

## San Diego County Sheriff's Department Detention Services Bureau – Manual of Policies and Procedures

<b>DATE:</b>	MARCH 4, 2013
<b>NUMBER:</b>	P.3
<b>SUBJECT:</b>	INMATE MAIL
<b>RELATED SECTIONS:</b>	<a href="#">B.5</a> , <a href="#">P.1</a> , <a href="#">P.5</a> , <a href="#">P.17</a>

### PURPOSE

To establish guidelines for the uniform handling, screening and prompt routing/delivery of postcards, new soft bound books, magazine/periodical subscriptions, confidential/legal mail, and electronic email messages.

### POLICY

With some exception, inmates may only receive postcard correspondence. Inmates shall be allowed to receive and possess Confidential/Legal mail and mail from official government agencies (as defined below). Inmates may also receive electronic email messages, periodicals, magazines, and new books.

There shall be no limit on the amount of mail an inmate may send, and no limit on the amount of mail that an inmate may receive, except to the extent that possession of such materials may constitute a fire hazard, or pose an unacceptable security risk by providing the means to hide contraband.

Detention facilities shall provide for the reasonably prompt delivery of incoming materials and outgoing correspondence. All staff shall work for the reasonably prompt and correct delivery of all inmate mail.

### PROCEDURES

#### I. PROCEDURES FOR HANDLING AUTHORIZED CORRESPONDENCE

There is no limitation placed on the volume of mail an inmate may send or receive. All non-confidential/legal mail *is subject to being scanned and copied* and may be read where there is a valid security concern and the Facility Commander approves.

##### A. Confidential/Legal Mail

1. Inmates may correspond confidentially with the State and Federal courts, any member of the State Bar or holder of public office, Citizens Law Enforcement Review Board (CLERB), Internal Affairs, Office of the Sheriff and the Board of State and Community Corrections (BSCC) and PREA Auditor. Inmates may also correspond confidentially with the Facility Commander or the Assistant Facility Commander. It shall be the sender's responsibility to clearly identify confidential/legal mail on the front of the envelope with the words "Legal Mail" or "Confidential Mail" or similar descriptor. Such correspondence need not be in postcard form.
2. All incoming U.S. mail that comes within the purview of confidential/legal mail, including correspondence from Internal Affairs and the Office of the Sheriff, shall be opened and inspected for contraband in the presence of the inmate. The mail shall then be given directly to the inmate.

3. Electronic email messages received via the inmate email system are not considered confidential/legal mail.
4. Outgoing mail that comes within the purview of confidential/legal mail may be sealed by the inmate in the presence of a deputy after the deputy has inspected the envelope to ensure there is no contraband in it. Under no circumstances will a deputy accept a piece of sealed confidential/legal mail from an inmate. If there is reasonable suspicion in the mind of the deputy as to the confidentiality of the sealed outgoing mail, the deputy should contact the Watch Commander for a determination.

All Western Union and U.S. Postal employees making deliveries or pickups are to transact their business at the Custody Information Office. They are not admitted into the detention facility.

#### B. Postcards

1. Postcards must be rectangular, at least 3-1/2 inches high x 5 inches long x 0.007 inch thick and no more than 6 1/8 inches high x 11 1/2 inches long x 0.016 inches thick ( based on U.S. Postal Service standards). Any of the following will cause incoming postcards to be returned to the sender:
  - a. Postcards that have been altered from their original form, including added layering, backing, or wrappings.
  - b. Postcards that have items affixed or attached to them in any manner. Items which are taped, glued, or placed on the postcard using any other type of adhesive will cause the postcard to be deemed unacceptable.
  - c. Postcards marked with paint, crayon, glitter, labels, cloth, string, watermarks, stains, lipstick or cosmetics, contain perfume or stickers (excluding US postage stamps).
  - d. Postcards depicting nudity, obscenities, suggestive images, or other offensive materials.
  - e. Postcards depicting weapons, gang references, criminal activity, codes, or markings.
  - f. Postcards depicting or containing writings, images or references that may incite violence, riot, racism, or threaten the security of any San Diego County jail facility.

#### C. Certified and Registered Mail

1. All certified and registered mail shall be accepted at the custody information office if the person is in custody at that facility and the item qualifies as Confidential/Legal mail. Questions regarding the nature of the certified/registered mail should be addressed to the Watch Commander. Mail known to contain materials considered to be contraband will be refused.
2. The Detentions Information Assistant shall:
  - a. Sign receipt for the registered/certified mail.
  - b. Complete a J-53 Incoming Property Receipt and attach it to the mail.

- c. Forward the J-53 with attached mail **immediately** to the inmate's housing module to obtain inmate signature.
3. The housing deputy upon receipt of the J-53 Incoming Property Receipt and registered/certified mail shall:
  - a. Open and inspect mail immediately.
  - b. Ensure the inmate signs the J-53 in the REC'D section.
  - c. Sign name and place his/her ARJIS in the witness section
  - d. Give inmate his/her mail.
  - e. Provide inmate with PINK copy of signed J-53.
  - f. Forward the WHITE and CANARY copies of the J-53 to inmate processing.
  - g. The Detention Processing Technician will file all copies into the inmate's custody record.
- D. Mail sent directly from federal, , state or local government offices will also be accepted (i.e., "Social Security," "Veteran's Affairs," "Child Support Services," "Unemployment," "Welfare," "Health and Human Services," "Office of the Patient Advocate", "Probation," "Registrar of Voters," etc.). The letters will be inspected for authenticity prior to delivery to inmates.

Any personal documents requiring inmate signature produced at the facility, where the inmate is housed, will be provided to the inmate for signature and promptly returned to the person delivering the document.

- E. Mail from post-release programming or service agencies needs to be addressed to the counseling division for dissemination. It will be screened and provided to inmates.
- F. Procedures for Handling Returned Mail Sent by In Custody Inmates

In the event a letter is "Return to Sender" and the letter was sent by an in-custody inmate, the letter will be rejected, in order to prevent manipulation of the mail services or enable contraband to enter the facility.. (Follow procedures as listed in sections I.G and III.A & III.B)

#### G. Housing Unit Deputies

1. Housing unit deputies shall inspect all U.S. and electronic mail and material for contraband, criminal conspiracies, and information regarding facility security. Questionable mail shall be immediately taken to the Watch Commander. Public postcards received that do not meet specified criteria, can be "Returned to Sender" and do not require Watch Commander review.

All rejected articles of mail not delivered, requires housing deputies to enter a mail rejected "MREJ" event type into the receiving JIMS inmate's history. The entry will include the name and address of origin and the specific reason the article was not deliverable. The MREJ event will be printed and given to the inmate as notification of the rejected mail item.

2. The Watch Commander may have the material copied and sent to an appropriate authority for investigation or follow-up.
  3. Unless the inmate is absent from the floor, the housing unit deputy shall see that all mail is delivered to the inmate prior to the end of his/her shift.
  4. All acceptable incoming and outgoing mail and packages shall be sent or delivered as soon as possible and shall not be held more than 24 hours, excluding weekends and holidays.
- H. Each inmate shall be allowed to possess up to a combination of six (6) magazines and/or new soft cover books.
1. The inmate shall choose that any excess periodical be donated to the jail library or thrown away. Inmates shall not be allowed to release reading material to outside parties or to have the items placed in their property prior to release.
  2. This total does not include any authorized religious or legal material.
- I. Periodic inspections of reading materials shall be made at the time of book exchange/or during routine module inspections.
- J. The facility shall not forward any inmate mail or magazines outside the Sheriff's detention system.
1. The inmate is responsible, upon or prior to release or transfer, to notify the senders of change of address.
  2. Upon receipt of incoming U.S. mail, the Detentions Information Assistant will verify if the inmate is in custody by utilizing the MasterCard or Booking Summary screens. The inmate's name, booking number, and housing unit must be clearly noted on all articles.
  3. All U.S. Mail for an inmate no longer in custody shall be marked "Return to Sender" and will be returned to the U.S. Postal System via the Custody Information Office.
  4. All subscription magazines for inmates out of custody shall be marked "Return to Sender" and will be returned to the U.S. Postal Service via the Custody Information Office.
  5. Electronic email messages received for inmates out of custody shall be deleted from the message queue.
- K. Inmates without funds are permitted at least two postage paid envelopes each week to communicate with family and friends and unlimited postage paid correspondence with his/her attorney and the courts. Inmates without funds that are housed and have not received envelopes due to the store delivery date may request through the counseling office for their letter to be mailed. Inmates must purchase their own postcards from commissary.
- II. Magazines, periodicals, and new soft covered books delivered to the facility by publishers, bookstores, or book clubs via the U.S. Postal Service may be accepted. All parcels containing new books will be forwarded to the Watch Commander or designee for inspection and approval. The subject matter of some magazines, periodicals and new soft covered books shall establish whether or not they are allowed in the detention facility housing units.

- A. The following items are not usually allowed inside the facility due to their construction or subject matter.
1. Softcover books with wire and/or spiral binding; or CD-ROM's, DVD's or any other new media items. Any softcover book in size greater than 6" x 9" x 2".
  2. Hardbound books of any nature. However, the Facility Commander has the prerogative to allow hardbound books into their facility that are less than 7" x 10."
  3. Any material advocating the use of violence.
  4. Any material advocating criminal activity, violation of any criminal law, or violation of facility rules and regulations.
  5. Inmates are prohibited from possessing or receiving materials that show frontal nudity of either gender as described herein. Prohibited materials include personal photographs, drawings, magazines and/or pictorials. Frontal nudity includes either the exposed female breast(s) and/or the genitalia of either gender.
  6. Any personal photographs, drawings, magazines and/or pictorials displaying frontal nudity as described that are delivered to any detention facility or jail, in the possession of an inmate or found during routine cell searches, will be treated as contraband. Contraband will be handled by either disposing of the item or mailing at the expense of the inmate.

B. Processing acceptable books, magazines and parcels

1. Acceptable items will be forwarded to the Custody Information Office.
2. The Detentions Information Assistant shall complete a J-53 Incoming Property Receipt listing the titles of all accepted books, magazines and parcels and attach it to the items, bundling them if necessary.
3. Forward to the inmate's housing module for delivery and to obtain inmate's signature.
4. Upon receipt of the J-53 and attached books, magazines and parcel, the housing deputy shall:
  - a. Ensure the inmate signs the J-53 Incoming Property Receipt in the REC'D section.
  - b. Sign his/her name and ARJIS in the witness section.
  - c. Give the inmate his/her books, magazines and parcel and the PINK copy of the J-53.
  - d. Forward the WHITE and CANARY copies of the J-53 to inmate processing for filing in the inmate's custody record.

### III. REJECTION OF BOOKS, LETTERS OR UNACCEPTABLE POSTCARDS

- A. All items of mail that do not qualify for acceptance, whether or not there is a return address, pursuant to this policy will be marked with the "Return to Sender" stamp and returned to the United States Post Office via mail carrier. Detentions Information Assistants (DIA) will perform primary mail sorting and screening. Any item of mail with the exception of marked Legal Mail previously

rejected from the facility, then returned to the facility, will not be given to inmates or placed on their property. The DIA will blackout the facility address, as well as the barcode, if present. The mail item will be placed back into the outgoing mail. If the mail is marked as Legal Mail, it will be routed back to the inmate's housing area and opened and inspected for contraband in front of the inmate. Any questionable letters will be forwarded to housing deputies or, if necessary, the watch commander to determine if the letter meets specified requirements. Rejected mail will be processed according to procedures listed in section I.G.1.

B. If an item of mail contains contraband or illegal items, a Crime Report will be written in NetRMS.

Unacceptable books will be sent directly back to the sender. When a book is rejected, housing deputies will make an entry will be made in JIMS under Inmate History using the drop down "MREJ-Mail Rejected." The following areas will be addressed in the comments section of the Inmate History log entry:

- The title of the rejected items.
- Sender's name and address.
- Tracking / parcel number(s).
- Why the item was rejected.
- Name of Watch Commander / designee that approved the rejection.

In order to notify the inmate about the rejected item, a copy of the "MREJ-Mail Rejected" JIMS Web Report will be printed and given to the inmate.

Each facility will develop a Green Sheet identifying the designee and process to follow when handling, tracking and forwarding documentation to the sender and inmate for all unacceptable books, magazines and parcels returned.

#### IV. U.S. MAIL BETWEEN SHERIFF'S DETENTION FACILITIES

Inmates incarcerated within a Sheriff's Detention Facility shall be permitted to correspond with inmates at other detention facilities, including but not limited to: Federal, State, and local detention facilities including those within this system. In most cases, the Warden's prior approval of such facilities shall be given or the letters may be returned. Correspondence between Sheriff's Detention Facilities must be via postcard only. No letters between facilities are allowed.

#### V. UNSUBSCRIBED MAGAZINES

Unsubscribed magazines, periodicals, or newsletters will not be delivered, and will be discarded. Where magazines, periodicals, or newsletters appear to be mass-mailed to all or a significant portion of the jail population, it will be presumed that the inmate(s) do not have a subscription. Unless the inmate(s) or publisher can furnish the Watch Commander with evidence of the subscription, the magazines, periodicals, or newsletters will be discarded.

#### VI. UNSOLICITED ADVERTISEMENTS

Unsolicited advertisements mailed to inmates will not be delivered, and are not subject to the notification provisions of this section. Unsolicited advertisements include, but are not limited to:

- A. Materials for which the apparent primary purpose is to solicit a commercial transaction, or to promote products and/or services for the purpose of entering into a commercial transaction.
- B. Materials labeled as advertising.
- C. If an employee encounters unsolicited advertisements associated with a bail bond company, the advertisements will be provided to the Detention Processing Supervisor. The Detention Processing Supervisor will complete the J-109 Bail Bond Solicitation Complaint form.
- D. The Detention Processing Supervisor will attach the J-46 Request for Visit/Transacting Bail card and the solicitation materials to the J-109 Bail Bond Solicitation Complaint form and forward them to Sheriff's Detention Processing Manager.

This section does not apply to magazines or periodicals that contain advertisements.

## VII. SOLICITED ADVERTISEMENTS

Advertisements or solicitations that are sent at the request of the inmate will be delivered, provided the sender complies with the following:

- A. The advertisement or solicitation may not be sent to the inmate directly. The advertisement or solicitation must be sent to the jail Facility Commander with the words, "Requested Solicitation" on the front of the envelope.
- B. The envelope must bear the name and address of the sender.
- C. The sender must include the name and the booking number of the inmate who has requested the advertisement or solicitation.
- D. The sender must include written evidence that the inmate has requested the solicitation or advertisement. Written evidence is limited to either of the following:
  - 1. A written request by the inmate.
  - 2. A signed declaration by the sender that the inmate has requested the enclosed material.

The solicitation or advertisement must not be material that is prohibited by this section, or propose an unlawful transaction, or propose the delivery of contraband items to any correctional facility.