

STATE OF WEST VIRGINIA  
DIVISION OF CORRECTIONS  
POLICY DIRECTIVE

NUMBER: 503.00

DATE: 01 May 2013

SUBJECT: Mail Privileges for Inmates

AUTHORITY: WV Code 25-1-5, 25-1-18, and  
62-13-4; ACA Standards 4-4487  
through 4-4496

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- I. **POLICY:** It is the policy of the West Virginia Division of Corrections (WVDOC) to maintain a mechanism that ensures maximum inmate correspondence.
- II. **CANCELLATION:** Policy Directive 503.00, dated 01 April 2013
- III. **DEFINITIONS:**

**Privileged Mail:** Inmates shall be 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 West Virginia Division of Corrections; state and local Chief Executive Officers; administrator/designee of the Division of Corrections' Inmate Grievance System; and members of the West Virginia Board of Probation and Parole. 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.

**Attorney/Client Mail:** Any written correspondence to or from an inmate and his/her attorney of record. Such correspondence must clearly state "legal mail" on the envelope or must clearly indicate it is from the inmate's attorney of record.

**General Correspondence:** Shall include all written communications and letters which are not privileged mail. Outgoing and incoming general correspondence may be opened, inspected for contraband and read.

**Non-Indigent Inmate:** Any inmate who has \$5.00 or more in his/her spending or voluntary savings account at any time during the calendar month.

**Private Pornography:** Photograph, photocopy, drawing or other graphic representation which depicts a person totally nude or with exposed breasts, genitalia or buttocks and which has not been published for widespread commercial viewing. This category usually consists of, but is not limited to, nude or semi-nude photographs of an inmate's friend, spouse, family member or other person with whom the inmate is or was acquainted.

**Emergency Situation:** Any significant disruption of normal institution/facility/center or agency procedure, policy, or activity caused by riot, escape, fire, natural disaster, employee action, or other serious incident.

**Immediate Family Members:** Immediate family members are father, mother, brother, sister, spouse, children, grandchildren, grandparents, or great-grandparents. These shall be interpreted to include "step" relations and legal guardianships.

**IV. APPLICABILITY:** All units within the Division of Corrections

**V. PROCEDURE:**

- A. When the inmate bears the mailing cost, there shall be 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.
1. An inmate may be permitted to correspond with an inmate confined in any other correctional institution if the other inmate is either a member of the inmate's immediate family or is a party or witness in a legal action in which both inmates are involved. Such correspondence may be approved in other exceptional circumstances, with particular regard to the security level of the institution/facility/center, the nature of the relationship between the two (2) inmates, and whether the inmate has other regular correspondence.
  2. Inmates must provide current documentation (dated within the past six [6] months) to support that both inmates are parties to or a witness in a current legal action.
  3. Inmates may correspond with any person, with the exception denoted in Section V, A, 1-2 of this Policy Directive, and for inmate's in special housing (Administrative and Punitive Segregation).
    - a. Again, as delineated above (Section V, A), there shall be no limit on the number of correspondence an inmate may have.

- b. All envelopes shall contain the inmate's name, DOC Number, and the address of the institution/facility/center in which he/she is housed.
- B. Inmates may correspond with incarcerated inmates housed in WVDOCs' institutions/facilities/centers and with incarcerated inmates not housed in WVDOCs' institutions/facilities/centers.
- 1. Inmates wishing to correspond with incarcerated inmates housed in WVDOCs' institutions/facilities/centers, and inmates wishing to correspond with incarcerated inmates not housed in WVDOCs' institution/facility/centers must first receive written permission from the Warden/Administrator of both the sending and receiving institution/facility/center (Attachment #1).
  - 2. In addition, inmates wishing to correspond with incarcerated inmates housed in WVDOCs' institutions/facilities/centers, and inmates wishing to correspond with incarcerated inmates not housed in WVDOCs' institution/facility/centers must comply with the below-noted stipulations (Section V, B-2 a through d).
    - a. Inmate to inmate letters must be placed in mail depositories or the Institutional Post Office in an open (unsealed), stamped envelope, and are subject to be read by designated institutional authorities.
    - b. Inmate to inmate letters must be only written correspondence and not contain any items, money or other articles.
    - c. Inmate to inmate letters must not contain information that is a threat to the life and safety of others, or that can be considered disruptive to the orderly administration of any institution/facility/center within the WVDOC.
    - d. Inmate to inmate letters will be appropriately stamped on the envelope by the sending institution with initials or abbreviations identifying the sending institution/facility/center.
- C. Each institution/facility/center shall provide secure mailboxes, which inmates have access to and establish collection times.
- 1. Every effort shall be made to assure that such mail is delivered to the U.S. Postal Service on the same day, except as otherwise specified in this Policy Directive concerning security issues. In any event, excluding weekends and holidays or emergency situations, incoming and outgoing letters shall be held for no more than forty-eight (48) hours and packages shall be held no more than seventy-two (72) hours.

2. **Outgoing general correspondence** will be placed in the mailboxes sealed or unsealed at the discretion of the Warden/Administrator.
    - a. The WVDOC may randomly inspect and read such correspondence.
    - b. The Warden/Administrator shall designate those persons approved to read outgoing correspondence.
    - c. Any information found in outgoing correspondence which is considered a threat to safety and security issues of criminal activity shall be given to the Associate Warden of Security/Chief Correctional Officer no later than the next regular business day.
    - d. Any information gathered of a private nature concerning an inmate or his/her family while in the process of reading and inspecting outgoing correspondence is of a private nature, and must be handled discreetly.
  3. Outgoing privileged correspondence cannot be delayed; however, WVDOCs' staff, in the presence of the inmate, may inspect outgoing privileged mail for contraband before it is sealed.
  4. Outgoing privileged correspondence cannot be delayed, opened or read, unless there are reasonable grounds to believe that such mail poses a threat to institutional safety and/or security.
  5. Inmates are required to utilize a return address, to include their name, DOC Number, institutional/facility/center name and address.
  6. Attorney client mail that is outgoing may be inspected by staff, in the presence of the inmate, for contraband before it is sealed.
  7. Attorney client mail that is outgoing may only be delayed, opened or read when there are reasonable grounds to believe such mail may pose a threat to institutional safety and/or security.
- D. **Incoming privileged mail** shall be opened and inspected for contraband.
1. All such privileged mail will only be opened in the presence of the inmate, if the Warden/Administrator believes there is reasonable cause to suspect:
    - a. The mail is counterfeit.
    - b. The mail contains contraband.

2. If the Warden/Administrator/designee makes either of the above determinations in Section V, D, 1-a and b, privileged mail may be opened and read, provided the following safeguards are applied:
  - a. The inmate and the sender shall be notified in writing that their correspondence will be read;
  - b. The inmate has the right to appeal the reading of his/her mail through the established grievance procedure;
  - c. The privileged mail is opened in the presence of the inmate, unless waived in writing.
  
- E. In every instance where the Warden/Administrator/designee makes either of the determinations to open the privileged mail, he/she shall fully describe the reasons, facts and circumstances upon which the determination is based.
  1. This documentation will be provided to a disinterested party.
  2. The disinterested party shall review the determination.
  
- F. **Incoming general correspondence** may be opened outside the presence of the inmate only to:
  1. Inspect for contraband.
  2. To collect enclosed money orders, checks or monies.
    - a. Incoming general correspondence is subject to random reading by correctional staff.
    - b. The Warden/Administrator shall designate those persons approved to read incoming correspondence.
    - c. Any information found in incoming correspondence that is considered a threat to safety and security or raises issues of criminal activity shall be given to the Associate Warden of Security/Chief Correctional Officer no later than the next regular business day.
    - d. Any information gathered of a private nature concerning an inmate or his/her family while in the process of reading and inspecting incoming correspondence is of a private nature, and must be handled discreetly.

- G. **Incoming certified checks and money orders** received on behalf of inmates shall be promptly recorded and credited to the inmate's account, with a signed receipt provided to the inmate.
1. With the exception of government checks, retirement checks, settlement checks, or other legitimate checks of this nature as received from government or corporate sources, no certified check or money order will be accepted for amounts greater than one hundred dollars (\$100.00).
    - a. If such a certified check or money order is received, it shall be considered contraband (Attachment #2).
    - b. The inmate will be given a confiscated property receipt and given the option of sending it home at their expense, destroy it or donate it to the Chaplain.
  2. Each institution/facility/center shall maintain accurate records concerning certified checks and money orders so received. These records shall include date, sender, amount received and the receipt number provided to the inmate.
  3. Incoming personal checks will not be accepted and will be returned to the sender.
  4. The sending of cash to an inmate is not permitted.
    - a. If cash is received, it will be promptly returned to the sender, at the inmate's expense.
    - b. The sender, if known and the inmate will be specifically informed that the practice is not permitted (Attachment #2).
    - c. If the sender is unknown, the cash will be treated as contraband cash, and disposed of as per policy.
- H. Staff members who open privileged mail or read general correspondence in violation of this directive may face discipline actions.
- I. If an inmate files a complaint/grievance concerning mail privileges and procedures, said complaint/grievance shall be completed within five (5) days of the alleged incident.
- J. An **indigent inmate** will be provided a maximum of ten (10), 1-ounce or less, postage-free letters per month.

1. This monthly allowance to indigent inmates is not transferable or cumulative from month to month.
  2. This limit cannot be exceeded by borrowing from another inmate.
  3. The cost of posting letters weighing more than 1-ounce will be deducted from the total monthly allowance available to the indigent inmate.
  4. An indigent inmate will be provided postage over the amount established for the purpose of mailing privileged mail within reasonable limitations, as determined by the Warden/Administrator.
  5. Writing materials to include pens, pencils, paper and envelopes will be provided to indigent inmates in reasonable quantities, as determined by the Warden/Administrator.
- K. **Incoming certified/registered inmate mail** will be processed as all other mail and delivered to the addressee upon securing a signed receipt for same.
1. A log of incoming certified mail will be kept by the Institutional Post Office.
  2. The log shall document the inmate's name DOC Number, the date correspondence was given to inmate and the signature of the inmate.
- L. **Outgoing certified/registered mail** shall be permitted if the inmate sender has funds to pay for such service. In all respects, this mail shall be handled as regular, first class, outgoing mail.
- M. Each institution/facility/center shall establish rules and regulations governing the receipt of packaged materials through the mails, in accordance with the institution/facility/center security needs.
- N. Non-published material, which if contained within a publication would otherwise not be permitted under Policy Directive 503.03, shall not be permitted within any institution/facility/center. No inmate shall be permitted to receive any form of private pornography. Contraband confiscated hereunder shall be handled consistent with procedures used to reject any other form of contraband which is not a publication.
- O. Privileged mail may be opened and inspected in the inmate's presence. However, it may not be read unless there are reasonable grounds to believe that such mail poses a threat to institutional safety and/or security.
- P. Attorney/Client mail may be opened and inspected, in the inmate's presence. However, it may not be read.

Q. The following sign shall be posted at all mail collection points:

**“ALL INCOMING AND OUTGOING MAIL, EXCEPT ATTORNEY/  
CLIENT MAIL, MAY BE MONITORED, READ, AND IF NECESSARY,  
COPIED. ALL LEGAL MAIL WILL BE SEARCHED AND INSPECTED  
FOR CONTRABAND, AS DEFINED BY STATE LAW, DIVISIONAL  
POLICY AND INSTITUTIONAL PROCEDURES.”**

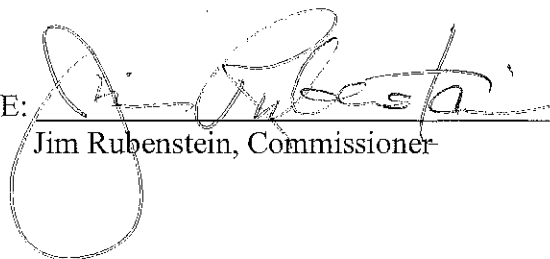
R. First-Class letters and packages shall be forwarded.

1. When an inmate is transferred to another institution/facility/center or released from custody, his/her first-class letters and packages shall be forwarded to his/her new address if one is available.
2. If an inmate moves from his/her established forwarding address or failed to establish a forwarding address at the time of his/her release, all first-class letters or packages will be returned to sender.

APPROVED SIGNATURE: \_\_\_\_\_

Jim Rubenstein, Commissioner

\_\_\_\_\_ Date

 May 1, 2013



INSTITUTION NAME  
WV DIVISION OF CORRECTIONS' LETTERHEAD

MEMORANDUM

TO:  
FROM:  
DATE:  
RE: Inmate Correspondence

The following West Virginia Division of Corrections' inmate, \_\_\_\_\_  
\_\_\_\_\_, DOC # \_\_\_\_\_, is currently incarcerated in the

\_\_\_\_\_  
This inmate requests permission to correspond with inmate \_\_\_\_\_  
\_\_\_\_\_, Number \_\_\_\_\_, currently incarcerated in  
your institution/facility/center.

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**Please complete this form and return it to me.**

\_\_\_\_\_ I approve this inmate correspondence.

\_\_\_\_\_ I disapprove this inmate correspondence

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Warden/Administrator

INSTITUTION NAME  
WV DIVISION OF CORRECTIONS' LETTERHEAD

DATE

Mr. or Mrs. \_\_\_\_\_,

Due to our policies on the reception of cash/certified check/money orders through the mail into our institutions/facilities/centers, the enclosed cash/certified check/money order is considered contraband and is being returned to you because:

It is cash or a certified check or money order for greater than one hundred dollars (\$100.00), and therefore, not permitted.

Inmate \_\_\_\_\_, DOC # \_\_\_\_\_, has been notified of this and has the right to appeal this decision to the Warden/Administrator within five (5) business days.

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SIGNATURE BLOCK FOR  
POST OFFICE STAFF

**INSTITUTION NAME**  
**WV DIVISION OF CORRECTIONS' LETTERHEAD**

**DATE**

Mr. or Mrs. \_\_\_\_\_,

Due to our policies on items allowed in our institutions/facilities/centers, the enclosed item(s) are considered contraband and are being returned to you because:

Non-published material which if contained within a publication would otherwise not be permitted under current Division of Corrections' policy shall not be permitted within any institution/facility/center. No inmate shall be permitted to receive any form of private pornography which is considered any photograph, photocopy, drawing, or other visual depiction of a person totally nude or with exposed breasts, genitalia, or buttocks and which has not been published for widespread or commercial viewing. This category generally consists of, but is not limited to, nude or semi-nude photographs of an inmate's friend, spouse, family member, or other person with whom the inmate is or was acquainted.

Inmate \_\_\_\_\_, DOC # \_\_\_\_\_, has been notified of this and has the right to appeal this decision to the Warden/Administrator within five (5) business days.

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SIGNATURE BLOCK FOR  
POST OFFICE STAFF