



SUBJECT: Inmate Mail
NUMBER: 8.5
EFFECTIVE DATE: May 10, 2018

POLICY: To ensure that all residents are afforded the opportunity to receive and send mail to or from any person they so desire. To ensure correspondence is lawfully delivered through the United State mail system and denied only if such denial furthers a substantial governmental interest in the Corrections Facility, security or the welfare of residents or corrections staff. Mail is collected at approximately the same time each workday and is sent to the Post Office within 24 hours of receipt.

DEFINITIONS:

The following words/terms are defined as:

Contraband – Includes illegal items, hazardous materials, explosives, deadly weapons, alcoholic beverages, drugs, tobacco products, controlled substances, and any item that is controlled, limited, or prohibited on the grounds or within the secure perimeter of a correctional facility. Contraband also includes lawful items that can secrete illegal items such as self-adhesive return address labels, correction tape, fluids, crayon, marker, drawings, metal clasps, staples, lipstick, glitter, stains, perfume, glue, adhesives, stickers, rubber inked stamps, stickers/labels.

1st-class mail includes all personal correspondence, postcards, bills, and statements of accounts.

2nd-class mail consists of newspapers and other periodicals.

3rd-class mail consists of material such as advertisements, catalogs and shoppers' guides. This class of mail is often addressed to "resident" or "occupant."

Letters - Consists of handwritten/typed communications and/or written/pictorial enclosures to and from inmates. A standard first class, one ounce letter shall be consistent with the dimensions, weight, and thickness as prescribed by the U.S. Postal Service. A properly addressed and stamped post card or greeting card shall be processed with the

same standards as described above for a first class one ounce letter. Nonstandard first class mail requires a surcharge as established by the U.S. Postal Service.

Mail - Consists of letters, publications, or packages delivered by the U.S. Postal Service or by other established and authorized carriers.

Packages - Wrapped or boxed objects; a parcel or bundle containing one or more objects; or a container in which something is packed for storage, transport, or mailing.

Publications – Includes books, periodicals, magazines, newspapers, circulars, pamphlets, catalogs, and newsletters.

I. General Requirements

- A. Inmates will be responsible for informing their correspondents regarding the rules governing inmate mail, including legal mail.
- B. When the inmate bears the mailing cost, there is no limit on the volume of letters s/he can send or receive, or on the length, content, or source of mail or publication, except when there is reasonable belief such limitation is necessary to protect public safety or facility order and security. Inmates must comply with module policies in storing their mail and publications as stated in posted inmate rules.
- C. An inmate's writing privileges to a particular person or group may be withdrawn for the following reasons:
 1. At the request of the recipient,
 2. If the recipient is a minor and his/her parent or guardian has requested, in writing, that the privilege be terminated,
 3. To comply with a court ordered restriction, or
 4. For specific cause supported by criteria in this policyAn inmate may grieve any withdrawal of writing privileges.
- D. Excluding weekends and holidays or emergency situations (i.e., incidents which create a significant disruption of normal jail operations) mail will be processed as follows:
 1. Incoming first class mail will be distributed to the inmate within 24 hours of receipt,

2. Outgoing first class mail will not be held for more than 24 hours, and
- E. No “over the counter” mail will be accepted for inmates, except for that mail from those within the criminal justice system. (i.e., prosecutor, public defender)
 - F. Incoming mail that contains contraband will be returned to sender.
 - G. Incoming mail that contains illegal contraband may be seized as evidence, and handled accordingly.

II. Incoming Mail

- A. Corrections Officers/Clerical personnel are authorized to open, inspect and remove all stamps from incoming mail after they have confirmed that the mail recipient is in our custody to prevent:
 1. Receiving contraband or any materials that could secrete contraband and other materials that could threaten the security and order of the facility through the mail, and
 2. Criminal activity.

III. Content and Structure of Inmate Mail

A. Incoming Inmate Mail

1. United States Postal Service (USPS) Mail
 - a. Mail sent to inmates via the USPS will be addressed with the inmate’s name written as it appears on the Inmate Roster.

See Sheriff’s Office Web Site:

<http://benton.municipalcms.com/docview.aspx?docid=10163>

Sample:

Inmate Name
Housing Unit (If known)
Benton County Jail
7122 W Okanogan Place, Bldg B
Kennewick, WA 99336

- b. Staff will make reasonable efforts to identify the inmate for whom the mail is intended. Mail not adequately addressed and for whom the intended recipient cannot be identified will be returned to the sender with the reason for return noted on the outside of the envelope.

2. Money Orders/Checks/Cash

Corrections Officers/Clerical staff will accept US postal money orders, Western Union Money Orders, Cashier's Checks, US Treasury checks, checks from tribal institutions and other correctional facilities and cash through the mail for posting on an inmate's account.

- the Social Security, SSI, and unemployment checks will be placed on Operations Lieutenant's desk for verification with the appropriate department. If verified, the check will be placed into the inmate's property. If requested by the verifying department, the checks will be returned to that specific department as the inmate is not eligible for funds. These checks will not be posted to the inmate's account.

Any other checks will be returned to sender.

- 3. Incoming mail must contain only correspondence/property for the addressed inmate. Correspondence/property for a third party is not permitted.
- 4. Incoming mail for inmates must have a return address as defined by the USPS, including an identifiable first and last name. Mail without a return address will be rejected.
- 5. Mail in a foreign language with contents not understood by the inspection staff, when reasonable efforts to have the mail interpreted have been unsuccessful and the mail otherwise will have passed inspection, we will not withhold the mail from the inmate.
- 6. Certified or Registered Mail
 - a. Certified and registered mail for inmates will be accepted by the Corrections Officer or Clerical staff and signed by the accepting staff member.
 - b. Registered mail with restricted delivery may be signed by a Corrections Officer or Clerical Staff, as outlined in the USPS Domestic Mail Manual.

- c. Any Corrections Officer/Clerical staff employee may sign for certified or registered mail. If not authorized, the certified/registered mail will be returned to sender.
- d. A receipt of this mail will be completed by the receiving Corrections Officer or Clerical staff and sent to the inmate for signature.

B. Outgoing Inmate Mail

1. Letters sent by inmates must have a complete return address, to include cell assignment/housing location, facility address, and the inmate's name as it appears on the roster.

SAMPLE:

Inmate First, MI, Last Name

Benton County Jail, Cell Assignment/Housing Location

7122 W. Okanogan Pl #B

Kennewick, WA 99336

The inmate is responsible for instructing his/her correspondents to use the correct address as posted on the return address of the inmate.

2. Outgoing mail, including legal mail, may be opened and inspected when there are reasonable grounds to believe that such mail: (1) poses a threat to public safety or the order and security of the jail, or (2) contains contraband. Provided that, outgoing legal mail will be opened and inspected only in the inmate's presence.
3. Outgoing mail from an inmate must contain only his/her correspondence/property. Correspondence/property from a third party is not permitted.
4. There will be no writing or drawings of any kind on the outgoing envelopes except for the name and address of the sender and the name and address of who the letter is being sent to.
5. Outgoing mail remains the responsibility of the inmate until it is properly placed in the designated mail bin.
6. All outgoing mail must be turned in by the end of the day. For mailing purposes, the end of the day will be considered 1900 for lockdown units and 2200 for open bay units.

7. At the end of the day, the mail bins will be collected and passed out of the housing units to be collected and mailed the following day.

IV. Legal Mail

A. Legal mail must meet all of the following requirements:

1. Legal mail must be:
 - a. Correspondence to or from courts and court staff, attorneys, public defender, prosecuting attorney, the Indeterminate Sentence Review Board (ISRB), established groups involved in the representation of inmates in judicial proceedings (e.g., American Civil Liberties Union, Disability Rights Washington, legal services groups, etc.), the President or Vice President of the United States, members of the United States Congress, embassies and consulates, the United States Department of Justice, state attorneys general, governors, members of the state legislature, law enforcement officers in their official capacities, and the Prison Rape Elimination Act Unit at Headquarters, or
2. Incoming legal mail must have the return address on the front of the envelope clearly indicating that it is from one of the above listed sources.
3. The front of the envelope must be clearly marked "Legal Mail", "Attorney/Client", or similar designation of the item as legal mail.
 - a. Mail readily identifiable as being from a court will be handled as legal mail regardless of whether it has been marked legal mail.

B. Incoming legal mail will be opened in the presence of the inmate by Corrections Officers. Corrections Officers will be authorized to inspect and remove all stamps from the contents of the legal mail to ensure it:

1. Does not contain contraband or any other material that would threaten the security and order of the facility, and
2. Meets the policy requirements for legal mail. If there is a question whether the mail qualifies as legal mail, it may be retained for not more than 24 hours, excluding weekends and holidays, to resolve the question.

V. Unauthorized Mail

- A. Mail to or from inmates will be rejected based on specific and articulated legitimate facility interests of order and security and/or for any reason identified in Unauthorized Mail.

VI. Rejection of Mail

A. Incoming Mail (Content Based)

1. A rejection is for content if it is based on the written or pictorial content of the mail.
2. If an inmate's incoming mail restriction is content based, written notification will be provided to the inmate and sender by using the mail disposition sheets.
3. The mail disposition sheet will be a form in triplicate and will be distributed in the following manner.
 - a. White sheet is the jails copy
 - b. Yellow sheet is the inmates copy
 - c. Pink sheet is the senders copy
4. The mail disposition sheet shall specify the publication, letter, package or other mail which has been restricted and specify the reason for the restriction as outlined in this policy.
5. The mail disposition sheet shall notify the inmate that the jails grievance procedures will apply to his/her request for review.
6. The rejected mail and mail disposition sheet will be placed into a return envelope.
7. The sender will be notified via the return of the letter or package and will receive a copy of the mail disposition sheet stating the reason it was rejected.
8. The restriction will become final 15 days after the postmark date of the notice unless the sender seeks review by the Bureau of Corrections Commander/designee.

9. The sender's request for review must be postmarked within 15 days of the postmark date of the notice of rejection and sent to the Detention Services Commander/designee.
10. The request for review shall include the sender's reasons for disagreeing with the restriction and any other information the sender wants the Bureau of Corrections Commander/designee to consider.
11. Within 10 days after receiving the sender's request for review, the Bureau of Corrections Commander/designee will issue a written decision and send it to the party seeking review.

B. Incoming Mail (Non-Content Based)

1. A rejection is non-content based when the restriction is based on the presence of contraband, improper address, self-adhesive return address stickers, lack of postage or other reason not relating to written or pictorial content of the mail.
2. The sender will be notified via the return of the letter or package and will receive a copy of the mail disposition sheet stating the reason it was rejected.
3. The sender will be notified via mail disposition sheet of the rejection but have no right to administrative review. The inmate will be notified of the rejection and may grieve the same. Inmate mail addressed to a specific inmate not currently residing in the jail will be dealt with according to Unauthorized Mail Section I. 13.

C. Outgoing Mail (Content Based)

1. A rejection is for content if it is based on the written or pictorial content of the mail. A rejection on the grounds stated in this policy in Unauthorized Mail section II is not content based.
2. If an inmate's outgoing mail restriction is content based, written notification will be provided to the inmate and intended recipient.
3. The notification shall specify the publication, letter, package or other mail which has been restricted and specify the reason for the restriction as outlined in this policy.

4. The notice shall notify the inmate that the jails grievance procedures will apply to his/her request for review.
5. The intended recipient will be notified that the restriction will become final 15 days after the postmark date of the notice unless such person seeks review by the Bureau of Corrections Commander/designee.
6. The intended recipient's request for review must be postmarked within 15 days of the postmark date of the notice of rejection and sent to the Bureau of Corrections Commander/designee.
7. The request for review shall include the intended recipient's reasons for disagreeing with the restriction and any other information such person wants the Bureau of Corrections Commander/designee to consider.
8. Within 10 days after receiving the intended recipient's request for review, the Bureau of Corrections Commander/designee will issue a written decision and send it to the party seeking review.

D. Outgoing Mail (Non-Content)

1. A rejection is non-content based when the restriction is based in this policy in Unauthorized Mail section II, the presence of contraband, improper address, lack of postage or other reason not relating to written or pictorial content of the mail.
2. If an inmate's outgoing mail restriction is non-content based the inmate will be notified in writing and may grieve the same.

E. Corrections Officers shall keep a mail rejection log of incoming and outgoing mail.

F. The Bureau of Corrections Commander/designee shall keep a record of all mail rejection reviews to include notice of rejection, request for review/grievance, decision and copy of the rejected mail.

VII. Packages

A. Packages are not allowed except for those that contain publications or legal mail.

VIII. Publications Received by Inmates

- A. Inmates may receive publications as follows, provided they meet the requirements of this policy under Unauthorized Mail and if:
 - 1. The new/used paperback books, newspapers, and other publications are sent directly from the publisher or bona fide bookstore/retailer. (i.e., Amazon.com)
 - 2. There is assurance that the sender does not have the ability to tamper with the mailing prior to receipt.
- B. Publications not meeting the requirements of this policy under Unauthorized Mail will initially be rejected by Corrections Officers/Clerical Staff. The initial rejection shall be reviewed by the Bureau of Corrections Commander/designee prior to a notice of rejection being given pursuant to Section VI.
- C. No publications will be withheld solely on the basis of their appeal to a particular ethnic, racial, religious, or political group or sexual orientation.
- D. Items such as product samples, CDs, DVDs, etc. will be removed from publications and placed in the inmate's property. Items such as perfume samples will be discarded.
- E. Any ribbon or bookmarks attached or included with any publication will be cut away and discarded.
- F. All publications shall be receipted by the Corrections Officers, and signed for by the inmate.

IX. Forwarding Mail

- A. Inmates are responsible for informing their correspondents, including publishers, of any change of address.
- B. If the inmate is not in custody, the mail will be returned to the sender.

X. Returned Mail

- A. All mail returned to the facility by the post office as undeliverable will be opened and inspected for contraband if the sender is in custody.
- B. All mail noted as "Legal Mail" returned to the facility by the post office as undeliverable will be opened and inspected for contraband in the inmate's presence assuming the sender is in custody.

- C. If the sender is no longer in custody, mail will not be opened. The unopened mail will be inserted into a new envelope and mailed to the sender at the last-known address shown in the Bureau of Corrections booking system.
- D. Any re-mailing will be done at the inmate's expense.

XI. Mail Records

- A. The Bureau of Corrections Commander/designee will be responsible for maintaining a continuous chronological written record of the following types of incoming and outgoing inmate mail:
 - 1. Legal mail, and
 - 2. Items of monetary value (i.e., money orders, cashier's checks, etc.).
- B. The continuous written record will show:
 - 1. Source,
 - 2. Destination,
 - 3. Date received/sent,
 - 4. Description,
 - 5. Printed name and initials of staff person distributing, and
 - 6. Signature and printed name of inmate receiving/sending legal mail, or items of monetary value.
- C. The continuous electronic record books will be maintained on the CO info page, by the Officers working in master control.

XII. Mail Costs

- A. Inmates must pay for their own mail costs.
 - 1. Inmates may purchase stamped envelopes at cost from the commissary store to mail first class, one ounce letters.
- B. Inmates will be allowed to incur a postage debt for outgoing legal mail. Specialized services (i.e., certified, return receipt requested, etc.) will not be authorized.

- C. Legal mail arriving at the facility with postage due will be delivered to the inmate without undue delay.
- D. Indigent inmates will receive three (3) stamped envelopes per week from Commissary without charge.
 - 1. Request for additional legal envelopes shall be submitted with a jail request form to the commissary clerk.

UNAUTHORIZED MAIL

- I. Mail to or from inmates, will not be allowed for any of the following reasons:
 - 1. Mail unauthorized by this policy.
 - 2. Mail to or from an individual with whom contact is restricted by a court.
 - 3. Mail containing threats of physical harm against any persons or any other threats of criminal activity.
 - 4. Mail containing blackmail or extortion threats.
 - 5. Mail that is contraband or could secrete contraband or relates to sending contraband in or out of the facility.
 - 6. Mail depicting or describing the procedures for constructing or using weapons, ammunition, bombs, or incendiary devices.
 - 7. Mail containing plans to escape, or mail depicting or describing blueprints or operational detail of an existing facility's security devices (i.e., locks, electronics, facility grounds/ buildings, etc.).
 - 8. Mail containing plans for activities in violation of facility rules or for criminal activity, or mail that violates facility rules.
 - 9. Mail that appears to be in code.
 - 10. Maps, charts (i.e., topographical, nautical) or aerial photographs of any kind, with the exception of those received by the facility libraries.
 - 11. Mail in a foreign language with contents not understood by the inspecting staff, when reasonable efforts to have the mail interpreted have been unsuccessful.

12. Mail containing information that, if communicated, could create a risk of violence and/or physical harm to any person.
13. Mail that is not addressed to a specific inmate. Mail not addressed to a specific inmate shall be destroyed/shredded and placed in a trash container. Second or third class mail addressed to a specific inmate who is not currently incarcerated at the jail shall be returned to the Post Office. If the Post Office does not accept the undeliverable mail, it shall be destroyed/shredded and placed in a trash container. First class mail will be returned to the sender by the jail at its own expense.
14. Hand delivered mail, except from process servers or attorneys. All other correspondence must come through the U.S. Mail.
15. Mail that is sexually explicit or obscene.
 - a. The term sexually explicit or obscene refers to any pictorial representation that is intended for sexual gratification and shows male or female genitalia, full frontal nudity, partial nudity, dressed provocatively or depicts any of the following sexual behaviors:
 - 1) One or more of the participants appears to be:
 - a) Non-consenting,
 - b) A minor, or a minor alone is depicted in a sexually suggestive way,
 - c) Acting in a forceful, threatening, or violent manner,
 - d) Dominating one or more of the other participants,
 - e) In a submissive role, or
 - f) Degraded or humiliated, or appears to willingly engage in behavior that is degrading or humiliating,
 - 2) Bodily excretory behavior that appears to be sexual in nature,
 - 3) Bestiality, sadomasochistic behavior, and/or bondage, or
 - 4) Sexual acts including, but not limited to, intercourse/penetration, sodomy, fellatio, cunnilingus, anilingus, or masturbation.

16. Mail that is deemed a threat to specific and articulated legitimate penological objectives.
17. Publications that have been altered after publication (e.g., pages or portions of pages removed, extraneous markings, etc.).
18. Mail advocating that any group is inferior based on national origin, race, color, religion, age, gender, marital status or status as a state registered domestic partner, sexual orientation, status as a Vietnam Era Veteran, Wartime Veteran, or Disabled Veteran, or the presence of a physical, mental, or sensory impairment and makes such group the object of ridicule and scorn, and may reasonably be thought to precipitate a violent confrontation between the recipient and a member(s) of the target group.
19. Mail purported to be legal mail but upon visual scanning for contraband is determined to be general correspondence.
20. Mail containing personal check(s).
21. Mail containing markings of gang symbols or symbols of other groups that may reasonably be thought to precipitate violence.
22. Mail containing a photo wherein the non-photo side is, or can be, separated from the photo side of the picture, or mail containing multiple copies of the same photo.
23. Mail containing items such as hazardous materials, self-adhesive return address labels, correction tape, fluids, crayon, marker, drawings, metal clasps, staples, lipstick, glitter, stains, perfume, glue, adhesives, stickers, rubber inked stamps, stickers/labels, stamps, or other envelopes or containing another inmate's correspondence.
24. Mail containing blank greeting cards or postcards, and cards, posters, and calendars that are padded, laminated/layered, or musical.
25. Mail containing cassette tape(s) or CD(s)
26. Publications (i.e., reproduced handwritten, typed/printed, or pictorial materials including books, periodicals, newspapers, magazines, and pamphlets) and catalogs (i.e., a publication predominantly or substantially focused on offering items for sale) not mailed directly from the publisher/retailer.
27. Mail without an identifiable author/sender.

28. The outside of the envelope or package does not contain a return address as defined in this policy.
29. Other items that threaten the security and order of the facility or the inmate's treatment as identified by the Bureau of Corrections Commander/designee such as STG related mail, drawings, pictures as identified by an STG Officer.

II. Outgoing mail from inmates may also be denied for any of the following reasons:

1. The inmate's Judgment and Sentence prohibits contact with the individual or class of individuals during or upon release from incarceration.
2. The mail is addressed to a minor whose parent(s) or guardian(s) have objected, in writing, to such correspondence.
3. There is an active no contact order with the individual.
4. The mail is addressed to an individual or his/her guardian who has previously received unwanted mail from the offender and has complained or asked that mail from the offender not be sent.
5. Mail that does not specify the intended recipient.
6. Mail that threatens, facilitates criminal activity or constitutes evidence of a crime.