printed material concerns the introduction, purchase or instruction in the manufacturing of controlled dangerous substances or alcohol
211.
212. • The printed material concerns the introduction or instruction in the use or manufacture of weapons or, instructions in the use of martial arts
213.
214. • The printed material contains verbiage, which if 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
215.
216. • The printed material contains a pen pal listing
217.
218. • The printed material contains a presentation of sexual behavior that threatens the security/orderly running of the facility or facilitates criminal activity
219.
220. The general standard to apply in determining whether or not sexually explicit material is subject to rejection under this regulation is as follows:
221.
222. • Homosexuality (same sex as the facility population)
• Sadomasochistic
• Bestiality
• Involves children
• Any publication deemed to be obscene

Procedure When Publication is Refused

Upon a publication being refused, the offender will be sent a notice of the received publication, date of receipt and reason for refusal.

DISTRIBUTION AND COLLECTION OF MAIL

Distribution of General Incoming Mail

General mail distribution is the responsibility of the designated security staff. Distribution will never be delegated to an offender.

All mail will be handled without delay on a daily basis. Generally, letters will not be held more than 24 hours, excluding weekends and holidays.

Offenders temporarily absent from the facility (either at the hospital or in court) will receive all approved mail upon return to the facility, unless the offender is away from the facility for a period of time which exceeds 5 (five) working days, in which case the mail will be returned to sender.

Collection of General Outgoing Mail

General mail collection is the responsibility of the designated security staff. Collection will never be delegated to an offender. All offenders regardless of status are provided means to send outgoing mail. Designated facility staff will collect mail once each day except Saturdays, Sundays and holidays.

COLLECTION OF OUTGOING LEGAL MAIL FOR THE FILING OF LEGAL DOCUMENTS

When an offender has a case pending in the courts, he will have certain legal documents that must be filed with the courts by a certain date. Once the offender deposits his legal documents into the facility mail system, these documents will be considered filed with the court.

The Facility Administrator or designee will ensure that Case Managers are available to assist offenders in the mailing of legal documents that must be filed with the courts. It is the responsibility of the offender to incur the expense of mailing these documents. Information regarding the availability of mailing these types of legal documents will be posted in the unit housing area.

When necessary, Case Managers will allow the offender to weigh legal correspondence in order to ascertain the correct amount of postage needed. Postage will then be affixed to the envelope(s) and the mail will be delivered to the post office.

The Facility Administrator or designee will ensure that Case Managers maintain specific information utilizing the Outgoing Legal Mail Transaction Post Conviction Filing form to
document the date that outgoing mail for the filing of legal documents are presented by the offender to be mailed. **This form will be maintained for a period of at least seven (7) years.**

When the offender’s Post-Conviction and/or other legal documents do not reach the Courts by the designated deadline, the log will serve as evidence to the court that the offender did in fact, file documents within the allotted time. The Outgoing Legal Mail Transaction Post Conviction Filing form will document the following information:

- Name of facility
- Offender name and MDOC number
- Date of outgoing legal mail collected
- Name/address of court where legal mail is forwarded
- Amount of postage affixed
- Complete and legible signature of the offender presenting the outgoing legal mail
- Complete and legible signature of the case manager receiving the outgoing legal mail
- Date legal mail is delivered to postal services

A copy of the completed Outgoing Legal Mail Transaction Post Conviction Filing form will be provided to the offender.

In the event that the offender does not have the correct amount of postage affixed due to indigence, the offender will complete the Indigent Offender Request form to have post-conviction documents mailed to the Case Manager.

The form will then be forwarded to Inmate Accounts for verification of indigence. Once indigence is verified by Inmate Accounts, the form will be sent back to the Facility Administrator or designee or designee.

The Case Manager will complete the Outgoing Legal Mail Transaction Post Conviction Filing form, affix the proper postage and forward the legal mail to the post office. A copy of the Indigent Offender Request to Have Post Conviction Documents Mailed form will be maintained in the offender’s working file for tracking purposes.

The Facility Administrator or designee will keep on file all completed and verified Indigent Offender Request to Have Post Conviction Documents Mailed forms. A detailed report will be forwarded to Inmate Accounts at the end of each month of all monies disbursed on indigent offender mail for reimbursement from the Offender Welfare Fund.

**OFFENDER TO OFFENDER MAIL**

Offenders housed in different facilities who wish to correspond with one another must forward a request to the Community Corrections Director or designee. Approval or refusal for correspondence will be forwarded to the offender in writing utilizing the Inter-Facility Correspondence Approval form. This type of correspondence will be subject to censorship and the same inspection procedures for contraband as incoming/outgoing general mail.

**INDIGENT OFFENDER MAIL**

*Adult Community Residential Services: Indigent offenders, as defined in policy, receive a specified postage allowance to maintain community ties [4-ACRS-6A-06].*

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Indigent offenders, in order to maintain community ties, will be allowed access to one postcard and subsequent postage per month. Offenders will complete the Indigent Request Form for Mail Services Form and forward this to the Facility Administrator or designee.

The Facility Administrator or designee will ensure the offender has not used indigent mail services in the calendar month by checking the offender's working file. The Indigent Request Form for Mail Services Form will then be forwarded to Inmate Accounts for verification of indigence.

Once indigence is verified by Inmate Accounts, the form will be sent back to the Facility Administrator or designee who will issue one (1) postcard to the offender. After the offender has completed correspondence on the postcard, it will be given to the Facility Administrator or designee who will affix postage and forward the postcard to the post office. A copy of the completed Indigent Request Form for Mail Services will be maintained in the offender's working file for tracking purposes.

The Facility Administrator or designee will keep on file; all completed and verified Indigent Request Forms for Mail Services. A detailed report will be forwarded to Inmate Accounts at the end of each month of all monies disbursed on indigent offender mail for reimbursement from the Offender Welfare Fund.

**DOCUMENTS REQUIRED:**
- Mail Log
- Privileged Mail Receipt
- Package Inventory Sheet
- Outgoing Legal Mail Transaction Post Conviction Filing
- Indigent Offender Request to Have Post Conviction Documents Mailed
- Inter-Facility Correspondence Approval
- Indigent Request Form for Offender Mail Services

As required by this procedure and through the chain of command.

**ENFORCEMENT AUTHORITY**

Reviewed and Approved for Issuance

[Signature]

Deputy Commissioner of Community Corrections

7-15-10

Date