



Operating Procedure

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Amended	Operating Level Department
Supersedes Operating Procedure 803.1 (12/1/08)	
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ACA Standards 4-4275, 4-4446, 4-4487, 4-4488, 4-4489, 4-4491, 4-4492, 4-4493, 4-4494, 4-4495, 4-4496; 4-ACRS-6A-01, 4-ACRS-6A-02, 4-ACRS-6A-06, 4-ACRS-6A-07, 4-ACRS-6A-08, 4-ACRS-6A-09	
Office of Primary Responsibility Chief Corrections Operations	

Subject

OFFENDER CORRESPONDENCE

Incarcerated Offender Access Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	FOIA Exempt Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Attachments Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
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I. PURPOSE

This operating procedure provides for the efficient, safe, and secure handling and processing of correspondence for offenders housed in Department of Corrections facilities.

II. COMPLIANCE

This operating procedure applies to all facilities operated by the Department of Corrections (DOC). Practices and procedures shall comply with applicable State and Federal laws, Board of Corrections policies and regulations, ACA standards, and DOC directives and operating procedures.

III. DEFINITIONS

Community Corrections Facility - A residential facility operated by the Department of Corrections to provide the Detention Center Incarceration program in accordance with [COV §53.1-67.8](#) or the Diversion Center Incarceration Program in accordance with [COV §53.1-67.7](#).

Contraband - An item forbidden for entry, possession, or removal from a Department of Corrections facility. An item in the possession of, or accessible to, an offender that has not been specifically issued to, or authorized for possession by the offender; or has not been obtained by the offender in accordance with operating procedures. Contraband items (for offenders) may include, but are not limited to, the following:

- State or personal property of any type not specifically authorized for possession or use by an offender.
- State or personal property in the possession of, or used by, an offender that has not been properly received, acquired by, or issued to the offender in accordance with operating procedures.
- State or personal property, regardless of how acquired, that has been modified or altered without written authorization.
- Any knife, tool, instrument, firearm, explosive, bodily fluid or waste, or other object that an offender might make, possess, collect, hide, or have in his possession for the purpose of escaping, circumventing security procedures, or inflicting death or bodily injury.
- Any drug, chemical compound, or controlled substance that has not been issued to an offender by a proper authority; or if authorized, is accumulated beyond prescribed amounts or expiration dates.
- Moneys or other negotiable instruments, whether cash, checks, money orders, lottery tickets, credit/debit/phone cards, etc., in the possession of an offender except where specifically authorized.
- Any correspondence, documents, drawings, jewelry, symbols, or property of any type that contains or indicates gang identifiers, language, or information
- Property of any type (including cassette tapes, compact disks, pictures, or written material of any type) regardless of how acquired that violates the criteria that govern offender incoming publications.
- Unauthorized electronic equipment including, but not limited to cell phones, palm pilots, pagers,

electronic games, etc.

- Tobacco and tobacco related products

Educational Correspondence - Mail required for a correspondence course or religious activity that has been approved by the Facility Unit Head.

Facility - Any Community Corrections facility or institution

Gang – A group of individuals who: (a) possess common characteristics that distinguish them from other offenders or groups of offenders and who, as an entity, pose a threat to the safety and security of staff, the facility, other offenders, or the community; (b) have a common distinctive goal, symbolism, or philosophy; (c) possess identifiable skills or resources or engage in unauthorized/illegal activities. Criminal street gangs, hate groups, and cults that meet these conditions are considered gangs.

General Correspondence - Mail of a general nature sent to or received from any addressee not meeting the definition of Legal Correspondence or Special Purpose Correspondence as defined in this operating procedure.

Immediate Family – Mother, Father, Brother, Sister, Wife, Husband, Daughter or Son - Other family members may be included as immediate family provided substantial evidence reveals that there was a significant, close relationship with the offender.

Indigent Offender – An offender with less than \$5.00 in his/her offender account for discretionary spending during the previous month and has no job or other source of income that provided as much as \$5.00 during the previous month; an offender who is newly received into a facility and does not have available funds nor hygiene items.

Institution - A prison facility operated by the Department of Corrections - includes major institutions, field units, and work centers.

Legal Correspondence - Correspondence sent to or received from verified attorneys, officers of state, federal, and local courts, the Virginia State Bar, and tort claims filed with the Division of Risk Management. The sender must clearly identify outer envelopes and contents as legal correspondence.

Mail Drop – An individual or organization that provides the service of receiving mail for further mailing to a third person or organization.

Officers of State, Federal, and Local Courts - Attorneys, U. S. Attorney General or assistants, State Attorneys General or assistants, Commonwealth Attorneys or assistants, Judges, Clerks of the Court, Magistrates, and Court Reporters

Special Purpose Correspondence - Correspondence sent to or received from the DOC Senior Management (Regional Administrator or above), Central Office Ombudsman Administrator, Central Office of Health Services, Virginia Parole Board, federal and state executive offices, federal and state legislative offices, and city/county chief administrative offices.

IV. PROCEDURE

A. General

1. The DOC encourages offender correspondence that is directed to socially useful goals. Offenders shall be allowed to correspond with families, friends, attorneys, courts, and other public officials and organizations so long as such correspondence does not pose a threat to the security of the facility, violate any state or federal law, or violate any U.S. Postal Service regulation. When the offender bears the mailing cost, there is no limit on the volume of letters the offender 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 facility order and security. (4-4488) Incoming offender personal mail is limited to items processed by the US Postal Service as one ounce

- or less to facilitate searching these items to protect facility order and security.
2. This operating procedure provides information to offenders concerning correspondence. Refer to Operating Procedure 440.1, *Mailroom Operations and Security* (Restricted), for security considerations relating to offender correspondence. (4-4487) Due to the short duration and intense nature of the rehabilitation programs at Community Corrections facilities, offenders at these facilities may be subject to additional restrictions.
 3. Excluding weekends, state holidays, federal holidays, or emergency situations, incoming and outgoing letters are held for no more than 48 hours and packages and publications that do not meet the criteria for publication disapproval are held for no more than 72 hours. (4-4495) These time limits do not apply to correspondence, publications, or packages that do not appear to comply with DOC operating procedures when additional time is required to determine compliance.
 - a. Under normal conditions:
 - i. Outgoing correspondence deposited before the posted pick-up time will be processed and delivered to the United States Postal Service on the same working day.
 - ii. Incoming letters that comply with DOC operating procedures will be delivered to the offender the same working day as received from the United States Postal Service.
 - b. Incoming and outgoing letters may be held up to 48 hours only during severe staff shortage and/or days of extremely heavy mail flow. All possible mail should be processed the same working day per the following priorities:
 - i. Outgoing legal correspondence
 - ii. Outgoing special purpose correspondence
 - iii. Outgoing general correspondence
 - iv. Incoming legal correspondence
 - v. Incoming special purpose and general correspondence
 - c. Incoming and outgoing letters may be held in excess of 48 hours only during an emergency situation causing significant disruption of normal facility procedure or activity caused by riot, escape, fire, natural disaster, employee action, or other serious incident.
 - d. The offender population should be promptly notified of any deviation from normal mail processing schedules.
 - e. A log book or other documentation shall be maintained to record any delays from normal processing and delivery of correspondence and publications including the reason for the delay and the time and method of offender notification.
 4. All offenders will read, or have read to them, the [Notice to All Offenders – General and Special Purpose Correspondence](#) 803_F1.
 - a. The Facility Unit Head will ensure that the notice is properly signed, witnessed, and filed per instructions indicated in the *Notice*.
 - b. Offenders shall be provided the opportunity to change their preference at least once per year.
 - c. Offenders who do not authorize the opening of their general and special purpose correspondence will not receive any general or special purpose correspondence.
 5. Each facility shall inform offenders in writing of facility rules for handling offender correspondence.
 - a. Such information should include, but not be limited to, information that the offender assumes responsibility for notifying family members and friends of restrictions regarding incoming cash, personal checks, or prohibited photographs and that correspondence containing threats, extortion, or other illegal activity may result in prosecution for violation of state or federal laws.

- b. Location(s) for deposit of outgoing correspondence
 - c. Time(s) of pickup for outgoing correspondence
 - d. Time and location of incoming correspondence delivery
6. Each facility should inform offenders how they may access free letters at that facility if they are indigent (see Operating Procedure 802.2, *Offender Finances*).
 7. Only while it is in the possession of the Postal Service is correspondence considered mail and subject to Postal Services Regulations. Correspondence in the possession of the DOC is subject to DOC operating procedures.
 8. This operating procedure and Operating Procedure 445.2, *Facility Searches and Inspections (Restricted)*, govern inspection for and disposition of contraband related to offender correspondence. (4-4494)
 9. Offender correspondence, both incoming and outgoing, may be opened and inspected for contraband.
 - a. Correspondence is read, censored, or rejected based on legitimate facility interests of order and security.
 - b. Offenders are notified when incoming and outgoing letters are withheld in part or in full. (4-4491) Notification may be delayed pending review of appropriate disposition of questionable items.
 - c. Contraband found in incoming mail will be returned to the sender if safe and legal to do so. Other contraband will be handled in accordance with Operating Procedure 445.2, *Facility Searches and Inspections*, and Operating Procedure 802.1, *Offender Property*. (4-4494)
 10. Any incoming or outgoing correspondence that is read and determined to represent a direct threat to the security of the facility, such as gang content, escape attempts, threats/loss of life, or destruction of State property shall be rejected. If the correspondence appears to contain evidence of criminal acts, it should be turned over to appropriate authorities for investigation in accordance with Operating Procedure 440.1, *Mailroom Operations and Security*, and Operating Procedure 030.4, *Special Investigations Unit*.
 11. Legal Mail
 - a. Only correspondence meeting the definitions in this operating procedure should be handled as legal mail.
 - b. If an offender wishes to receive representation from an attorney at a legal organization or law school but does not have an attorney's name, the offender should write a general correspondence letter to that organization asking for referral to a specific attorney. Correspondence with that attorney will be handled as legal mail.
 - c. Law enforcement agencies are not considered officers of the court.
 - d. Correspondence to legislators and others who are also attorneys must be addressed to the law office address to be considered legal mail. Mail to a legislator's office is special purpose correspondence, which must be mailed at offender expense.
 - e. Mail to an attorney's home will be handled as general correspondence unless that address is documented as the official address of the attorney's law office.
 - f. Offender legal mail shall not be read for content without first obtaining instructions from the appropriate Regional Administrator and the Attorney General's office.
 - i. Reading of most types of legal mail require court approval based upon specified probable cause to believe that a state or federal criminal statute is being violated, or that there exists a valid threat to the security of the facility.
 - ii. Where such probable cause exists, the mail may be temporarily held until instructions are

obtained or a court order is approved.

12. Offenders housed in DOC facilities are prohibited from sending or receiving correspondence with persons housed in the Virginia Center for Behavioral Rehabilitation or in local, state, or federal, adult, or juvenile correctional facilities and jails without prior written approval of the Facility Unit Heads at both facilities involved.
 - a. Approval of correspondence privileges should be limited to the offender's documented immediate family.
 - b. The Facility Unit Head at the new facility should review correspondence approvals when either offender transfers from one facility to another.
 - c. Either Facility Unit Head may withdraw this correspondence privilege at any time due to abuse of the privilege or changes in circumstance such that the correspondence is no longer considered beneficial.
13. An offender may not send funds to nor receive funds from other offenders (including offenders under Community Corrections supervision) or visitors or family members of another offender, unless they are documented members of the immediate family and have the prior approval of the Facility Unit Head. Both Facility Unit Heads must approve if the transaction involves another correctional facility.
 - a. If an offender requests that a money order be drawn from his account to be sent to another offender or a visitor or family member of another offender, the withdrawal shall be denied with the correspondence and disapproved withdrawal slip returned to the offender.
 - b. When incoming funds are disapproved, the envelope and all contents shall be returned to the sender and both the sender and the offender shall be notified of the reason that the mail was returned and of their right to appeal the decision. The sender may appeal the decision to the Facility Unit Head. The offender may appeal through the Offender Grievance Procedure, in accordance with the *Complaints* Section of this operating procedure.
14. Offenders are not permitted to send or receive personal mail or funds from any DOC staff (including other agencies, private contractors, or contract service providers within any DOC facility), or any DOC volunteer without the prior approval of the Facility Unit Head. Both Facility Unit Heads must approve if the transaction involves staff or a volunteer from another correctional facility.
15. A written record/log of the following correspondence shall be maintained at the facility. The record/log shall include the date when the correspondence was received from or delivered to the offender, the name of the sender, and the name of the addressee, for:
 - a. Incoming and outgoing legal mail
 - b. Incoming and outgoing registered mail of the type requiring return receipt
 - c. Outgoing packages
16. Offenders may not actively participate in a business.
 - a. Correspondence with business representatives is permitted to enable the offender to protect personal resources or financial interests.
 - b. If the volume or content of mail indicate that the offender may be conducting a business, or if criminal or illegal activity is suspected, the Institutional Investigator should be informed.
17. Each facility shall forward all first class letters, periodicals, and packages for sixty days after an offender has been transferred to another facility or released. (4-4446, 4-4496, 4-ACRS-6A-09)
 - a. First class mail and periodicals should be forwarded by adding the current address under the offender's name and returning the item to the Post Office.

- b. Packages containing approved purchases that are delivered after the offender is transferred or released may be forwarded at DOC expense. The DOC should not incur any other forwarding costs.
 - c. The facility mailroom should coordinate with the local Post Office for guidance on items that can be forwarded at no cost.
 - d. The following are examples of mail classes that cannot be forwarded without cost and should be returned to the Post Office or handled in accordance with Post Office instructions.
 - i. Standard Mail including Presorted Standard Mail
 - ii. Nonprofit Organization
 - iii. Printed matter not sent first class or as a periodical
18. There are no restrictions to personal correspondence in a foreign language unless the contents otherwise violate this operating procedure. Incoming personal correspondence in a foreign language may be translated and read as any other personal correspondence. The Facility Unit Head may approve translation and reading of outgoing foreign language personal correspondence using the same procedures as for reading any other outgoing personal correspondence.
19. Any incoming or outgoing correspondence including coded or encrypted portions is prohibited.
20. Any correspondence, documents, drawings, or symbols of any type that contain or indicate gang identifiers, language, or information is prohibited.
21. Any incoming or outgoing correspondence that contains powders, body fluids, or other foreign substances shall be rejected.
- a. Any incoming or outgoing correspondence that might pose a health or safety hazard or contains any illegal substance shall not be returned. The sender shall be notified of the rejection and the reason for it.
 - b. The facility should destroy any correspondence that might pose a health or safety hazard or contains any illegal substance (if not used as evidence).
22. Each facility shall make notary services available to offenders. Such services shall be free of charge and granted within one working day of the request.
- a. The offender will provide adequate space for all signatures and information required by the Virginia Notary Act. (COV §47.1-1 et seq.)
 - b. Materials submitted for notary services will not be read except as required for notarization, and shall be notarized in the presence of the offender, signed, and returned to the offender.
 - c. Before the offender signs the documents to be notarized and before such documents are notarized, the offender must present an identification card to verify that the offender is the subject of the notarial act.
 - d. The notary will include the information required by the Virginia Notary Act.
 - e. To ensure there is no conflict of interest in the notary being a party to the document, each notarial act should include the following statement, which must be signed by the offender under oath: "I certify that the above notary is not a party to this action." (offender signature).

B. Incoming

- 1. In accordance with United States Postal Regulations, all incoming general correspondence will be opened, searched, and may be read by authorized staff.
 - a. All incoming special purpose correspondence will be opened and searched for contraband; legitimate special purpose correspondence will not be read for content.

- b. Searches may include visual as well as other available and appropriate technologies for detecting contraband including but not limited to X ray and other electronic scanners and narcotic, cell phone, or other detector canines.
 - c. Offenders, who do not choose to receive general correspondence and special purpose correspondence under the above conditions, shall have it returned to the United States Postal Service as described in the [Notice to All Offenders – General and Special Purpose Correspondence](#) 803_F1.
 - d. Offenders may receive packages only with prior approval by the Facility Unit Head or designee, in accordance with this operating procedure, Operating Procedure 802.1, *Offender Property*, and other applicable DOC procedures.
 - i. Unauthorized packages shall be returned at the expense of the offender or the sender.
 - ii. All incoming packages, except legal packages, shall be searched outside the security perimeter of the facility prior to delivery.
 - iii. Boxes and packing materials should be disposed of outside the perimeter and not allowed to enter.
2. Incoming correspondence processed through a mail forwarding service is prohibited.
- a. This prohibition does not apply to mail forwarded due to the offender’s change of address
 - b. Correspondence sent through businesses that convert electronic messages to paper mail is prohibited. This prohibition does not apply to services contracted or approved by DOC to deliver electronic messages to be printed at the facility for delivery to offenders.
 - c. Correspondence that is forwarded through another sender to disguise the source is prohibited (this restriction does not apply to enclosures such as a note from a child included with the parent’s letter).
3. Incoming general correspondence should be allowed if it was processed by the Postal Service as equivalent to, or less than the contents of a one-ounce (1 oz.) domestic first class letter.
- a. The one-ounce restriction does not apply to legal or special purpose mail, educational correspondence, packages, mail from a vendor, or mail from a federal, state, or local government agency.
 - b. Incoming general correspondence that exceeds this limit shall be returned to the postal service unopened.
 - c. The sender will be advised of the option to appeal the rejection to the Facility Unit Head.
4. When incoming general correspondence is disapproved based on the mail exceeding the weight restriction or the offender choosing not to receive general correspondence in accordance with this operating procedure, the envelope will be marked as follows and returned to the Post Office.

<p><u>Name of Facility – Date Returned to Post Office</u></p> <p>Disapproved for Delivery of General Correspondence</p> <p>Reason:</p> <p><input type="checkbox"/> Exceeds weight (one oz. first class letter)</p> <p><input type="checkbox"/> Addressee chooses not to receive general correspondence in accordance with departmental procedures</p> <p><input type="checkbox"/> Other _____</p> <p><u>You may appeal this disapproval to the Facility Unit Head</u></p>

5. Incoming offender mail with incomplete addresses, such as no offender number, should be delivered

- if it can be determined which offender is the intended recipient. An offender who has legally changed his name will be permitted to receive mail in the new name as well as the old name, if he has provided proper notification to the facility in accordance with Operating Procedure 050.6, *Offender Access to Record Information*.
6. Incoming Priority or Express general correspondence should be discouraged, however if urgency of a circumstance requires expedited delivery, the offender shall obtain prior written approval from the Facility Unit Head or designee.
 7. All incoming mail from a specified class of individuals and organizations will be handled as follows except in circumstances which may indicate contamination. (4-4275, 4-4492)
 - a. An offender must sign the incoming legal mail log to receive legal mail. If the offender refuses to sign the log, the legal mail will be returned as refused. All incoming legal correspondence shall be opened and searched for contraband only in the presence of the offender to whom it is addressed. (4-4275)
 - b. Special purpose correspondence means correspondence from only the specific individuals or offices defined in this procedure.
 - c. Except where specifically identified in this procedure, legal and special purpose correspondence does not include correspondence from representatives or employees of DOC units.
 - d. All incoming special purpose offender correspondence shall be opened in the mailroom and inspected for contraband only. Legitimate special purpose correspondence should not be read for content.
 - e. Suspicious items received as special purpose correspondence or legal mail should be turned over to the appropriate investigative authority for evaluation.
 8. Nude or semi-nude personal pictures (including pictures printed on standard weight printer paper) or personal photographs, including persons in underwear, lingerie, or swimwear, are prohibited.
 - a. Commercially distributed or personal photographs or other printed materials that by the nature of content poses a threat to personal or facility safety and security, or meet the *Specific Criteria for Publication Disapproval* in Operating Procedure 803.2, *Incoming Publications* are prohibited.
 - b. The facility shall log incoming correspondence containing prohibited items and return the correspondence and items to the sender; items that are illegal to be mailed to the facility shall not be returned.
 - c. Pictures and photographs whether personal or commercial, and other materials with gang related content are prohibited and shall be forwarded to the Institutional Investigator or Gang Specialist for review to determine proper disposition.
 - d. If the correspondence or items are suspected to be illegal, the facility should contact the appropriate local, state, or federal law enforcement agency.
 9. Offenders may receive printed materials, including computer printed materials, enclosed in incoming general correspondence including, but not limited to newspaper and magazine articles, photocopies of publications and other printed matter, printed electronic messages, printed pages from the Internet with or without pictures, etc. The content of all such printed materials will be reviewed for compliance with Operating Procedure 803.2, *Incoming Publications*. Offenders cannot receive materials that have been printed off any DOC website from any source.
 10. Photographs shall be defined as printed on heavy photographic processing paper. Incoming photos (maximum size 4" x 6") shall be limited in weight equivalent to or less than the contents of a one ounce domestic first class letter or five photographs, whichever is less. No photographs where the non-photo side can be separated (Polaroid) will be allowed through incoming offender mail.

11. Pictures printed on standard weight printer paper should be treated as printed materials and not classified as photographs.
12. Incoming foreign language correspondence should meet the same requirements as English language correspondence and should be delivered to the offender unless there is reasonable belief that the correspondence violates this operating procedure. If there is reasonable suspicion to read an offender's incoming foreign language mail, then the facility shall arrange for translation services.
13. Incoming correspondence should be easily searched for contraband.
 - a. Musical/recorded cards, and any other multiple thickness or electronic cards that cannot be easily searched are not approved for receipt. Cards may not be larger than 5" x 9".
 - b. Other than the postage stamp(s), return address label, and address label there should be no stickers or other objects glued or taped to the envelope or contents.
14. Blank cards, stationery, writing paper, etc. must be purchased from the commissary and may not be received through the mail.
15. Approved checks (certified/cashier's checks; Government checks; corporate or other business checks (including from ex-employers) that are reasonably believed to be collectable) and money orders shall be removed from incoming mail and credited to the offender's account. (4-4493) Any bank costs or fees such as associated with foreign country money orders will be the responsibility of the offender and deducted from the offender account.
16. If incoming general correspondence contains an approved check or money order, but also contains contraband, such as an unauthorized picture, the approved check or money order may be credited to the offender's account and the other items returned to the sender.
17. Receipt of cash, personal checks, gift cards, lottery tickets, postage stamps, or prepaid postage envelopes/ postcards through incoming mail is prohibited. Offenders may receive one stamped self-addressed return envelope from an attorney, court, business, or school when needed for return correspondence.
18. The DOC will assume no responsibility for unauthorized items mailed to offenders and will return them to the sender whenever possible.
19. Offenders may receive their own financial account statements and credit reports. Financial account statements and credit reports for others, debit cards, credit cards, gift cards, checkbooks, savings passbooks, and other such items are prohibited.
20. Unauthorized incoming general correspondence:
 - a. Should be returned to the sender unopened if possible
 - b. Unauthorized correspondence that is opened will be returned directly and immediately to the sender if known, with a written explanation for disapproval and notification of the right to appeal the rejection of the correspondence to the Facility Unit Head.
 - i. A letter similar to [Notice of Unauthorized Correspondence](#) 803_F2 should be used for notification. Note: this letter should not come from the Facility Unit Head so that the sender may appeal the decision to the Facility Unit Head.
 - ii. The facility is responsible for postage costs of sending the *Notice* and the enclosed unauthorized correspondence.
 - c. Handling of unauthorized funds when the sender cannot be determined or the sender is unauthorized:
 - i. If the sender cannot be determined, unauthorized funds should be confiscated and routed to the facility Commissary Fund for the benefit of the offenders in accordance with the Inmate Trust

Manual and COV §53.1-26.

- ii. If the sender is unauthorized, unauthorized funds should be returned to the sender. If there is evidence of efforts to circumvent DOC operating procedures, the Facility Unit Head or designee may approve for unauthorized funds to be confiscated and routed to the facility Commissary Fund for the benefit of the offenders in accordance with the Inmate Trust Manual and COV §53.1-26.
 - d. Handling of unauthorized correspondence when the sender cannot be determined or the sender is unauthorized:
 - i. If the sender cannot be determined, unauthorized correspondence should be destroyed after any items of value are handled in accordance with unclaimed property procedures in Operating Procedure 802.1, *Offender Property*.
 - ii. If the sender is unauthorized, unauthorized correspondence should be returned to the sender. If there is evidence of efforts to circumvent DOC operating procedures, the Facility Unit Head or designee may approve for unauthorized correspondence to be destroyed after any items of value are handled in accordance with unclaimed property procedures in Operating Procedure 802.1, *Offender Property*.
 - e. An offender shall be notified when incoming correspondence is disapproved for receipt using a copy of the letter similar to *Notice of Unauthorized Correspondence*.
 - f. Offenders may use established offender grievance procedures regarding the handling or withholding of their mail. Unless the mail has been disapproved based on the mail exceeding the weight restriction/number of photographs, the offender choosing not to receive general correspondence in accordance with this operating procedure, a photocopy (if appropriate) of the disputed correspondence should be held until the expiration of the time for the offender to file a grievance.
 - g. Items that were illegal for the sender to place in the mail shall not be returned to the sender but will be documented, notification sent to the sender and receiver, and the items properly disposed of (if not used as evidence).
 - h. Any correspondence that might pose a health or safety hazard shall not be returned to the sender but will be documented, notification sent to the sender and receiver, and the items properly disposed of (if not used as evidence).
 - i. The offender has no input on disposition of unauthorized items received as incoming correspondence.
 - j. Commercial or non-profit correspondence that contain unauthorized advertising items that the offender is not permitted to possess (to include but not limited to Stickers, Return Address Labels, Decals, CD's/CD ROM's, Collector Cards, Make-Up Samples, Calendars, etc.), may have the unauthorized advertising item removed and disposed of so that the offender may receive the correspondence. Items removed should be noted on the envelope; no other notice is required.
21. The facility should not accept Postage Due incoming offender mail. Any such item received at the facility should be returned to the Post Office unopened.

C. Outgoing

1. Outgoing mail should not generally be searched unless there is a reason for suspicion. Improperly marked, unstamped (where applicable), suspicious outgoing mail, or mail that appears to be addressed to a forwarding service or mail drop is opened, inspected, and the sender verified.
2. The Facility Unit Head may approve for designated staff to open, examine, and read any general correspondence sent from an offender when there is reasonable suspicion that it violates state or federal laws or is used to threaten the security of the facility or that it contains property items that should be sent out in accordance with procedures governing packages.

3. Outgoing offender mail must include the offender's return address with the offender's name (spelled out) and offender number written on the same line and facility name (spelled out) and address listed below.
4. In accordance with Operating Procedure 050.6, *Offender Access to Record Information*, an offender who has legally changed his name will be permitted to send mail using his new name, if he has provided proper notification to the facility of his name change.
5. Outgoing general, special purpose, and legal correspondence from offenders will be stamped with the following:

**THE VIRGINIA DEPARTMENT OF CORRECTIONS HAS
NEITHER CENSORED NOR INSPECTED THIS ITEM.
THEREFORE THE DEPARTMENT DOES NOT ASSUME
RESPONSIBILITY FOR ITS CONTENT.**

6. Offenders are permitted to send sealed letters in the form of legal and special purpose correspondence to those persons and organizations authorized by this procedure to receive this mail. (4-4275, 4-4492; 4-ACRS-6A-02)
 - a. Staff, in the presence of the offender, may be allowed to inspect outgoing legal and special purpose correspondence for contraband before it is sealed.
 - b. The Facility Unit Head may approve for staff, in the presence of the offender, to open and search for contraband outgoing correspondence claimed as legal or special purpose that is suspicious as to its origins, destination, or contents.
7. Offenders must clearly mark outgoing legal mail on the lower left portion of the front of the envelope as "**LEGAL MAIL**".
 - a. All outgoing legal mail shall be date-stamped and logged with the date the mail was received from the offender.
 - b. The Facility Unit Head shall ensure that notice is posted in the area where offender mail is deposited for later pick-up, informing the offender population that deposits after a given time will be stamped and logged as being deposited on the next day.
 - c. Outgoing mail improperly identified as legal may be opened, inspected, and the sender verified before being returned to the offender for mailing as general or special purpose correspondence.
8. Improperly marked, unstamped (where applicable), suspicious outgoing mail or mail that appears to be addressed to a forwarding service or mail drop should be opened, inspected and the sender verified.
 - a. If such mail is addressed to a legal correspondent, it should be opened in the offender's presence. If the correspondence is determined legitimate and from the offender identified as the sender, it should be returned to the offender to properly address or affix postage.
 - b. If the correspondence is not legitimate, the envelope and contents should be forwarded to appropriate authorities for investigation.
9. Outgoing mail displaying text or graphics that violate the *Specific Criteria for Publication Disapproval* in Operating Procedure 803.2, *Incoming Publications*, are not authorized to be sent out from a DOC facility and will be opened, inspected, and returned to the sender.
10. Outgoing mail displaying text or graphics that indicate gang involvement are not authorized to be sent out from a DOC facility and shall be forwarded to the Institutional Investigator or Gang Specialist for review to determine proper disposition.
11. Facilities should make accommodations for the collection and bulk delivery of offender

correspondence addressed to Department of Corrections Regional Offices or to the Department of Corrections Central Office. Correspondence containing documents such as disciplinary appeals or grievance appeals may be collected, batched and sent, at facility expense, via the United States Postal Service or where applicable, through inter-departmental mail or runners.

- a. Offenders shall place each outgoing letter/mailing in a regular envelope and write the addressee and the offender's return address on the front of the envelope. The offender should write the word "BULK" in the upper right hand corner instead of affixing a stamp as per the sample below.

Offender Return Address	<i>Bulk</i>
Name of Addressee <address>	

- b. Facility mail rooms shall sort "bulk" correspondence according to sending location, and place the offender envelopes in a larger mailing envelope addressed to the respective regional office or central office to be sent out at least each Tuesday and Thursday.
 - c. Offenders, if they choose, may send this type of outgoing correspondence through U.S. Postal Service mail at their own expense.
12. Facility authorities shall inspect outgoing offender packages prior to being sealed.
- a. The offender's name and facility's return address shall be clearly marked on the package.
 - b. Shipping charges will be determined and assessed in accordance with Operating Procedure 802.1, *Offender Property*.
 - c. Outgoing packages shall be logged in accordance with Operating Procedure 440.1, *Mailroom Operations and Security*.

D. Postage

1. Offenders shall be allowed to purchase postage, at cost, from the facility. The US Postal Service prohibits reuse of canceled stamps.
2. Offenders must pay for regular postage, all costs of certification, and/or all costs of return receipt of mail.
3. Offenders will not be refused access to the courts because of insufficient funds to cover the cost of legal mail. Offenders that do not have adequate funds in their trust account may be provided loans to cover the cost of postage for the following types of mail only.
 - a. When postage charges are posted to the offender's account, any balance in the spend account will be used to pay the postage. Any amount in excess of the spend account balance will be set up as a postage loan to the offender. When an offender who has a loan debt receives additional funds or pay, the funds may be used to satisfy the debt.
 - b. For legal mail, as defined in this procedure, loans shall be provided up to the equivalent value of 10 first class postage stamps per week to cover the cost of first class postage only.
 - c. Tort claims addressed to the Director of the Division of Risk Management or the Office of the Attorney General may be sent by regular legal mail; certified mail is not required (COV §8.01-195.6). Tort claims may be sent by certified mail only at the offender's expense.

- d. Petitions for Writs of Actual Innocence (COV §19.2-327.3, §19.2-327.11) must be submitted to the Commonwealth's Attorney of the jurisdiction where the conviction occurred and to the Attorney General of Virginia.
 - i. The Petitions for Writs of Actual Innocence are required by law to be sent certified mail, return receipt requested.
 - ii. For purposes of filing a Petition for Writ of Actual Innocence only, an offender's postage loan allowance shall be the cost to send by certified mail, return receipt requested, one copy each to the Commonwealth's Attorney and the Attorney General.
 - iii. The Court only allows one Petition for Writ of Actual Innocence per felony conviction.
 - iv. The outer envelopes must be clearly marked Petition for Writ of Actual Innocence. The facility may inspect the documents (but not read for content) in the presence of the offender to confirm that it is a Petition for Writ of Actual Innocence before providing the postage loan allowance.
 - e. Loans shall not be provided to pay costs of special purpose mail.
 - f. Outgoing mail improperly identified as legal may be opened, inspected, and the sender verified before being returned to the offender for mailing as general or special purpose correspondence.
4. Indigent offenders shall be allowed to send one free letter per week. (4-4489) Unused postage allowance shall not be carried over seven calendar days. See Operating Procedure 802.2, *Offender Finances*, for procedures for indigent services.
 5. Non-indigent offenders shall not receive free postage for general correspondence, legal, or special purpose letters.
 6. Disciplinary appeals should be mailed directly to Department of Corrections Central Office per Operating Procedure 861.1, *Offender Discipline, Institutions*, either through "bulk" mail or, if the offender chooses, through postal service mail at the offender's expense.
 7. Grievance appeals should be mailed directly to Department of Corrections Central or Regional Office, as appropriate, either through "bulk" mail or, if the offender chooses, through postal service mail at the offender's expense.
 8. Facilities have the option of providing additional free mail services to offenders for correspondence courses and reentry planning. If the Facility Unit Head decides to provide these services, they may set the eligibility requirements such as offender indigence and approved subjects for correspondence courses.
 - a. Facilities may provide reasonable free postage for educational correspondence incidental to offender correspondence courses that have received prior approval by the Facility Unit Head or designee.
 - b. Facilities may provide a reasonable number of postage free letters to offenders within three months of release, in order to seek employment or to initiate other valid release plans.

E. Complaints

1. Any time the DOC receives a complaint regarding obscene, harassing, threatening, or possibly illegal mail sent by an offender, such complaint (with a copy of the correspondence if possible) shall be forwarded to the appropriate Facility Unit Head. The Facility Unit Head or designee shall contact the complainant and notify proper authorities as necessary. Illegal activity shall be reported to the appropriate postal authorities, DOC Special Investigations Unit, and/or the appropriate local, state, or federal law enforcement agency.
2. When an offender continues to send threatening, obscene, or harassing mail after being notified not to do so, the Facility Unit Head may grant approval to screen all outgoing mail from that offender to

intercept and return any mail addressed to the complainant.

3. Offenders may use established offender complaint and grievance procedures regarding the handling or withholding of their mail. Unless the mail has been disapproved based on the mail exceeding the weight restriction/number of photographs or the offender choosing not to receive general correspondence in accordance with this operating procedure, copies of the disapproved correspondence, if appropriate, should be held until the expiration of the time for the offender to file a grievance.
4. When incoming correspondence is rejected or returned to the sender, the sender shall be notified of the reasons for the rejection and of the right to appeal the rejection of the correspondence to the Facility Unit Head. A letter similar to [Notice of Unauthorized Correspondence](#) 803_F2 should be used for notification. Note: this letter should not come from the Facility Unit Head so that the sender can appeal the decision to the Facility Unit Head.

V. REFERENCES

Operating Procedure 030.4, *Special Investigations Unit*
Operating Procedure 050.6, *Offender Access to Record Information*
Operating Procedure 440.1, *Mailroom Operations and Security*
Operating Procedure 445.2, *Facility Searches and Inspections*
Operating Procedure 802.1, *Offender Property*
Operating Procedure 802.2, *Offender Finances*
Operating Procedure 803.2, *Incoming Publications*
Operating Procedure 861.1, *Offender Discipline, Institutions*
United States Postal Service [Domestic Mail Manual](#) and Administrative Support Manual

VI. FORM CITATIONS

[Notice to All Offenders – General and Special Purpose Correspondence](#) 803_F1
[Notice of Unauthorized Correspondence](#) 803_F2

VII. REVIEW DATE

The office of primary responsibility shall review this operating procedure annually and re-write it no later than November 1, 2014.

Signature Copy on File

9/30/11

A. David Robinson, Chief Corrections Operations

Date