

ATTACHMENT #4

Administrative Regulation 205.01

Inmate Mail

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		INMATE MAIL	

This Administrative Regulation is to be made available in law libraries or other inmate resource centers.

- EFFECTIVE: March 1, 1980
- REVISED: October 31, 2005
- REVISED: September 4, 2006
- REVISED: November 8, 2007
- REVISED: December 28, 2007
- REVISED: September 26, 2008
- REVISED: September 24, 2009
- REVISED: September 30, 2010
- REVISED: September 27, 2011
- REVISED: September 21, 2012
- REVISED: October 25, 2013

SUMMARY of REVISION/REVIEW

* Revisions include: Delete language concerning e-messages throughout. Page 5, Section 2b, Line 12, "Once both Warden's..." remove apostrophe from "Warden's." Page 5, Section 2c, 1st sentence: Replace "general statement of the reason for denial" with "Notice of Returned/Damaged Mail". Page 5, Section 2c, 2nd sentence: Replace "similar written statement" with "a copy of the Notice of Returned/Damaged Mail". Page 6, Section 5b, delete 5th sentence. Page 7, Section H: Add after last sentence, "Outgoing mail addressed to an individual from an inmate who has been directed not to send mail based on the individual's request will be stopped and may be used as part of the disciplinary process." Page 8, Reference II.B., last reference "4-ACRS-6A-09" remove space.

APPROVED:



 Frank W. Hopkins, Acting Director
 Nebraska Department of Correctional Services

	<p style="text-align: center;">ADMINISTRATIVE REGULATION</p> <p style="text-align: center;">Department of Correctional Services State of Nebraska</p>	<p style="text-align: center;">NUMBER 205.01</p>	<p style="text-align: center;">PAGE 2 of 8</p>
		<p>INMATE MAIL</p>	

PURPOSE

Regulations governing inmate mail are necessary to attain the Nebraska Department of Correctional Services (NDCS) objectives to provide opportunities for inmate self/career development and maintain a safe, secure and humane environment for inmates, staff and the public.

GENERAL

Each institution, consistent with its function and the nature of its inmate population and programs, shall develop its own version of this regulation within the limits and guidelines which follow.

There shall be no restrictions on the number of letters, length, language, content or source of mail or publications, except when there is a reasonable belief that the limitation is necessary to protect public safety or institutional order and security.

As used herein, the term "mail" shall include packages.

The current version of Title 68 Chapter 3-MAIL PRIVILEGES of the Rules and Regulations of the Nebraska Department of Correctional Services promulgated under the Administrative Procedures Act is herewith incorporated into this Administrative Regulation. This document will be referred to as Chapter 3" below.

This Administrative Regulation and Chapter 3 shall be reviewed annually and updated as needed.

PROCEDURE

I. MAIL PRIVILEGES

- A. In addition to contraband specified in Chapter 3, contraband includes any items which are not acquired by inmates through authorized institutional channels or sources.
- B. The Warden may allow certain published materials to be stored by the facility and viewed privately but not retained by the inmate.
- C. Outgoing Mail Procedures - United States Postal Service (USPS)
 - 1. Inmates may send mail to any person or organization they choose, except as prohibited by Chapter 3 (Attachment A) or this regulation.
 - 2. If the Warden has reasonable cause to believe that an inmate is using the mail to engage in an unauthorized business enterprise or to defraud the public, the Warden should document the facts that led to that conclusion and a direct order should be given to the inmate to discontinue the practice. Evidence that the inmate has not complied with the direct order may cause the inmate to be subject to disciplinary action.
 - 3. Outgoing inmate mail will be stamped with the following disclaimer: NOTICE! This correspondence was mailed by an inmate confined in a facility operated by the NDCS. Its contents are uncensored.
 - 4. All internal facility correspondence must in all cases contain the commitment name and the number of the inmate. An inmate may also sign the communication with a recognized alias, such as a Muslim name. If inmates have legally changed

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their names, both the committed name and the legal name will be shown, and the legal name must be signed. Inmates may use only their legally changed name and number on the envelope of outgoing mail.

5. If an inmate attempts to send mail to an inmate in another facility or in the same facility, the Warden at the sending facility shall have the authority to intercept the mail and return it to the sender under the same standards as provided for incoming mail in paragraph D.1, below.
6. Inmates will not be permitted to use the state's inter-office mail system to send mail to NDCS staff, except when such mail involves applications for a speedy trial directed to the NDCS' Special Services Unit, appeals to the Appeals Board, requests to accounting, good-time restoration appeals, Step 2 grievance procedures, appeals of classification actions, requests to the ADA Coordinator and Mental Health Practitioner Supervisor/Inpatient Healthy Lives Program, NDCS Social Worker. Employees should not assume responsibility for mailing these materials for inmates through interoffice mail except for disciplinary and/or classification. This mail must either be folded or stapled with the proper return address. On the return address, the inmate must use his/her number, committed name or legally changed name and the name of the facility where the inmate is assigned. Inmates must use the U.S. Mail Service for all other correspondence.
7. Contraband which is removed and confiscated from outgoing inmate correspondence, other than money, will be disposed of unless it is needed as evidence for prosecution. The method of disposition will be decided by the Warden. Disposition of money orders will be in accordance with A.R. 113.02, *Inmate Accounting*.
8. Mail shall leave the facility no later than twenty-four hours after the sender has deposited it for mailing, with the exception of weekends and holidays, or when mail contains suspected contraband.
9. Inmates may not possess postage stamps. Pre-stamped envelopes will be available for purchase in the facility canteens. Inmates will be allowed to possess up to forty pre-stamped envelopes. A 10" pre-stamped envelope will be sold. Inmates may receive self-addressed stamped envelopes when these come from government agencies, an attorney, a publisher, vendor, religious headquarters, or an educational facility (so long as the envelopes are enclosed as part of a bona fide approved correspondence course.) The Assistant/Associate Warden must approve all correspondence courses and will work with designated Education staff. Self-addressed stamped envelopes may also be received in legal mail. Self-addressed stamped envelopes may not be mailed in from any other source and for any purpose other than as stated herein. All other pre-stamped envelopes must be purchased from the facility canteen. A supply of stamps will be maintained in each canteen for use by inmates who purchase special events cards, such as birthdays, anniversaries and holidays.
10. When an inmate purchases a special event card and necessary postage, the canteen staff will affix the necessary postage on the envelope after the card and postage are purchased by the inmate. The inmate will not be given the loose stamp for the inmate to place on the envelope. Since Community Corrections

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Center – Omaha (CCC-O) has no canteen, inmates there may possess up to forty stamps.

11. Inmates are not permitted to enclose postage or stamped envelopes in outgoing mail, except when requesting return mail from government agencies, or when approved by the Warden for special circumstances, such as facilitating family correspondence with children.
12. Disclaimer stamping of inmate mail as described in I.C.1.b.above and search of outgoing mail as described in I.C.1.f.above will not be done at community corrections facilities.
13. Inmates are not allowed to receive communication by facsimile machine or by telegram.

D. Incoming Mail Procedures

1. Letters, Publications, Commercial Items

- a) All publications, including but not limited to, newspapers, magazines, soft-back books, paperbacks and hardbound books, must be prepaid and sent to the inmate directly from the publisher. Prepaid publications received from bookstores will be permitted. Such items shall be received in envelopes or packages which display a commercially printed or stamped return address. Items which contain an invoice or packing slip showing an amount due will be returned to the sender at the inmate's expense. The inmate will be required to complete an institutional check for the cost of returning the items. Items shipped from a commercially printed or stamped return address are assumed to have been prepaid unless a billing is included.
- b) Religious publications, tapes and CD's may be received directly from churches or other religious bodies after being screened by the religious coordinator.
- c) If an inmate is denied a publication and subsequently files a grievance, the content of the publication will be reviewed by the Warden or designee. The reviewer shall not have participated in the original decision to deny the publication. The grievance response must cite the specific reasons for denial of the publication.
- d) If facility staff can determine the inmate for whom the mail is intended, such mail must be delivered. Mail must be delivered if it contains only the inmate's legally changed name and institutional number.

All incoming letters to inmates will be stamped with a receiver stamp near the inmate's name, when possible. This stamp will include a date that the material was received and the facility that received it.

- e) If an inmate's mail is held for not complying with policy, a "Notice of Held Mail" form (Attachment C) shall be completed. The inmate will receive a copy of the form noting the reason the mail was held.

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2. Inmate-to-Inmate Mail

- a) Mail from inmates in other correctional facilities or the same facility is presumed to constitute a threat to the safety, security or good order of the facility where the addressee resides. Such mail can be used to communicate escape plans, to arrange assaults and other violent acts, and to facilitate the development of informal organizations that threaten the security of correctional facilities.
- b) Only the Warden at the facility where the addressee resides may issue written permission for inmate to inmate correspondence. Such permission may be granted when the inmates are immediate family (immediate family is defined as spouse, parent, step-parent, person acting in the place of parent as documented in the facility file, sibling, step-brother, step-sister, half-brother, half-sister, child, step-child, grandparent, grandchild) or the inmates have a common interest in a legal matter and the Warden determines that the addressee's receipt of such correspondence will neither threaten the safety, security or good order of the facility nor jeopardize the rehabilitative process of the addressee. Inmates who are not immediate family and who desire to correspond regarding a parental interest in a child must show evidence of financial support of that child. Inmates approved for inmate-to-inmate correspondence may include appropriate photographs with their correspondence. Once both Wardens agree to allow two inmates to correspond, this permission to correspond will be honored by other NDCS facilities/programs to which the inmate(s) may transfer. Permission to correspond is always subject to review and may be cancelled for good cause.
- c) When incoming mail from another inmate is denied, the mail will be returned to the sending facility along with a Notice of Returned/Damaged Mail. A copy of the Notice of Returned/ Damaged Mail will be given to the inmate to whom the mail was addressed. If either the sender or the addressee wishes to challenge the Warden's decision to return the mail, the inmate may use the NDCS grievance mechanism set forth in NDCS Chapter 2.
- d) Mail from inmates in other correctional facilities or the same facility may not be sealed by the sender and may be inspected and read by staff at the sending and receiving facilities. The Warden at the sending facility shall also have the right to intercept mail and return it to the sender under the same standards set out above.
- e) Inmates may be allowed to correspond through the mail with other inmates "out on bond." However, if there is a safety or security concern, such mail may be read by authorized staff. An inmate out on bond may not send money to incarcerated inmates. When mail is received from an inmate out on bond, any letter will be given to the addressee, however, any enclosed money order or check will be returned to the sender.

3. Contraband

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Contraband which is removed from incoming inmate mail which is not returned to the sender may be turned over to law enforcement authorities for possible prosecution. Contraband not returned to the sender or given to law enforcement will be disposed of according to facility procedures.

Chapter 3, Mail Privileges (Section 006.04). Inserts in publications may be removed from the publication if the inserts are contraband. The inserts may be removed without notice to the inmate. After the inserts that are contraband are removed from the publication, the publication can be delivered to the inmate.

4. Funds Received

- a) If any money orders or checks are found to be contained in any incoming mail, such will be credited to the inmate's institutional account. Notification of such credit will be provided to the inmate by the Business Manager/designee of the appropriate facility. Senders of checks or money orders must be certain that their first and last names and complete address appear on the check, money order or envelope. If there is no return address, or the sender's name is incomplete/illegible or the sender's name and address on the envelope does not match the name and address on the money order/check, the money order or check will be credited to the inmate's confiscated account until the inmate's release from custody of the NDCS. A receipt will be issued to the inmate by the Business Manager/ designee of the appropriate facility. (See AR 113.02, *Inmate Accounting* for additional details.)
- b) Cash/coin (Official U.S. government money) or travelers checks found in any incoming mail will not be accepted by the facility. Inmates shall be instructed to inform family and friends. However, if cash/coin is found in incoming mail, it will be accounted for, as determined by each facility, and then placed on the inmate's confiscated cash account. The inmate will be notified of this action. A receipt will be issued to the inmate by the business manager/designee of the appropriate facility.
- c) Inmates may not receive money (in any form) from family/friends or other inmates or any persons on the approved visiting list of other inmates.

E. Privileged Mail

- 1. In addition to those individuals specified in NDCS Chapter 3, inmates may send sealed letters to local (city or county) government officials and administrators of grievance systems. Mail from these individuals will be treated as confidential and opened and inspected only in the presence of the inmate, unless waived in writing. The Warden of the facility from which such mail originates may choose to stamp any such outgoing mail disclaiming any administrative responsibility for the nature or contents of such mail.
- 2. The name or firm affiliation of the sender must appear in commercial printing on the envelope, or the incoming mail will not be considered privileged mail. Any sender using envelopes which do not contain commercially printed names or official status who desires to have his or her mail to an inmate treated as

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privileged mail, must acquire the approval of the Warden. Without approval, such mail marked "Privileged" will be handled as standard, incoming mail.

3. Any incoming mail marked "Attorney-Client," or which in some other fashion is clearly indicated to be attorney-client communication, shall be opened only in the presence of the inmate-addressee.

F. Mail Constituting Threats to the Facility

With respect to the reading of incoming or outgoing mail, the Warden shall issue guidelines defining the types of mail which could constitute a threat to the safety, security or good order of that facility. Whenever such mail is read, the reader shall record the name and institutional number of the sender/addressee, the date of the reading, and the reasons why the mail was read.

After an item is read, it may be copied only if the Warden or designee determines that the mail does in fact contain statements or information which could threaten the safety or security of persons or property outside the facility. Copies of any such mail shall be retained only so long as they are needed to complete an investigation of the apparent threat, or so long as they are needed as evidence in a disciplinary proceeding or criminal action.

G. Indigent Inmates

1. Indigent inmates shall receive five, first class, U.S. postage embossed envelopes per month or the equivalent in metered mail to send letters in order to maintain community ties. Indigent inmates are those who have not had a balance of \$10.00 or more in their trust account during the past thirty days. Inmates shall have access to the courts for the sending of correspondence and pleadings regardless of their ability to pay postage. See A. R. 116.01, *Inmate Rights*.
2. Indigent status inmates will be allowed to write insufficient fund checks for postage in order to mail tort claims to the Office of Risk Management. Said mail will not be handled as privileged mail, that is, this mail may not be sealed by the inmate prior to placing it in the outgoing mail, nor will responses to the inmate need to be opened in the presence of the inmate.
3. Indigent postage does not include specialized USPS services (certified, return receipt).

H. Unwanted Correspondence

Inmates may not send correspondence to a person who has notified the Warden's office verbally or in writing that such correspondence is unwelcome. The inmate will be given a direct order not to send the unwelcome correspondence and such order will be documented in an incident report. The inmate who persists in writing after the direct order has been given is subject to a misconduct report for violation of Rule II.E. Outgoing mail addressed to an individual from an inmate who has been directed not to send mail based on the individual's request will be stopped and may be used as part of the disciplinary process.

II. FORWARDING MAIL

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When an inmate has been transferred to another correctional facility, the inmate's First Class mail will be forwarded. After an inmate is released, First Class mail will be forwarded if the Department has a forwarding address. If an inmate has been released and the Department does not have a forwarding address for the inmate, the mail will be returned to the sender.

REFERENCE

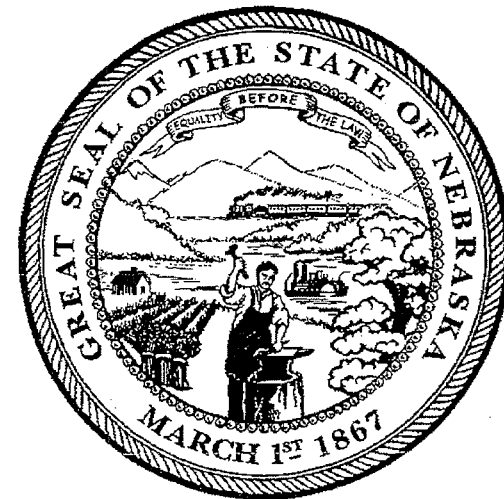
I. ATTACHMENTS:

- A. NDCS Rules and Regulations (12/28/2009) – Chapter 3 – Mail Privileges.
- B. Notice of Returned/Damaged Mail – DCS-A-adm-008 (rev. 5/10)
- C. Notice of Held Mail – DCS-A-adm-099 (2/02)

II. AMERICAN CORRECTIONAL ASSOCIATION (ACA) STANDARDS

- A. Adult Correctional Institutions (ACI) (4th edition): 4-4266, 4-4275, 4-4487, 4-4488, 4-4489, 4-4490, 4-4491, 4-4492, 4-4493, 4-4494, 4-4495, 4-4496
- B. Performance Based Standards for Adult Community Residential Services (ACRS) (4th edition): 4-ACRS-6A-01, 4-ACRS-6A-06, 4-ACRS-6A-07, 4-ACRS-6A-08, 4-ACRS-6A--09

**NEBRASKA
DEPARTMENT OF CORRECTIONAL
SERVICES**



REVISED ON THE FOLLOWING DATES:

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September, 1985
May 18, 1987
February 13, 1989
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August 12, 1990
December 20, 1994
July 7, 1998
May 27, 2000
December 28, 2008

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RULES AND REGULATIONS

Title 68 Nebraska Administrative Code

DCS-A-sty-002

Chapter 3 - MAIL PRIVILEGES

001 - Applicability. This rule applies to all facilities operated by the Department of Correctional Services.

002 - Departmental Policy. An inmate's access to the mail will be limited only if the access constitutes a violation of state law, federal law, regulations governing mail or threatens the security, safety or good order of the facility.

003 - Contraband in the Mails. Contraband, for purposes of this Chapter, includes but is not limited to:

003.01 Any drugs that cannot be legally possessed under Nebraska law.

003.02 Tobacco or tobacco products.

003.03 Information on escape routes.

003.04 Information on the manufacture of weapons, incendiary devices, drugs or alcohol.

003.05 Alcoholic beverages.

003.06 Weapons of any type.

003.07 Perishable goods, unless approved by the Warden of the facility.

003.08 Maps that constitute a threat to the security of the facility or the public because the map could be used as an escape tool.

003.09 Cash.

003.10 Any item that would cause a violation of the Code of Offenses if possessed by an inmate.

003.11 Any item that promotes gangs or gang activities.

003.12 Postage stamps (except as allowed in *Rule 3.012.08* and in Community Corrections facilities).

003.13 Any item that would constitute a threat to the safety, security or good order of the facility.

003.14 Any publication, writing or recording that advocates or is likely to incite violence or illegal activities.

003.15 Any publication or item that advocates or is likely to incite violent or illegal activity, including materials which advocate or depict violent or illegal sexual activity.

003.16 Any other printed, published, recorded or photographed material that the Warden determines is a threat to the safety, security or good order of the facility.

004 - Contraband in Outgoing Mail.

004.01 All non-privileged outgoing mail will be examined for enclosures and contraband except in community facilities. The Warden of a community corrections facility may have outgoing mail examined at his or her discretion.

004.02 Any contraband found in outgoing mail will be seized and a receipt will be given to the inmate.

004.03 Official government money confiscated from an inmate's outgoing mail will be placed in the inmate's confiscated cash account and will be returned to the inmate upon release from the custody of the Department.

004.04 At the conclusion of any disciplinary action involving contraband in outgoing mail, the seized contraband shall be destroyed, retained, or referred to a law enforcement agency, as appropriate.

004.05 If an inmate wants to challenge the seizure of contraband found in outgoing mail, the inmate shall use the grievance procedures.

005 - Contraband in Incoming Mail.

005.01 All non-privileged incoming mail will be opened and examined for enclosures and contraband.

005.02 Contraband found in incoming mail will normally be returned to the sender with a copy of the written statement given to the inmate. The statement shall include a description of the contraband and why it was removed.

005.03 If the contraband in incoming mail violates state or federal law, the contraband and the letter will be referred to a law enforcement authority. If contraband in incoming mail is seized for prosecution purposes, the sender and the inmate will be notified.

005.04 An inmate can challenge the seizure of contraband in incoming mail by filing a grievance.

005.05 A sender can challenge the seizure of contraband in incoming mail by contacting the Warden of the Facility in writing.

006 - Contraband Publications.

006.01 If a publication that is contraband is found in an inmate's incoming mail, the inmate will be given written notice. The notice shall state why the publication is not being delivered and why it is contraband.

006.02 The publication will be held until the grievance procedure is exhausted or the time for filing has expired before the publication is destroyed or returned to the sender at the inmate's expense.

006.03 An inmate may request that the publication be immediately returned to the sender at the inmate's expense.

006.04 Inserts in publications may be removed from the publication if the inserts are contraband. The inserts may be removed without notice to the inmate. After the inserts that are contraband are removed from the publication, the publication can be delivered to the inmate.

008 - Inmate-to-Inmate Mail.

008.01 Inmate-to-inmate mail is presumed to be a threat to the safety, security or good order of the facilities and is presumed to jeopardize the rehabilitation of the inmates.

008.02 An inmate cannot send mail to or receive mail from:

008.02A A parolee without the approval of the Warden and the Parole Administrator.

008.02B An inmate at another correctional institution without the approval of the Wardens of both institutions.

008.02C An inmate in the same institution without the Warden's approval.

008.03 Approval of inmate-to-inmate correspondence shall be in writing.

008.04 Inmate-to-inmate correspondence may be allowed if the inmates or parolees are immediate family or have a common interest in a legal matter and the correspondence will not threaten the safety, security or good order of the institution or jeopardize the rehabilitative process of the inmates or parolees.

008.05 Staff designated by the Warden(s) may read incoming or outgoing mail sent from one inmate/parolee to another inmate/parolee.

009 - Outgoing Mail Procedure.

009.01 The amount of mail an inmate can send will not be limited unless the inmate has violated the Department's rules and regulations or policies relating to mail.

009.02 Inmates cannot establish credit with sellers of merchandise, or establish or conduct business enterprises, without the approval of the Warden.

009.03 Inmates cannot send mail to persons who have given written notification to the Warden objecting to receiving mail from the inmates.

009.04 The Warden will designate employees to process outgoing mail.

009.05 All outgoing mail will be stamped with a statement that the mail came from a correctional institution.

009.06 All outgoing mail will be examined for enclosures and contraband except in community facilities. The Warden of a community facility may determine when outgoing mail will be examined at his/her discretion.

009.07 Outgoing mail may be read only when there is clear and convincing evidence that the outgoing mail could constitute a threat to the safety, security, or good order of the facility.

009.08 The envelopes for outgoing mail shall not be sealed, unless the mail is privileged.

009.09 The inmate's name, number and institutional address shall be on the upper left-hand corner of each piece of outgoing mail. The inmate shall use his legal name or legally changed name. If the inmate's name is not on outgoing mail, the mail will be retained for sixty days. If the inmate does not claim the mail within sixty days, the mail will be destroyed.

009.10 If any outgoing mail is not allowed to leave the facility, the mail will be returned to the inmate, with a written explanation of why the mail was returned.

010 - Incoming Mail Procedures.

010.01 Inmates may receive mail from any person or organization they choose except as prohibited by DCS rules and regulations or state or federal law.

010.02 There is no limit on the number of letters an inmate may receive, the length of an incoming letter, or the language used to write the letter, unless the incoming letter violates the Department's rules, regulations or policies or State or federal law.

010.03 All items received through the mail must be paid for in advance. If an item is not paid for in advance, the item will be returned to the sender and the inmate will be given written notice that the item has been returned.

010.04 Any publication that does not comply with this rule or any Department rule, regulation or policy will be returned to the sender. The inmate will be given written notice that the publication has been returned.

010.05 All publications must be prepaid and shipped directly from the publisher or bookstore.

010.06 A church or other religious organization may send religious publications or tapes to an inmate. The items will be reviewed by the religious coordinator and must be approved by the religious coordinator before the religious publications or tapes are delivered to the inmate. If the religious publications or tapes are not approved by the religious coordinator, the publication or tape will be returned to the sender and the inmate will be given written notice that the item has been returned.

010.07 Free advertising materials, fliers, and other bulk mail without the inmate's name and number will not be delivered. This mail will be returned to sender, if possible, or will be destroyed without notice to the inmate.

010.08 The Warden will designate employees to process all non-privileged incoming mail.

010.09 All non-privileged incoming mail will be opened and examined for enclosures and contraband.

010.10 Incoming mail may be read only when there is clear and convincing evidence that such mail constitutes a threat to the security, safety, or good order of the facility.

010.11 All incoming mail will normally be delivered to the inmate within twenty-four hours after its receipt at the facility, except weekends and holidays, or when mail contains contraband. Packages will usually be delivered within forty-eight hours.

010.12 All incoming mail must have the name and address of the sender on the envelope. Any mail that does not have the name and address of the sender on the envelope may be read. If the sender of such incoming mail can be determined, the mail will be delivered to the inmate, unless the incoming mail violates another of the Department of Correctional Services rules.

010.13 An inmate may receive mail only if it is addressed to the inmate in his or her individual capacity.

010.14 When an inmate has been transferred to another correctional facility the inmate's First Class mail will be forwarded. After an inmate is released, First Class mail will be forwarded if the Department has a forwarding address. If an inmate has been released and the Department does not have a forwarding address for the inmate, the mail will be returned to the sender.

011 - Limitations. Inmates may use the U.S. Mail for correspondence. The Department of Correctional Services will not send or receive facsimile transmissions, telegrams, express mail, e-mail or any other electronic transmission of correspondence for an inmate.

012 - Privileged Mail.

012.01 Inmates may send sealed letters to all federal and state officials, the Director, Deputy Director, and Assistant Director, and the Warden of any facility of the Department of Correctional Services; the Office of Public Counsel/Ombudsman; judges; members of the Parole Board and members of the Pardons Board; and members of local, state, and national bar associations.

012.02 The Warden may attach to any outgoing privileged mail, a notice disclaiming responsibility for the nature of contents of outgoing privileged mail.

012.03 Incoming mail marked as privileged/confidential from one of the persons listed in subparagraph *012.01* of this rule may be opened only in the inmate's presence.

012.04 Incoming privileged mail will be examined for contraband when it is opened.

012.05 Incoming privileged mail will not be read unless there is clear and convincing evidence that the incoming privileged mail threatens the safety, security, or good order of the institution.

012.06 The name or firm affiliation of the sender of incoming privileged mail must appear in commercial printing on the envelope or the incoming mail will not be considered privileged mail.

012.07 A sender of incoming privileged mail who does not use envelopes with commercially printed return addresses may request prior written approval from the Warden to send privileged mail to an inmate in an envelope without a commercially printed return address. Unless this permission is received the incoming mail will not be considered privileged.

012.08 Attorneys of record representing the inmate may send the inmate one self-addressed stamped envelope in each item of privileged incoming mail.

**NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES
NOTICE OF RETURNED/DAMAGED MAIL**

DATE: _____

TO: _____ # _____ LIVING LOCATION: _____

MAIL WAS RETURNED TO _____

FOR ONE OF THE FOLLOWING REASONS:

CONTRABAND: Is any item or article not issued by the facility, purchased in the canteen, purchased through approved channels, or approved by the Warden or designee.

- ___ Money order/check is not made payable to inmate with complete name, payee name is missing, or cannot determine payee.
- ___ The mail contains threats of physical harm against a person, threats or plans of criminal activity, threats of blackmail or extortion, promotes gang activities, advocates or describes participation in illegal activities.
- ___ Photos of this nature are not allowed: Polaroid Inmate Nudity Sexual Other-See Below
- ___ Blank stationary, stamped envelopes or cards must be purchased through the canteen (stamps are not allowed).
- ___ Violent, racial, obscene or gang material.
- ___ Stickers, tape, paste or glued surfaces: On Envelope On Letter On Artwork Other-see Below
- ___ Questionable substances or stains: On Envelope On Letter On Artwork Other-see Below
- ___ Plastic novelty card or musical greeting card.
- ___ Laminated or glued together greeting card.
- ___ Books or other publications, not from a church or religious organization, sent in an envelope without a commercially printed return address from a publisher, bookstore, or other approved commercial vendor.
- ___ Books or other publications, not from a church or religious organization, sent from a publisher, bookstore, or other approved commercial vendor without a receipt.
- ___ Audio-recorded religious material not sent from a church or other religious organization.
- ___ The envelope contains letters to more than one inmate.
- ___ Contraband placed in master records/records file (i.e., vehicle title, certificate, etc.).
- ___ The letter contains another letter from a person in a correctional facility (3rd person mailing).
- ___ The mail is from another correctional facility and the writer is not approved to correspond.
 - In my opinion, this mail will constitute a threat to the safety, security or good order of this facility or jeopardize your rehabilitative process. As recognized by the U.S. Supreme Court in *Turner vs. Safley*, 107 S. Ct. 2254 (1987), mail between inmates can be used to communicate escape plans, to arrange assaults or other violent acts and to facilitate the development of informal organizations which threaten the security of correctional facilities.
- ___ Trading cards are not allowed.
- ___ Tracing paper is not allowed.
- ___ Plastic laminated card/items are not allowed.
- ___ Inmate cannot enter into a contract requiring future payments.
- ___ Item was received in damaged/altered condition.
- ___ Other: _____

WARDEN/DESIGNEE

Distribution: Original: Mail Room/Records Office Canary: Inmate Pink: Sender

NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES NOTICE OF HELD MAIL

DATE: _____

TO: _____ INMATE NAME _____ # _____ NUMBER _____

LIVING LOCATION: _____

The following item(s) _____

FROM: _____

SENDER'S NAME _____

SENDER'S ADDRESS _____

Were held for the following reason(s):

(Signed) _____

DISTRIBUTION: Original: Mail Room
 Clerk: Inmate
 P/O: Sender
DCS-A-adm-099 (2/02)

Our Job No.

38753

CSI PRINT SHOP #14

CUSTOMER PROOF

Agency DCS Purchasing

Division _____ Agency Req. No. J 77103

Agency Contact Person Darlene Mora

Date Sent 4-4-02 Sent By Mitch Proof No. 1

Job Description DCS-A-adm-099 Notice of Held Mail

Print Shop Comments Check proof carefully & return.

Thank You.

The Print Shop is not responsible for errors after this job is "OK to Print". The agency contact person is responsible for the wording, spelling and position of all copy and art when the "OK to Print" box has been checked and this form is signed. Please remember that if you make changes in the proof that differ from your original copy to CSI Print Shop, CSI Print Shop reserves the right to make an alteration charge.

I have proofread ALL names and numbers carefully.

I have checked the positions of ALL art and text.

CHECK ONE AND SIGN OK to Print Revise and Print Revise and Proof Again

SIGN HERE 

Agency Contact Person's Signature

Agency Person's Comments _____

RETURN TO:
CSI PRINT SHOP #14
3216 W. VAN DORN
LINCOLN, NE 68542

002

NSP

DCS PURCHASING

04/05/2002 12:16 FAX 402 478 5883