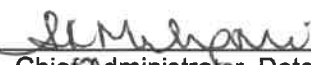
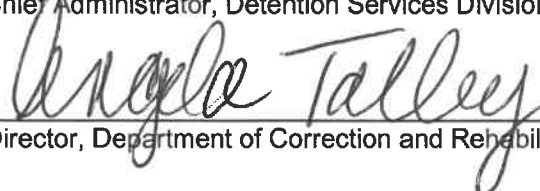




**MONTGOMERY COUNTY
DEPARTMENT OF CORRECTION AND REHABILITATION
DETENTION SERVICES
POLICY AND PROCEDURE MANUAL**

POLICY NUMBER: 1200-6-1

Policy and Procedure: <div style="text-align: center; font-weight: bold; margin-top: 5px;">Mail</div>		Pages: <div style="text-align: center; font-weight: bold; margin-top: 5px;">22</div>
Effective Date: <div style="text-align: center; font-weight: bold; margin-top: 5px;">October 21, 2020</div>	Replaces: <div style="text-align: center; font-weight: bold; margin-top: 5px;">December 30, 2016</div>	Distribution: <div style="text-align: center; font-weight: bold; margin-top: 5px;">B & L</div>
<div style="display: flex; justify-content: space-between; align-items: flex-start;"><div style="width: 60%;"><p>APPROVED BY: <u></u> <u>10/27/20</u> Chief Administrator, Detention Services Division</p><p>APPROVED BY: <u></u> Director, Department of Correction and Rehabilitation</p></div><div style="width: 35%; text-align: right;"><p>DATE:</p><p>DATE: <u>10/27/20</u></p></div></div>		

POLICY: Mail is the primary means of communication between inmates and the outside community. While inmates must be afforded the right to communicate and receive mail, it must be done responsibly and without endangering the safety and security of the facility and people within. Mailings that are deemed to be detrimental to the security, good order, and discipline of the facility will be confiscated and or returned to sender.

A. Definitions

1. Attachments: If correspondence includes attachments, attachments of up to twenty-five (25) pages will be treated as part of the correspondence. Attachments of **more than 25 pages** will be considered packages, for purposes of this Policy. (See section (H) "Packages").
2. Contraband: Items determined by the Director or Warden to be detrimental to the safety and security of the facility, or items which are illegal.
3. Correspondence: A letter or similar written message addressed directly from the correspondent to the inmate.

- a. **Note:** Correspondence doesn't include writings, or copies of writings, that are not addressed directly from the outside correspondent to the inmate. Information printed from computer websites and chat rooms will not be accepted unless it is case law or a legal reference material. It will not be accepted in excessive quantities. If these other types of writings are mailed with correspondence, they will be considered attachments to the correspondence. Attachments of over 25 pages in length will be considered packages and will be treated as packages under this policy.
4. Dosimeter: a device that measures exposure to ionizing radiation. It has two main uses: for human radiation protection and for measurement of dose in both medical and industrial processes.
 5. Jail Mail: Written correspondence between inmates within the facility. "Jail Mail" is only authorized for inmates who are legally married, who have proof (birth certificates) that they have children together, or for parents and children when both are incarcerated. Verification must occur, and approval must be granted by the Deputy Warden of Custody and Security, or designee.
 6. Legal Mail: Mail from a court, judge, clerk of the court, attorney, public defender, American Civil Liberties Union, legal aid, County Chief Administrative Officer (CAO), County Department Head, Department Director, Parole Commission, or any elected public official when received on official stationery of the individual or agency; or mail addressed to any of the above from an inmate. Advertisements are not considered Legal Mail and will be treated as non-legal mail.
 7. Mail: For purposes of this policy, mail means correspondence, written materials, and publications including, but not limited to letters, books, newspapers, magazines, and other publications, addressed from or to an inmate, leaving or entering **MCDOCR** via the U.S. Postal Service, a recognized carrier, or an established County courier system.
 8. Package: A wrapped or boxed item or group of items, including attachments of more than twenty-five (25) pages. This includes UPS and FedEx envelopes/boxes. These envelopes/packages, when received, should have an approved Property Request/Receipt form (DCA 14A) on file at the mail clerks' desk or they must be sent from an attorney, publisher, vendor, distributor, bookstore, or book club. If the package does not meet these guidelines, the process outlined in Section (O) below will be followed.
 9. Proper Mailing/Return Address for MCCF:
Inmate's Full Name and Facility I.D. Number
22880 Whelan Lane
Boyd's, MD 20841
 10. Proper Mailing/Return Address for MCDC:
Inmate's Full Name and Facility I.D. Number

1307 Seven Locks Rd.
Rockville, MD 20854

11. Publication: a book, magazine, or other form of printed material that is mailed directly from a publisher, vendor, distributor, book store, or book club.
12. Suspense Mail: Mail delivered for inmates who are committed to **MCDOCR** but are currently on a writ or detainer and their return to **MCDOCR** is expected.

B. General Guidelines

1. Prior to the mail clerk assuming their duties, they must put on their assigned Dosimeter and make sure that they wear it during their entire workday. At the end of the workday, they will return the Dosimeter and ensure it does not leave **MCCF** property. Dosimeters are only assigned to specific staff and should not be shared.
2. All incoming inmate mail for **MCCF** and **MCDC** inmates should be addressed and delivered to **MCCF** and must arrive at **MCCF** via the U.S. Postal Service or recognized carrier. Inmate mail entering or exiting the facility through any other method is strictly prohibited.
3. Outgoing mail is given to the carrier during deliveries at both facilities.
4. Mail is received Monday through Saturday, excluding federal holidays, from the U.S. Post Office located in Boyds, Maryland.
5. The mail is processed Monday - Friday by the Mail Clerk at **MCCF** and delivered to the inmate population ordinarily within forty-eight (48) hours at **MCCF**. The property clerk will handle **MCDC** mail as noted in Section (M) below.
6. Incoming mail on Saturday will be processed the next business day and delivered ordinarily within 48 hours after processing, excluding holidays.
7. Inmates may seal the envelopes of all outgoing letters.
8. All inmates should return address the envelope with the **MCCF** address. In addition, included on the outside of the envelope the inmate must affix his/her full name and facility I.D. number.
9. Outgoing mail which cannot be identified is held for thirty (30) days and then discarded if unclaimed.
10. The inmate may either give the letter to the officer assigned to the area or place it in the subsection/housing pod mailbox.
11. All outgoing mail is to be gathered up on the #1 Shift and placed in the Administration Section (**MCDC**) or mail room (**MCCF**) for the U.S. Postal Service to pick up. The Mail Clerk at **MCCF** or the Visiting

Officer on the #1 Shift at **MCDC** must date stamp all outgoing inmate mail every morning. The date on this stamping device must be updated every day. Turn the new day wheel to match the current date, and the month as necessary prior to stamping the mail. Make sure the correct year is displayed.

12. Legal correspondences are recorded as Legal Mail in the online database for both facilities by the mail clerk (**MCCF**). Each facility has its own database.
13. All incoming mail is opened and inspected for contraband. The envelope of each letter shall be initialed by the inspecting staff.
14. Only mail received in white envelopes will be processed and delivered to inmates. **MCDOCR** will not accept incoming mail that is received in colored envelopes. Any mail received in anything other than a white envelope will be considered contraband and returned to sender.
15. Any incoming or outgoing mail to or from an inmate in **MCDOCR** custody that is not accepted or is rejected for any reason outlined in this policy or on the notification form shall have a **MCDOCR** Mail Services Return to Sender Notification Form completed (DCA 549). The notice to the inmate must contain a reference to the specific article(s) or material(s) considered objectionable. The front page (**White**) of the return form should be attached to the return letter. The second page (**Yellow**) of the return form should be given to the inmate to whom the mail was addressed when the mail is delivered. The third copy (**Pink**) of the return form should be placed in the Contraband Notebook. (See also, Section (O) "Return to Sender Notice and Appeal Procedure").
16. The **MCDOCR** reserves the right to read the contents of an inmate's mail if there is a reasonable suspicion that the correspondence contains evidence of an escape attempt, smuggling of contraband, or other serious breaches of institutional security. Before any mail is read, the officer must first inform the Shift Administrator of his/her suspicions and the Shift Administrator shall then decide if the mail is to be read or not. A written report (DCA 36) shall be filed whenever an inmate's mail is read by staff for any reason.
17. Jail Mail between inmates is prohibited, except with the express approval of the Deputy Warden, Custody and Security. Only for inmates who are married, who have a child together, or when a parent and child are both incarcerated, will Jail Mail be considered for approval. Inmates will be required to provide proof of these

circumstances. Jail Mail that has not been approved as described above will be considered contraband.

18. Inmate to inmate written correspondence must be approved by the Warden. If an **MCDOCR** inmate wishes to correspond with another inmate from another institution or facility, the Warden at each respective facility must approve the request. If the request is approved, the inmates involved are expected to abide by the rules and regulations of each facility. The approval letter must be forwarded to the mail clerk.
19. Only Government checks will be accepted through the mail. Personal checks, currency, money orders, payroll, employment checks, and coins are not accepted for deposit or credit. Monies or checks of this type and any accompanying correspondence are not accepted and are considered contraband. The Mail Clerk/Officer returns these unauthorized items via regular mail, along with notification in writing (DCA 549) as to why this action is being taken to the sender and documents their actions in an Incident Report (DCA # 36). A Return Log is maintained to document these actions and a duplicate copy of the notification (DCA 549) is also forwarded to the inmate by the Mail Clerk. The Return Log will state the date of receipt, sender's name and address, a description of rejected items, amounts of funds returned, and the date returned. If the mail to be returned has no forwarding address, the inmate must be contacted to obtain a return address. If no return address is provided within a reasonable time, not less than 48 hours, the mail will be destroyed unless circumstances dictate otherwise. (See also, Section (O) "Return to Sender Notice and Appeal Procedure").
20. Stamps received in the mail are returned to sender as unauthorized and are deemed contraband. Stamps or stamped envelopes may be purchased by inmates from the canteen or, if indigent, inmates can receive items by request from Inmate Accounts. Indigent inmates may obtain stamped envelopes and stationery via the canteen welfare account.
21. Inmate mail should be protected from unauthorized persons to prevent loss. The officer ensures that the mail is delivered only to the inmate addressee identified on the envelope. To prevent unauthorized access, mail is handed directly to the inmate. Mail received for inmates who have been discharged is returned to the sender.
22. Personal mail for inmates is not accepted at the Visiting Desk or Information Desk. All inmate mail must be received through the U.S.

Postal Service with the following exception: Legal correspondence for an inmate delivered to the facility by a visiting attorney shall be accepted and processed as regular legal mail.

23. Any mail received at either facility that has a pre-made label on it will have the label disposed of immediately in the same fashion as the postal stamp. Both the stamp and the label will be removed.
 - a. If the stamp or label appears to have an illegal substance underneath, the letter must be kept intact and notification to the on-duty Shift Administrator must be made as soon as possible. If appropriate, the items will be forwarded to the Montgomery County Police Department for disposition.
 - b. If the contraband that appears to be something other than an illegal substance is found hidden (stamps etc.), the letter will not be delivered and will be returned to sender. A report (DCA #36) must be written and the letter will be forwarded to the Shift Administrator.
24. Any mail with coloring displayed on the envelope or on its contents will be confiscated and forwarded to the Shift Administrator. A report (DCA #36) will be written to document the incident. No coloring book pages will be delivered to the intended recipient until cleared and authorized by the Captain. These items are considered contraband.
25. Any mail containing a multi-piece greeting card or a card that has anything attached to it (i.e. glitter, lace, ribbons, etc.) or has components, pockets, or any other removable parts, will be considered contraband and returned to sender.

C. Incoming Mail

1. The Postal Carrier enters the MCCF Main Lobby entrance, and is processed through the metal detector, before being authorized to access the Main Lobby.
2. Once in the Main Lobby, the Mail Carrier delivers incoming mail to the Mail Clerk to process it for delivery. The Mail Clerk gives the Mail Carrier the outgoing mail at this time. The administrative/staff mail is separated from inmate mail, and is either placed in individual staff mailboxes, or forwarded to the administrative section for delivery to the addressee or placed in the bundle to be delivered to **MCDC**.
3. In the absence of the Mail Clerk, the Visiting Officer will accept the mail and place it in the mailroom. The mailroom is located behind the Mail Clerk's station in the Visiting Lobby at **MCCF**. The key for the mailroom is in the Key Watch System, on the key ring designated for

the "Mailroom" and is restricted. The mailroom must remain secured from the public always.

D. Incoming Mail Processing: MCCF

1. The Mail Clerk ensures that he/she has a current printout of **MCCF** and **MCDC** inmate populations, each day. If a printout is not present, the Mail Clerk may acquire one from the Traffic Officer or other personnel with the capabilities of accessing these reports.
2. The Mail Clerk utilizes the inmate population printout to determine whether an inmate is at the **MCCF** or **MCDC**, and the inmates' housing location. Mail addressed to individuals who are no longer incarcerated at **MCDOCR** should remain unopened and returned to sender.
3. Incoming inmate mail should have the inmate's name, facility I.D number, and facility address, to include city and state and zip code on the front of the envelope.
4. Incoming packages should be scanned using the x-ray machine prior to processing. Anything observed as unusual should be reported immediately to the Shift Administrator and an incident report submitted. If the mail clerk is unavailable to conduct the x-ray scan, the package will be placed in the "Suspense Mail" bin until the mail clerk returns. The x-ray machine should only be used by staff that are issued a dosimeter.
5. All packages with medical supplies delivered to the front lobby will be placed in a blue bin located in the mail room. A designated staff member will take the packages directly to the medical section and deliver them to the on-duty charge nurse, nurse manager, administrative nurse manager, the Chief of Medical and Behavioral Health or the medical sections OSC. Any packages with medical supplies delivered to the loading dock will be delivered to the above noted personnel by the staff member in charge of the loading dock on the day the delivery is received. At no time are medical supply packages to be left unsecured and/or unattended in the medical section.
6. The Mail Clerk opens and inspects all incoming inmate mail for contraband. The Mail Clerk dates and stamps "received" on the back of the envelope for identification purposes.
7. The Mail Clerk removes Government checks from incoming mail, notes their staff ID number and initials the envelope, and then places them directly into the Accounting Section's mailbox for pickup by accounting personnel. The Mail Clerk stamps the back of the envelope/package,

using a "Check Received/Pictures" stamp, and then handwrites the amount of the check in the appropriate area. If pictures are included in the same mail, the Mail Clerk also notes the number of pictures received on the appropriate line. The Mail Clerk will log in the Checks Received Log Book the sender, date received, amount of the check, and the inmate recipient.

8. Incoming inmate mail is not censored unless there is a clear and convincing reason to justify such an action. Incoming mail will be read by staff only when there is reasonable suspicion that the mail contains matter that falls into subcategories "a" through "m" below. Before any incoming mail is read, the Shift Administrator and/or Captain must be notified of the Mail Clerk's suspicions, and they shall decide whether the mail is to be read or not. The Warden or designee may reject correspondence sent to an inmate if it is determined to be detrimental to the security, good order, or safety of the facility or its occupants, or if it may detract from offender rehabilitation. Correspondence which may be rejected includes, but is not limited to, the following:
 - a. Material which is prohibited under law or postal regulations.
 - b. Material which depicts, describes, or encourages activities, which may lead to the use of physical violence or group disruption.
 - c. Information about escape plots, or plans to commit illegal activities, or to violate institutional rules.
 - d. Material pertaining to the conduct of an inmate's outside employment, profession, or other form of gainful business.
 - e. Material which depicts or describes procedures for the construction or use of weapons, ammunition, bombs, or incendiary devices.
 - f. Material which depicts or describes procedures for brewing alcoholic beverages or manufacturing drugs.
 - g. Material which encourages gang friction, recruitment, or activity.
 - h. Material which depicts, encourages, or describes methods of escape from correctional facilities or contains blueprints, drawings, or similar descriptions of correctional facilities, or information about escape plots or plans to commit illegal activities or to violate institutional rules.

- i. Correspondence that appears to be intended for delivery to another inmate, in circumvention or violation of the institutional rules governing internal mail between inmates of the institution.
- j. Threats, extortion, or obscenity.
- k. Materials written in code.
- l. Sexually explicit materials (personal photographs/photographs of children) which by their nature or content reasonably appear to be essentially pornographic, or poses a threat to the individual's personal safety, security, or rehabilitation, or to institutional good order.
- m. Contraband.

E. Outgoing Mail

1. Outgoing inmate mail is not censored unless there is a clear and convincing reason to justify such an action. Outgoing mail will be read by staff only when there is reasonable suspicion that the mail contains matter that falls into subcategories "a" through "m" below. Before any outgoing mail is read, the Shift Administrator must be notified of the Mail Clerk's suspicions, and they shall decide whether the mail is to be read or not. The Warden or designee may reject correspondence sent by an inmate if it is determined to be detrimental to the security, good order, or safety of the facility or its occupants, or to the safety or security of the public. Correspondence which may be rejected includes, but is not limited to, the following:
 - a. Material which is prohibited under law or postal regulations.
 - b. Material which depicts, describes, or encourages activities, which may lead to the use of physical violence or group disruption.
 - c. Information about escape plots, or plans to commit illegal activities, or to violate institutional rules.
 - d. Material pertaining to the conduct of an inmate's outside employment, profession, or other form of gainful business.
 - e. Material which depicts or describes procedures for the construction or use of weapons, ammunition, bombs, or incendiary devices.
 - f. Material which depicts or describes procedures for brewing alcoholic beverages or manufacturing drugs.

- g. Material which encourages gang friction, recruitment, or activity.
- h. Material which depicts, encourages, or describes methods of escape from correctional facilities or contains blueprints, drawings, or similar descriptions of correctional facilities, or information about escape plots or plans to commit illegal activities or to violate institutional rules.
- i. Correspondence that appears to be intended for delivery to another inmate, in circumvention or violation of the institutional rules governing internal mail between inmates of the institution.
- j. Threats, extortion, or obscenity.
- k. Materials written in code.
- l. Sexually explicit materials (personal photographs/photographs of children) which by their nature or content reasonably appear to be essentially pornographic, or poses a threat to the individual's personal safety, security, or rehabilitation, or to institutional good order.
- m. Contraband.

F. Legal Mail

1. The Mail Clerk is responsible for posting the receipt of all incoming legal correspondence on the electronic legal mail log. All legal mail, as defined in this policy and procedure will be opened by a correctional staff member in the presence of the inmate.
2. Outgoing legal mail related to an inmate's case, for indigent inmates, who have an account balance of less than a dollar (\$1.00) for a period of thirty (30) consecutive days after their initial incarceration, is processed by the Mail Clerk. Their account balance will be checked by the Mail Clerk to determine eligibility of this process. If the inmate is confirmed to be indigent, a "Mail Services Postage Charge" form must be attached to the envelope and placed in the box identified as "Interdepartmental Mail." Any legal mail from **MCDC** that meets this requirement will be transferred to **MCCF** and delivered to the Mail Clerk by the **MCDC** Property Clerk for processing.
3. Outgoing mail addressed to any of the following persons or agencies is considered "Legal Mail":
 - a. Attorneys
 - b. Courts/Judges

- c. Criminal Justice Agencies
- d. State Department of Corrections (only addressed to official staff personnel)
- e. Any mail addressed to an official at a correctional facility
- f. County Health Department
- g. Governor of Maryland
- h. President of the United States
- i. U.S. Congress and/or House of Representatives
- j. Elected officials at the County, State, and Federal level.

G. Newspapers & Magazines

1. Newspapers and magazines are acceptable for delivery through the U.S. Mail provided these materials are paid for in advance and are sent directly from the publisher. Inmates may subscribe to newspapers/magazines provided they have submitted a DCA #14C (Money Release Form) to the Shift Administrator for approval. The Shift Administrator may approve the transaction and forward the DCA #14C to canteen for processing. The inmate will provide the stamped addressed envelope and application for the reading materials.
2. Magazines will be inspected for "Bill Me Later" requests. These requests will be removed prior to distribution to the inmate population. Outgoing "Bill Me Later" requests will not be sent out of the facility and will be disposed of.
3. The Warden or designee should use the following guidelines when determining whether sexually explicit mail materials should be rejected.
 - a. Depicts pornographic explicit sexual acts or implies a sexual act.
 - b. Sadomasochistic
 - c. Bestiality
 - d. Involves children
4. Sexually explicit material does not include material of a news or information type. Publications covering the activities of gay religious groups or gay rights organizations should be admitted.
5. Literary publications should not be rejected solely because of homosexual themes or references if they are not sexually explicit.
6. Magazines and newspapers that are prohibited by the United States Postal Service are not authorized for delivery to an inmate. The Warden or designee may exercise discretion to reject a

publication if it is determined to be detrimental to the security, good order, or safety of the institution or its occupants or if it might facilitate criminal activity or detract from offender rehabilitation. A publication may be rejected in its entirety. If only a portion is objectionable, the entire publication must be rejected.

7. The Warden or designee may not reject a publication solely because its content is religious, philosophical, political, social, or sexual in nature, or because its content is unpopular or repugnant.
8. Publications which may be rejected include, but are not limited to, publications which meet one of the following criteria:
 - a. Material which is prohibited under law or postal regulations.
 - b. Material which depicts, describes, or encourages activities, which may lead to the use of physical violence or group disruption.
 - c. Information about escape plots, or plans to commit illegal activities, or to violate institutional rules.
 - d. Material which depicts or describes procedures for the construction or use of weapons, ammunition, bombs, or incendiary devices.
 - e. Material which depicts or describes procedures for brewing alcoholic beverages or manufacturing drugs.
 - f. Material which encourages gang friction, recruitment, or activity.
 - g. Material which depicts, encourages, or describes methods of escape from correctional facilities or contains blueprints, drawings, or similar descriptions of correctional facilities including MCCF/MCDC, or information about escape plots or plans to commit illegal activities or to violate institutional rules.
 - h. Threats, extortion, or obscenity.
 - i. Materials written in code.
 - j. Sexually explicit material, which by its nature or content poses a threat to the security, good order, or safety of the institution or its occupants, or detracts from the efforts directed toward offender rehabilitation.
 - k. Contains contraband.
 - l. Encourages or instructs in the commission of criminal activity.
 - m. Advocates or leads to prohibited inmate sexual activity.

- n. Books that are larger than 8.5" by 11" or more than three inches thick (paperback or hardcover). The Warden has determined that books of these dimensions are a security risk to the facility.
- 9. Any catalog is prohibited unless it is of an educational or religious nature. Educational or religious materials must be approved by the Chief education Administrator or the Chaplin prior to ordering.
- 10. Any publication covered under the Consular Notification Act, religious publications (Bible, Koran etc.) that cannot be obtained from the Chaplin and validated educational material related to correspondence courses/long distance learning may be accepted. A DCA #14A must be submitted and approved by the Chaplin or the Chief Education Administrator before ordering.

H. Packages

- 1. Subject to section (H)(2), packages are not authorized for delivery to an inmate without prior discretionary approval from the Warden or designee.
 - i. Inmates desiring to receive packages must submit a DCA #14A to the Shift Administrator for approval. Once approved, the DCA #14A is forwarded to the Mail Clerk and filed until the package arrives. If the DCA #14A is disapproved, the Shift Administrator shall mark the form to indicate this, sign it, and then return it to the inmate. The Mail Clerk files no DCA #14A unless approved and signed by the Shift Administrator. An approved DCA #14A must be on file before any package for an inmate is accepted.
 - ii. Unauthorized packages shall be returned to the sender. If a package is returned to sender, the mail clerk shall complete a DCA 549 and mail it to the package sender. A copy of the DCA 549 shall be provided to the intended recipient inmate and a copy will also be maintained with the Department. (See Section (O) "Return to Sender Notice and Appeal Process" for further information).
 - iii. Inmates are prohibited from sending packages out of the institution via the mail, unless conducted with the approval and aid of a Correctional Specialist.
- 2. Packages containing reading material issued directly from a publisher, vendor, distributor, book club, or bookstore, are not subject to the pre-approval process. If a package is readily identifiable as coming from a publisher, vendor, distributor, book club, or bookstore, the package will be opened for inspection to determine whether the contents contain contraband or if it is determined to be detrimental to the security, good

order, or safety of the institution or its occupants or if it might facilitate criminal activity or detract from offender rehabilitation.

- a. If it is determined that the package may not enter the facility, it will be returned to sender following the protocol identified in Section (O) "Return to Sender Notice and Appeal".
 - b. If it is determined that the package may enter the facility, it will be delivered to the identified inmate.
 - c. If the inmate rejects the package, in writing, the package will be returned to sender in accordance with the protocol identified in Section (O) "Return to Sender Notice and Appeal".
 - d. If it is determined that only part of the package may enter the facility, then only the portion deemed appropriate to enter the facility will be delivered to the inmate. The remainder of the package will be returned to the sender following the protocol identified in Section (O) "Return to Sender Notice and Appeal".
3. Books that are no longer in print are subject to the pre-approval process noted above in section (H)(1). Any publication covered under the Consular Notification Act, religious publications (Bible, Koran etc.) that cannot be obtained from the Chaplin and validated educational material related to correspondence courses/long distance learning may be accepted subject to the pre-approval process. A DCA #14A must be submitted and approved by the Chaplin or the Chief Education Administrator before ordering.

I. Photographs

1. Inmates may receive unlimited amounts of photographs through the mail provided such items are consistent with institutional concerns for order, safety, security, or offender rehabilitation.
2. The Mail Clerk will examine all incoming photographs insuring they are acceptable using the directives outlined in Section (F), "Newspapers and Magazines" as a guide. Photographs depicting individuals who are scantily clothed, nude, or in suggestive poses will be rejected. Final decisions are within the discretion of the Warden or designee.
3. Polaroid type photographs are accepted; however, the chemical pouch at the bottom of the photograph will be cut off by the Mail Clerk and discarded before it is forwarded to the addressed inmate.

4. Correspondence containing unacceptable photographs shall be marked "Unauthorized" and returned to sender with an accompanying DCA 549. If no return address is listed on the correspondence the letter shall be returned to the United States Postal Service for disposition. No mail or photographs shall be placed in the inmate's property envelope.
5. For any item returned to sender, the process identified in Section (O) "Return to Sender Notice and Appeal" shall be followed.

J. Suspense Mail

1. Mail for those inmates temporarily absent from MCCF or MCDC for more than five (5) days is returned to the sender. If the inmate has been temporarily absent for less than five (5) days, his/her mail is retained in the suspense mail file (located at the Information Desk at MCCF or in the mail cart at MCDC), for up to five (5) days, and given to the inmate upon his/her return to the facility. Any packages left in the Suspense Mail bin because the mail clerk was not available to x-ray them will be left until the mail clerk returns.

K. Delivery Procedure: MCCF

1. Once the mail has been processed, the Mail Clerk separates and groups the mail according to Housing Cluster/area and Pod number/location. The Mail Clerk uses folders, assigned to each pod, to group the mail.
2. The Mail Clerk will place the processed mail in the appropriate housing location folder in the mail cart to await pick-up by each housing officer on the #3 Shift.
3. The Housing Pod Officer will pass the mail out to the inmates as soon as possible and will document it in the daily logbook. S/he will ensure that the mail is given only to the inmate addressed on the envelope on a person-to-person basis.
4. All legal mail received at MCDOCR will be opened by an officer in the presence of the inmate and checked for contraband prior to delivering it to the addressed inmate. Incoming legal mail will be read by staff only when there is a reasonable suspicion that the mail is not legal mail as defined in this policy and procedure. Before any incoming mail is more thoroughly read, the Shift Administrator must be notified of the Officer's suspicions, and they shall decide whether the mail is to be read or not. If the mail is determined to be

something other than legal mail, the mail will be returned to the Mail Clerk/Shift Administrator for final disposition.

5. In cases where mail was delivered to the Housing Pod and the inmate is not housed in that area, every attempt will be made to locate the correct housing location for delivery. All undeliverable mail will be returned to the mail room for final disposition by the Mail Clerk.
6. Delivery of a publication to an inmate will not be conditioned on the inmate relinquishing ownership of the publication.

L. Outgoing Mail: MCCF

1. Inmates wishing to mail a letter must have their return address in the upper left-hand corner of the envelope (full name, facility I.D. #, street address and city/state/zip code). Inmates are not required to include the facility name as part of the return address.
2. To mail a letter, inmates utilize the secured mailboxes located in each Housing Pod/Unit on a self-serve basis. If an inmate is on lock-in status, he/she may give outgoing mail to staff for dispensing into the pod/unit mailbox. The inmate outgoing mail collection process takes place daily during the #1 Shift (11:00 p.m. to 7:00 a.m.) and should be completed at the beginning of the shift. The Housing Pod Officer empties mailboxes of all mail after arriving on his/her post. The officer inspects the mail to ensure all inmate mail is properly addressed and then stores the mail at the pod's console/desk area for pick up by the Cluster Support Officer.
3. The Cluster Support Officer for each cluster reports to each pod and collects the outgoing mail and secures it at the Cluster Support Station.
4. A Housing Escort Relief Officer(s) reports to each Cluster Support Area and collects the mail.
5. When all mail is collected, the Housing Escort Relief Officer places the mail in the outgoing mail carrier box, located at the North/West Officers station and takes the mail carrier box to the mailroom.
6. Outgoing mail from the Administrative Sections, Program Areas, and Medical should be forwarded to the Mailroom before the close of business each day (5:00 p.m.).
7. Outgoing mail which cannot be identified will be placed in a suspense file, and discarded after thirty (30) days, if not claimed.

M. Mail Procedures: MCDC

1. Any mail addressed to **MCDC** inmates will be processed by the **MCCF** Mail Clerk. The mail clerk will separate the **MCDC** inmate mail into two bundles. One bundle marked "legal mail" and another bundle marked "other mail". It will be placed in a bin in the mail room to be picked up and transferred to **MCDC** within 24 hours of the mail clerk processing it by the **MCDC** property clerk. Included in the bundle will be any records of Return to Sender notifications that need to be delivered to **MCDC** inmates. The Property Clerk will deliver the mail to the #3 Shift **MCDC** Shift Administrator.
2. The Shift Administrator will receive the **MCDC** mail from the Property Clerk that was processed by the Mail Clerk.
3. The Shift Administrator should place the mail in the proper mail slot in the mail cart for delivery to the inmate population.
4. Mail to be delivered to **MCDC** inmates will be picked up from the Shift Administrators Office by the Floor officer on the #3 Shift when called by the Shift Administrator daily.
5. The Floor Officer on the # 3 shift will be responsible for delivery of the mail and notifications, if any, to the inmate population daily. The floor officer will deliver the mail to all inmates during the 9:30 pm security round and this will be documented in the daily logbook. The mail of any inmate, who may be temporarily away from the housing unit, but still in the building, should be secured in the Intake Control Center and should be delivered when the inmate returns. Once delivered, a notation will be made in the daily logbook.
6. Mail for inmates that are away from the facility, i.e. due to a writ, should be placed in the folder on the mail cart labeled Inmates on Writ. All undeliverable mail will be placed in the folder on the mail cart labeled "Undeliverable Mail" for final disposition by the Administrative Lieutenant.
7. All legal mail received at **MCDOCR** will be opened by an Officer in the presence of the inmate and checked for contraband prior to delivering it to the addressed inmate. Incoming legal mail will be read by staff only when there is reasonable suspicion that the mail is not legal mail, as defined in this policy and procedure. Before any incoming mail is more thoroughly read, the Shift Administrator must be notified of the Officer's suspicions, and they shall decide whether the mail is to be read or not. If the mail is determined to be

something other than legal mail, the mail will be returned to the Mail Clerk/Shift Administrator for final disposition.

8. Outgoing mail is collected by the housing unit officer on the #1 Shift and forwarded to the Shift Administrator who ensures it is placed in the mail cart in the "outgoing mail" folder. The #1 Shift Administrator will deliver the contents of this folder to the administrative side and place it in the outgoing mail container for the visiting officer to give the Postal Carrier when they arrive.
9. Delivery of a publication to an inmate will not be conditioned on the inmate relinquishing ownership of the publication.

N. Certified/Registered Mail

1. Certified or registered mail may be sent first class at the inmate's expense and at no cost to MCDOCR. Inmates must have enough money in their account to cover the additional postage. The inmate must pay basic postage, costs of certification and costs of a return receipt (if requested). The inmate must submit a request form to their case manager to facilitate this process (DCA 6). Inmates may be required to fill out the appropriate postal forms and will be notified as such.
2. An inmate may not be provided services such as express mail, COD, or private carriers.
3. The Mail Clerk shall verify that the inmate is in custody prior to accepting and/or opening any certified mail. The Mail Clerk shall return the mail to the sender if the inmate is not in the facility and the mail clerk will keep a logbook of all certified and registered mail returned.
4. The Mail Clerk will sign for any certified or registered mail for any current inmate. The mail clerk will keep a logbook of all certified and registered mail accepted for an inmate. Inmates will not be called up to sign for any certified mail. Any mail, which must be signed for by the inmate will be refused.
5. Any certified or registered letter for an employee must be signed for by that employee, or with that employee's knowledge and permission. Certified or registered letters for former employees will not be accepted or signed for.
6. Postage provided for an indigent detainee shall be limited to First Class mail and shall not include certified or registered mail.

O. Return to Sender Notice & Appeal Procedure

1. If the Mail Clerk believes that mail or a package (collectively "mailing") meets any of the qualifications listed in section (O)(2) and must be returned to sender, the Mail Clerk shall first confirm with the Warden or Warden's designee that the mailing must be returned.
2. Reasons that a mailing must be returned to sender include, but are not limited to:
 - a. Material that the Warden or designee has determined to be detrimental to the security, good order, or safety of the facility or its occupants, or if it may detract from offender rehabilitation.
 - b. Material which is prohibited under law or postal regulations.
 - c. Material which depicts, describes, or encourages activities which may lead to the use of physical violence or group disruption.
 - d. Material which depicts or describes procedures for the construction or use of weapons, ammunition, bombs, or incendiary devices.
 - e. Material which depicts or describes procedures for brewing alcoholic beverages or manufacturing drugs.
 - f. Material which encourages gang friction, recruitment, or activity.
 - g. Material which depicts, encourages, or describes methods of escape from correctional facilities or contains blueprints, drawings, or similar descriptions of correctional facilities, or information about escape plots or plans to commit illegal activities or to violate institutional rules.
 - h. Correspondence that appears to be intended for delivery to another inmate, in circumvention or violation of the institutional rules governing internal mail between inmates of the institution.
 - i. Threats, extortion, or obscenity.
 - j. Materials written in code.
 - k. Sexually explicit materials (personal photographs/photographs of children) which by their nature or content reasonably appear to be essentially pornographic.
 - l. Material identified as contraband.

3. Publications are individually evaluated to determine if they meet any of the criteria listed in section (O)(2). There will not be a list of banned publications as publication content may change over time. A publication will not be banned solely because its content is religious, philosophical, political, social, or sexual in nature, or because its content is unpopular or repugnant
4. A mailing may be rejected without being opened if there is no DCA 14 on file or if the mailing is not a package that is readily identifiable as a mailing coming directly from a publisher, vendor, distributor, book club, or bookstore.
5. Upon determination that a mailing or package is to be returned to sender, the mail clerk shall complete a return to sender form (DCA 549). A copy of the form will be mailed back to the sender within three days of the determination to reject the mailing or package, a copy will be provided to the intended inmate recipient, and a copy of the form will be maintained in the institutional file designated for rejected mailings. It shall be noted in the institutional file the date that the notice was mailed to the sender and the date the notice was provided to the inmate as well as the name of the individual who delivered the notice to the inmate.
6. If a mailing has been rejected without being opened, the mail clerk shall make a copy of the mailing, or if too large, will take a photograph of the mailing. The copy or photo of the mailing shall be kept in the institutional file with the Departmental copy of the DCA 549.
7. If an inmate has rejected an unsolicited package or mailing, the rejection shall be in writing and kept in the institutional file with the Departmental copy of the DCA 549 that was mailed to the sender.
8. The mailing will be held for 30 days from the date that the Return to Sender notice has been mailed to the Sender and provided to the intended inmate recipient.
9. The Return to Sender notice shall include:
 - a. Date of return notice
 - b. Name and address of the person/entity to whom the mailing is being returned (the sender)
 - c. Intended inmate recipient's name and ID number
 - d. The item being returned (reasonable description included)
 - e. Facility at which the mailing was received
 - f. Statement that the mailing has been rejected due to one of the circumstances specified under Section D(8)(a)-(m), Section G(8)(a)-(m), or Section O(2)(a)-(l). If the item has been rejected for any other reason, to include any reason identified

in any subsequent amendments and/or revisions to the County's mail policy, reasonably describe how the item is detrimental to the security, good order, or safety of the Jail or its occupants, or how the item detracts from offender rehabilitation.

- g. The name and job position of the person who determined that the mailing should be returned
 - h. The name and number of the Department Director or designee to whom the sender may appeal the decision to return the mailing.
 - i. Notice that the sender has 20 calendar days from the date the notice was sent to appeal the decision to deny acceptance of the mailing.
 - j. Notice that the sender will be responsible for any cost of returned shipping. The inmate also has the option to provide the cost of return shipping, but such must be done within 20 days from the date of the notice of return. If the cost for returned shipping is not provided by either the sender or inmate within 20 days from the date of the notice of return, the mailing will be discarded.
 - k. Notice that items identified as contraband are not subject to the appeal process.
10. If the Sender does not respond to the Return to Sender notice within 20 days, any appeal right is deemed waived and the mailing shall be returned to the sender subject to section (O)(9)(j).
11. If an inmate wishes to appeal the return of a mailing, the inmate will have 20 calendar days from the date the notice is provided to the inmate to file an appeal with the Director or designee. The Director or designee shall allow the inmate to review the mailing for purposes of filing an appeal unless such review may provide the inmate with information of a nature which is deemed to pose a threat or detriment to the security, good order, or discipline of the institution or to encourage or instruct criminal activity. If the inmate does not file an appeal within 20 days, the appeal is deemed waived.
12. If the inmate or the sender does file an appeal, the Director or designee will retain the mailing until the institutional appeal process has been resolved.
13. Upon receipt of an appeal from an inmate or sender, the Director or designee shall review the basis for the appeal and determine whether or not to uphold the rejection. If the Director or designee upholds the

rejection, the Director or designee will respond in writing to the appellant explaining the final determination on the matter and will return the mailing to the sender. The Director or designee must issue the response within thirty (30) days. The Director or designee shall not be the same individual who made the determination to reject the mailing.

14. If, upon review, the Director or designee reconsiders and reverses the initial rejection, the Director or designee will respond in writing that the mailing will be delivered to the intended recipient and the Director or designee will direct the Mail Clerk to proceed with proper distribution of the mailing in accordance with this policy.

15. Records related to the appeal notice, appeal, response, and any photos will be maintained in accordance with County policy. The records will include:

- i. A copy of the return to sender notification which will include:
 1. the name of the intended recipient,
 2. the name and address of the sender,
 3. a description of the refused item,
 4. a statement that the mailing has been rejected due to one of the circumstances specified under Section D(8)(a)-(m), Section G(8)(a)-(m), or Section O(2)(a)-(l),
 5. the name of the person who originally refused the mailing,
 6. the name of the person who considered and resolved the appeal.
- ii. If the item has been rejected for any other reason, to include any reason identified in any subsequent amendments and/or revisions to the County's mail policy, the record will reflect a reasonable description of how the item is detrimental to the security, good order, or safety of the jail, its occupants, or how the item detracts from offender rehabilitation.