

STATE OF UTAH
DEPARTMENT OF CORRECTIONS

COMMUNITY CORRECTIONAL CENTERS MANUAL

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DG15/01.00	GENERAL PROVISIONS
DG15/01.01	Purpose of Chapter
DG15/01.02	Cross Reference
DG15/01.03	Definitions
DG15/02.00	COMMUNITY CORRECTIONAL CENTERS' MAIL
DG15/02.01	Policy
DG15/02.02	Rationale
DG15/02.03	Procedure: Incoming Mail
DG15/02.04	Procedure: Privileged Correspondence Standards
DG15/02.05	Procedure: Privacy
DG15/02.06	Procedure: Publications
DG15/02.07	Procedure: Packages
DG15/02.08	Procedure: Paychecks
DG15/02.09	Procedure: Free Postage for Indigents
DG15/02.10	Procedure: Forwarding Mail
DG15/02.11	Procedure: Outgoing Mail
DG15/02.12	Procedure: Inter Institutional Mail

DG15/01.00 GENERAL PROVISIONS

DG15/01.01 Purpose of Chapter

The purpose of this chapter is to provide policy and procedures concerning mail sent by or received for offenders in Community Correctional Centers.

DG15/01.02 Cross References

DE12 Offender Discipline Procedures
DG10 Offender Funds

DG15/01.03 Definitions

cancel refusing to deliver a letter due to the content; cutting, or blacking out information from the general text of a letter, publication or other document

contraband any material, substance, or other item not approved by Centers to be in the possession of offenders, or items in excess of the number or amount approved for possession by offenders

illegal contraband any material, substance or other item which violates criminal statutes

indigent a financial condition in which an offender has no money in the offender account

inspect opening and examining a letter, envelope, package or container for contraband

mail written communication sent or received by offenders through the United States Postal Service; letters delivered directly to the Center by the sender, or other legitimate mail carrier

paycheck	check, money order or cashier's check received from an offender's employer; unemployment, workman's compensation or disability checks are considered paychecks if they represent an offender's source of income
peruse	to read carefully or thoroughly, to examine in detail, to study or scrutinize
privileged mail	correspondence with a person identified by this chapter relating to the official capacity of that person, which has been properly labeled to claim privileged status

DG15/02.00

COMMUNITY CORRECTIONAL CENTERS' MAIL

DG15/02.01

Policy

It is the policy of the Department that:

- A. Community Correctional Centers shall allow offenders to correspond freely and with the degree of privacy consistent with the Department's legitimate need to maintain orderly, safe and secure facilities;
- B. mail restrictions, inspection, reading and refusal shall be based on and consistent with the Department's interest in maintaining discipline, safety, security, orderly management and rehabilitation;
- C. incoming and outgoing personal mail:
 - 1. may be inspected;
 - 2. may be read at random;
 - 3. shall not be censored;
 - 4. may be copied with reasonable cause; and
 - 5. may be rejected with reasonable cause to believe that the contents may negatively impact the safety, security, orderly management and rehabilitation goals of the Department;
- D. incoming privileged mail:
 - 1. may be inspected but only in the presence of the offender;
 - 2. shall not be read;
 - 3. shall not be censored;
 - 4. shall not be copied; and
 - 5. may be rejected for reasonable cause upon approval of the Director of Adult Probation and Parole/designee;
- E. outgoing privileged mail:
 - 1. may be inspected upon reasonable cause but only in the presence of the offender;

2. shall not be read;
 3. shall not be censored;
 4. shall not be copied; and
 5. may be rejected for reasonable cause, but only in the presence of the offender and upon approval of the Center Director/designee;
- F. if correspondence written by or addressed to an offender is rejected:
1. the sender and offender shall be notified in writing within seven days and shall be given an opportunity to appeal the decision; and
 2. the appeal shall be decided by the Director of Adult Probation and Parole/designee within ten days of receipt of the appeal;
- G. upon request, indigent offenders shall be provided free postage for five, one-ounce, first class letters or the equivalent per week;
- H. Center staff shall act as agents for the receipt of certified, insured, registered and special mail;
- I. Center staff shall not accept postage-due mail unless payment has been waived;
- J. privileged mail, to be considered as such, shall meet the privileged correspondence standards outlined in this chapter (refer to DG15/02.04);
- K. incoming and outgoing mail incorrectly or falsely labeled as privileged shall be denied delivery and confiscated with sender and addressee so notified;
- L. persons attempting to send illegal contraband to Centers through any legitimate mail carrier shall be subject to prosecution;
- M. written communication between offenders in any Center and inmates of other federal, state, county or local correctional or incarceration facility shall be subject to approval by all institutions concerned;
- N. media mail shall not be granted privileged status;

- O. religious mail shall not be withheld unless it presents a clear and present danger to the safety, security, and orderly management of the Center;
- P. any exceptions to normal mail procedures shall be documented on an incident report and on other appropriate forms or logs;
- Q. offenders without funds shall not be allowed to certify or insure mail at Center expense; and
- R. offender's paychecks received in the mail may be deposited into the offender checking account.

DG15/02.02

Rationale

- A. To enhance morale, offenders are allowed mail correspondence with few restrictions.
- B. It is necessary to take precautions if there is reasonable suspicion to believe offenders are involved in illegal activities or the exchange of contraband through the mail.
- C. In order to be fair, offenders will be informed of reasons in writing why incoming mail is rejected and will have the right to appeal the decision.
- D. There are legitimate needs to correspond through the mail so indigent offenders will be provided limited free postage.
- E. Privileged mail is a privacy issue and must be identifiable.
- F. Illegal activities occurring through the mail shall be reported to the proper authorities because the Department enforces the law.
- G. Center staff are responsible for the safekeeping and monitoring of offenders' finances and the payment of debts so offender paychecks may be received in the mail and immediately deposited.
- H. Persons outside of Centers generally do not know Centers' rules and may violate them unintentionally by including contraband in the mail they send to offenders.

DG15/02.03

Procedure: Incoming Mail

A. Receiving Mail

1. Incoming mail shall be delivered to Center staff.
2. Centers' business mail will be distributed appropriately and the offenders' mail shall be taken to the designated area for further sorting.

B. Processing the Mail

1. Mail may be read by staff for legitimate correctional purposes. Some of the criteria includes, but is not limited to:
 - a. situations in which a reasonable belief exists that the letter contains information harmful to the legitimate interests of the Department;
 - b. mail of offenders suspected of writing or receiving mail which violates mail and/or Center regulations;
 - c. mail of offenders believed to be suicidal or likely to become suicidal;
 - d. when conditions of unrest exist in the Centers and it is believed that the safety, security, and orderly management of staff and offenders is in jeopardy; or
 - e. random inspection for the purpose of maintaining security and detection of potential illegal activities and or disruptions to safe and secure operations.
2. Mail shall be placed in an area not accessible to offenders for safekeeping until it can be distributed. Mail shall only be given to the offender to whom it is addressed.

C. Contraband

1. Staff may open all non-privileged mail received at the Center and inspect for contraband.
2. When a letter has been opened and no contraband is found:
 - a. the letter shall be closed and sealed;

- b. staff shall write, "this letter was opened and checked for contraband" on the back side of the envelope and sign and date this entry; and
 - c. documentation shall be made indicating the action taken, who took the action and the purpose of opening the letter.
3. If contraband is found in the mail, it shall be removed and appropriate action taken.
4. Contraband shall be placed in the designated location and the offender notified in writing to remove the contraband from Center premises as soon as possible if the contraband found in the mail is:
 - a. of a type which would not be in violation of law if possessed by persons outside of the Center;
 - b. does not appear intended to compromise safety, security, and orderly management; or
 - c. appears to be an inadvertent violation of mail regulations.
5. Notice should be sent to the sender of the mail, notifying them of the violation and informing them the contraband items shall not be delivered.
6. If contraband is found in the mail which violates federal or state law, the following steps shall be taken:
 - a. the letter and contraband shall be preserved as evidence and an incident report shall be prepared;
 - b. the Center Director/designee shall be notified to determine whether or not to seek criminal charges;
 - c. if criminal action is to be taken, the evidence will be turned over to appropriate law enforcement personnel for investigation and prosecution;

- d. if it appears the offender receiving the mail is a party to a conspiracy, criminal action should be considered, and administrative and/or disciplinary proceedings shall be initiated; and
- e. if no criminal action is to be taken, the contraband will be placed in the evidence locker and held for 30 days after the final disposition of the case.

D. Refusing to Deliver Mail

- 1. Mail shall not be refused merely because it is critical of the Department, its personnel, administration or policies. Mail shall only be censored or refused when such refusal is rationally related to the furtherance of legitimate Department interests such as safety, security, orderly management, discipline and rehabilitation.
- 2. Acceptable reasons for refusing to deliver mail may include, but not be limited to:
 - a. plans for escape;
 - b. conspiracy to commit criminal activity;
 - c. encoded messages;
 - d. sexually explicit, nude or obscene materials which violate the laws of the State of Utah or jeopardize the legitimate interest of the Department; or
 - e. any other correspondence which, if delivered, would present a clear and present danger to the safety of staff, offenders or the facility.
- 3. When staff members processing the mail believe the correspondence fits the criteria for refusing delivery, the material shall be submitted to a supervisor.
 - a. If the material is deemed to be acceptable, the supervisor will return the material to be delivered to the offender.

- b. If the supervisor finds the material violates mail policy, it will be refused and the sender and offender notified in writing.
- c. The written notice shall also offer the sender an opportunity to appeal, in writing, the refusal to deliver. The appeal will be reviewed by the Center Director/designee. The Center Director/designee will submit to the sender reasons for upholding or overturning the decision of the supervisor.

DG15/02.04

Procedure: Privileged Correspondence Standards

Certain types of mail are entitled to constitutionally protected confidentiality (or privilege). Accordingly, this privilege prohibits qualifying correspondence material from being read without cause by UDC officials.

- A. Privilege shall be accorded to mail which meets the requirements of this chapter between an offender and his attorney or a court if the correspondence:
 1. is enclosed in a business envelope of the attorney or court with the sender's name and return address imprinted or embossed on the envelope;
 2. from an attorney, is clearly identifiable as originating from an attorney or law office; and
 3. is printed or otherwise affixed to the envelope the legend privileged, confidential, legal material,, or other language which clearly requests confidentiality due to the privileged nature of the enclosed material.
- B. Privilege should be accorded correspondence from an offender to:
 1. the Executive Director;
 2. the Office of the Attorney General;
 3. the Division Director; or
 4. the Regional Administrator.

- C. To claim privilege when writing to the officials listed above, the offender shall:
 - 1. address the envelope to the intended recipient by name, title, and agency;
 - 2. write his own name and Center facility on the envelope; and
 - 3. enter the required legend on the envelope asserting privilege.

- D. Privilege shall not be accorded to mail from or to:
 - 1. law schools;
 - 2. the news media;
 - 3. government agencies or officials unless specifically identified above;
 - 4. hospitals, medical centers, medical clinics, or doctors offices;
 - 5. private investigators, private security agencies, or private rent-a-cop/rent-a-judge companies;
 - 6. mail marked "legal" or "privileged" but having no identifiable legal association or relevance;
 - 7. associations or groups not readily known as legitimate legal assistance providers;
 - 8. legal publishers (e.g., Codco, Berkley Legal Publications); or
 - 9. the clergy.

- E. Attorney mail should only be declared to be privileged if:
 - 1. it contains material which is related to the attorney's representation of the offender; and
 - 2. it is confidential in nature (information not otherwise available to the UDC).

- F. To be processed as privileged, eligible attorney mail should include only that communication which is related to the official capacity and authorized purposes of that entity and:
 - 1. shall not be extended to communications of a personal or social nature; and
 - 2. shall be processed in a manner which affords confidentiality.

- G. Paralegals, law clerks, legal assistants, and other persons employed by an attorney:
 - 1. enjoy their legal status only when they are acting at the direction of the attorney; and
 - 2. it is required that their correspondence to inmates be signed by the attorney to enjoy privileged status.

- H. If privileged mail is suspected of containing contraband, or for other reasons related to legitimate governmental interests:
 - 1. the mail shall be opened in the presence of the offender;
 - 2. the contents shall be checked for contraband, but will not be read; and
 - 3. opening of privileged mail shall be noted in the department's database of record (currently O-Track).

- I. In the event privileged mail is received with the envelope opened or resealed, staff shall:
 - 1. write "received opened" or "received opened and resealed" and sign the envelope;
 - 2. forward written notice to the sender indicating the condition in which the correspondence was received; and
 - 3. file a photocopy of the notice and the envelope in the offender's file.

DG15/02.05

Procedure: Privacy

- A. Except for privileged communication, offenders shall have no expectation of privacy regarding their mail.
- B. Center staff reserve the right to open and read incoming and outgoing non-privileged mail when such reading is rationally related to the furtherance of a legitimate governmental interest.
- C. If evidence of criminal conduct is found during the reading of offender mail, the letter should be made available to law enforcement officers and/or prosecutors.
- D. With reasonable cause, photocopying non-privileged mail may be permitted at the direction of the Supervisor, Center Director/designee, the Regional Administrator, the Division Director, the Law Enforcement Bureau, etc.

DG15/02.06

Procedure: Publications

- A. Offenders may be allowed to receive newspapers, magazines, periodicals and books, according to Center Property Matrices, program and therapy requirements, and financial requirements, following the approval of Center Staff.
- B. Censoring or refusing to allow publications on the basis of content shall require showing a clear and present danger to legitimate Center interests and/or program and therapy requirements.

DG15/02.07

Procedure: Packages

- A. Personal packages for offenders are subject to inspection for contraband.
- B. Personal packages for offenders being housed in security cells shall be withheld until released from the security cell.

DG15/02.08

Procedure: Paychecks

- A. Offender paychecks may be removed from the mail and deposited into the offender checking account.
- B. Offender paychecks shall be processed in accordance with DGr10, Offender Funds, .

DG15/02.09

Procedure: Free Postage for Indigents

- A. Indigent offenders will be given postage, not to exceed postage for five regular letters per week.
- B. The letters of any offender claiming indigent status and requesting free postage shall be processed by the assigned staff member handling the mail, after verifying the offender's account.
- C. The mail of indigent offenders shall be stamped and mailed, with the free postage recorded.
- D. If the offender is not indigent the mail shall be returned, to provide an opportunity for postage to be added.
- E. Offenders receiving free postage will be expected to reimburse the Center when they have funds available.

DG15/02.10

Procedure: Forwarding Mail

- A. Mail received for offenders who have been released shall be:
 - 1. forwarded, when a forwarding address is available;
 - 2. sent to the assigned probation or parole agent for distribution; or
 - 3. returned to the sender.
- B. Forwarding of mail shall be subject to U.S. Postal Service regulations. First class mail shall be forwarded and all other mail discarded.

DG15/02.11

Procedure: Outgoing Mail

- A. Offenders may deposit stamped and sealed mail at the designated area.
- B. It shall be the offenders' responsibility to arrange for the mailing or shipping of packages.
- C. Staff shall arrange for letters to be mailed in conjunction with Center business mail, Monday through Friday, holidays excluded.

DG15/02.12

Procedure: Inter-Institutional Mail

- A. Correspondence between offenders of Community Correctional Centers and inmates at the state prison facilities or out-count facilities shall not be permitted unless:
1. there is a compelling justification for an exception to policy;
 2. there are no alternate means of accomplishing that compelling need; and
 3. the inmate does not present a risk to safety, security, or orderly management of the Center or facility.
- B. If permission to correspond is granted, it shall be limited to members of the inmate's immediate family consisting of parents, siblings, spouse or, if adopted, such adoption occurring before age 18.
- C. Permission to correspond shall generally be approved for an exchange of letters. If broader permission is granted, no more than two letters per month may be sent by any one inmate. Justification for the broader authorization must be documented.
- D. An expiration date for the approval to correspond shall be fixed at the time of approval. The approval shall expire when the special need has been satisfied, the number of approved letters has been exchanged or the expiration date has passed, whichever comes first.
- E. The offender's Correspondence Request form must be completed and approved by the Center Director and appropriate prison official before correspondence may begin.
- F. Once approved on a Center level, the form should be forwarded to the appropriate facility for institutional processing.