

| | | |
|---|---|---|
|  <p style="text-align: center;"> CECIL COUNTY SHERIFF'S OFFICE CORRECTIONAL FACILITY POLICY & PROCEDURES </p> | Policy Number <p style="text-align: center;">CF 1145</p> | Page <p style="text-align: center;">1 of 6</p> |
| | Related Policy Statement: <p style="text-align: center;">D905, D1270, C325, C920</p> | |
| Chapter: <p style="text-align: center;">INMATE RIGHTS</p> | Subject: <p style="text-align: center;">Inmate Mail</p> | |

Reference: M CCS – ACCF .05 C (3), E; ADC .05 C (3), E; 18 U.S. C., § 1341, Frauds and Swindles – US Postal Services; 18 U.S.C. § 1342, Fictitious Name or Address – US Postal Services; Turner v. Safely, 482 U.S. 78 (1987)

I. POLICY

Inmates may maintain family, social, business, and community ties, including access to legal counsel, through written correspondence and publications that is restricted to avoid threats to the order, security or safety of the facility, public officials, and the general public, and where there is reasonable belief that the material may further illegal activities. Inmates are subject to discipline for violation of this policy and to criminal prosecution for any violation of law regarding illegal use of the U.S. Postal Service.

II. PURPOSE

Maintaining family, social, business, and legal contacts aids the disposition of matters relating to confinement and reintegration of the inmate into the community. These procedures will ensure the freedom of expression through the mail while ensuring facility safety, security, and control.

III. DEFINITIONS

- A. Personal Mail: written communication of a social or personal nature sent to an inmate on the authorized postcard by family, friends, or acquaintances.
- B. Business Mail: payroll checks (community work release only), employment documents, account statements, bills/invoices, etc.
- C. Legal Mail: communication from or to courts, legal counsel, officials of the confining authority, state and local chief executive officers, administrators of grievance systems, probation and parole officials, or government officials.
- D. Mail: includes Personal mail, Business Mail, Legal Mail, Photographs, and Publications.
- E. Photograph: a printed picture, image or likeness not part of a publication.
- F. Publications: include local or national newspapers, magazines, paperback books, pamphlets.

IV. PROCEDURES

- A. **ALL MAIL** - Any mail that violates these rules will be rejected and may be turned over to the Sheriff's investigative division. Persons sending material that violates these rules may lose their privilege to send mail to an inmate and may be prosecuted. All mail shall be held, stored, and handled in a secure manner intended to prevent theft, tampering, delay, or other interference. Inmates in administrative segregation and special management units shall be able to write and receive mail on the same basis as inmates in

the general population. The following items or practices are prohibited with respect to mail:

1. Mail between an inmate and a current or former employee, volunteer, or contract employee, except with the written approval of the Director.
2. Inmates falsely identifying himself-herself as an employee, agent, or representative of the Center.
3. Inmates using any CCDC contract facility address or mail system to conduct a business or illegal enterprises or for any other fraudulent purpose.
4. Suspicious mail, including letters unusual in appearance or that appear different from mail normally received or sent by an individual, letters postmarked in a city or state different from the return address, mail which is leaking (to include powdery substances), stained or emitting a strange or unusual odor, and mail containing a foreign substance which prevents an effective search or which contains an unknown substance.
5. Personal identifying information (e.g. birth certificate, social security number, driver's license number, etc.) of individuals other than the inmate/resident and his/her immediate family.
6. Mail from inmates that concerns and/or attempts to send, receive, solicit or contain money orders or any other items of value from other inmates or from relatives or visitors of other inmates.
7. Mail or documents that indicate the inmate is entering into a contract or engaging in a personal enterprise / business.
8. Mail that contains: threatening messages, plans for escape or other criminal activity; coded messages or messages written in such a format that the message appears coded; gang related materials including but not limited to gestures, symbols, codes and insignia or photographs that have been altered; and sexual behavior, including but not limited to pictures, drawings, or photographs which display or suggest vaginal, rectal, or oral penetration by a person or object, ejaculation, bondage, bestiality, sadistic, or masochistic behaviors, child pornography or the suggest of child pornography.

B. **INCOMING MAIL** – The Center shall only accept mail posted to inmates via the U.S. Postal Service. The Center shall only deliver mail to the facility as per its established schedules. Security staff will open all incoming mail except Legal Mail and screen it for contraband prior to delivery to the inmate.

1. In general, staff shall inspect, process, and distribute inmates' incoming and outgoing mail and packages within a 24 hour period following its receipt by staff, excluding weekends and holidays.
2. All incoming mail must include the inmate's address information and the sender's name and address.
3. There is no limit on the volume of mail an inmate may send or receive. Except for legal and business mail, an inmate may only possess a maximum of ten (10) items of personal mail, two (2) publications, and five (5) photographs. Inmates may not store excess mail in their property. Inmates wanting to preserve excess

mail may notify family members/friends to pick up excess items.

- a. In Community Corrections, all personal mail will be photocopied and the copy delivered to the inmate. The originals will be maintained by the respective inmate's Counselor. All incoming Legal Mail will be logged on the Legal Mail Log (Form L-101).
 - b. In the Detention Center, all personal mail will be photocopied and the copy delivered to the inmate. The originals will be placed in the respective inmate's property bag. All incoming Legal Mail will be logged on the Legal Mail Log (DC-A-28) and then delivered.
4. All stamps and areas containing adhesives will be removed before the item is provided to the inmate.
 5. If an inmate is not accessible (i.e. hospital, court, etc.) at the time of mail delivery, the mail will be held and distributed upon the inmate's return.
 6. Incoming mail for an inmate who has been reclassified within the facility shall be forwarded to the inmate's current housing facility for distribution.
 7. Mail received for an inmate committed to the custody of the Sheriff's custody but housed at another facility will be held and forwarded to the inmate weekly.
 8. Mail received for a released inmate will be returned to the sender.
 9. Mail received from an inmate committed to any correctional facility, will be rejected unless authorized by the Director.
- C. **PERSONAL CORRESPONDENCE** - Due to security concerns, personal mail for inmates is limited to commercially produced postcards which meet the Postal Service standards for postcard delivery. Unacceptable forms of postcards include, but not limited to, items:
1. With labels or stickers of any type; Defaced or altered, or marked with paint, crayon, or marker;
 2. Watermarked or stained;
 3. With Biohazards, including perfumes, lipstick, or bodily fluids;
 4. Depicting material related to any subversive organizations, associations or groups considered to be a security threat group;
 5. Depicting illicit and explicit sexual acts;
 6. Inmate to inmate mail, either incoming or outgoing, with inmates within this facility or other institutions, without written permission from the Director of Community Corrections or the Director of Detention.
 7. Mail written in a foreign language that cannot be interpreted by institutional staff to the extent necessary to conduct an effective search may be subject to a delay for translation of its contents.
- D. **BUSINESS MAIL** – Business Mail will only be accepted if the package is clearly marked "BUSINESS MAIL" and it describes the documents included. The inmate will receive only the business documents. Other contents, including envelopes, advertisements, and non-business mail, will be rejected.

- E. **PHOTOGRAPHS** - Photographs will only be accepted in an envelope clearly marked "PHOTOS" or "PHOTOGRAPHS" containing, five (5) or fewer photographs. The inmate may receive only the photographs. Other contents, including descriptions and correspondence, will be rejected. Photographs:
1. Must be on photo paper (no negatives, slides, or photocopies images) and not glued, taped, stapled, or otherwise affixed to a page;
 2. May not be Polaroid's, plastic pocket cards, or identification cards;
 3. May be any size up to 5 inches by 7 inches;
 4. May not contain nudity or depict illicit or explicit sexual acts/activity;
 5. Shall not display cash, alcohol, drugs and drug paraphernalia; acts of violence or illegal activity against another person(s), to include gang related materials, gestures and insignias;
 6. Shall not display weapons or depict or imply physical violence, terrorist activity or physical resistance to governing authorities;
 7. Shall not display crime scenes unless through Legal Mail;
 8. Shall not display any current or former employee, contractor, or volunteer; and
 9. Shall not display any part of the Detention Center or of any government building.
- F. **PUBLICATIONS** - Publications will be screened to ensure that the order and security of the Correctional Facility is not jeopardized.
1. Inmates may only receive newspapers and publications labeled with their name and sent directly from the original source or publisher, including, but not limited to, publishers, faith based organizations, community based organizations, and other entities as determined by the Director.

Publications that contain any of the following are prohibited: information concerning the manufacture, construction, or use of weapons, drugs, tattoos, self-defense, martial arts, or ammunition; sexually explicit material, nudity or pornographic material.
 2. Advocacy of racial, religious, or national hatred; material relating to gangs or gang activities; material related to subversive organizations, associations or groups deemed a security threat group; and other information that could help an inmate disrupt facility operations or escape or have demonstrably caused violence or other serious disruptions of institutional security.
 3. The Center shall maintain and periodically update a list of publications that are banned from distribution.
 4. Inmates are responsible to terminate or change their address on subscriptions upon release. The Facility shall not assume any liability for cancellation or forwarding of publications.
- G. **LEGAL MAIL** - Legal Mail is not opened and inspected as regular mail. Only mail where the name, title and affiliation of the sender appear on the envelope may be treated as Legal Mail. If the sender's identity is in question, incoming Legal Mail may be held until the sender's name, title and affiliation is verified.

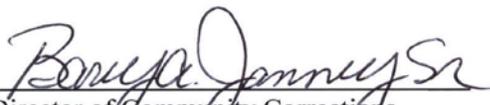
1. **An Officer will open Legal Mail in the presence of the inmate to whom it is addressed.** The Officer will inspect the contents for contraband and confiscate and dispose of the envelope and any paperclips, binder clips, large staples, etc. contained within. In the absence of adequate identification, staff may read the mail to the limited extent necessary to determine its legitimacy and ascertain whether it is, in fact, Legal Mail. If staff observes that incoming mail is not Legal Mail, they shall notify the Director for further disposition. Upon receipt of Legal Mail, the inmate will initial the Legal Mail Log (Form DC-A-28 in Detention) or the Inmate Correspondence form (I-061.05E in Community Work Release).
 2. Staff, in the presence of the inmate, may inspect outgoing Legal Mail for contraband before it is sealed.
- H. **REJECTED MAIL** - Any mail/items received that violate the above restrictions may be returned to sender. When mail is rejected, the inmate affected will be notified via the Mail Rejection Form (DC-A-27). Within 48 hours from receipt of a rejection notification, an inmate may appeal a rejection to the Director via the Inmate Request Form (DC-I-3 or C-I-350). The Director's decision is final.
1. If the sender is unknown the item(s) may be placed in the inmate's property or destroyed, depending on its size, nature, and value.
 2. If unable to return personal checks to sender, they will be placed in the inmate's property. A Confiscated Property Receipt Form will be completed and forwarded to the inmate.
 3. Cash shall be rejected and returned to sender. If the sender is unknown, the cash will be forwarded to the Business Office for processing into the inmate's account. The inmate will be provided a Resident Account Summary as notification of the deposit.
 4. Any item which contains suspected controlled dangerous substances will be secured in an evidence bag. A report will be written and the shift supervisor notified. The shift supervisor shall contact the Law Enforcement Division for disposition.
 5. The shift supervisor shall determine how to dispose of all other items of contraband (i.e. place in property, destroy, notify law enforcement, etc.).
- I. **OUTGOING MAIL** – An inmate may seal outgoing mail. Outgoing mail may be screened or opened to intercept cash, checks, money orders, contraband or other prohibited content. Letters may not be mailed without postage. Stamped envelopes are available through Commissary.
1. Outgoing mail will be marked with the following message:
“This mail originates from a prisoner at the Cecil County Correctional Facility. Neither the Facility nor its Staff is responsible for its content.”
Envelopes shall not be adorned with writing or drawings.
 2. Outgoing mail shall contain the inmate's full name (no aliases or nick-names) and the facility's address in the upper left-hand part of the envelope. Envelopes not bearing this information may be opened, disposed of, or returned to the inmate sender when identity is certain.

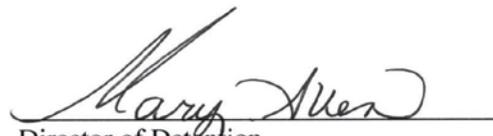
3. Inmates shall not attempt to send threats, extortion, bodily fluids, or other contraband through the mail. Doing so may result in disciplinary action or criminal prosecution.
 4. If outgoing mail is rejected, the inmate will be notified via the Mail Rejection Form (DC-A-27).
 5. Detention Center: the Property Officer will collect outgoing mail daily, excluding weekends and holidays, and forward it to administration for processing. Mail will be collected from the Booking and Segregation officer's station and the outgoing mailboxes in the Male Unit common area, Yellow Tier, and both sides of the Female Unit.
 6. Work Release: inmates may submit outgoing mail to the security office at any time. The mail will be placed in the administrative mailbox for processing daily, excluding weekends and holidays.
 7. Outgoing mail which is rejected will be opened and screened prior to return to the inmate. Staff will ensure the mail is returned to the originator and will scan the document for content.
 8. Any individual may make a written request to the Director to prohibit an inmate mail restriction and shall identify any outgoing mail addressed to a complainant. The prohibited mail shall be forwarded to the Director for disciplinary action.
- J. **INDIGENT INMATES** – An inmate is deemed indigent when for a period of seven (7) days the inmate has less than \$0.99 in funds and no apparent means of support by family or others. Indigent inmates may contact their Counselor for assistance. Indigent inmates will receive postage to mail three (3) letters per week. Indigent postage will be recorded and metered in the Administrative Office.
1. Work Release: Requests for postage assistance shall be made in writing to the Director of Community Corrections. The inmate shall reimburse the facility upon accumulation of sufficient funds.
 2. Detention Center: Indigent mail will be collected each Thursday by the Property Officer for postage and mailing. Time sensitive mail, such as Legal Mail, may be given to a Counselor to obtain postage.

Revised 09/27/17
Reviewed 08/28/18

Revised 10/23/17
Reviewed 08/26/19

Revised 06/07/18 Reviewed 12/07/17


Director of Community Corrections


Director of Detention