

Inmate Mail

1008.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the receipt, rejection, inspection and sending of inmate mail. Spokane County Detention Services will provide employees and inmates with guidelines and a process to send and receive mail in a timely manner while ensuring the safety, security, and orderly operation of the facilities.

Mail is an important means of assisting inmates in maintaining family and community ties while incarcerated. Mail must be regulated and handled in a manner that protects an inmate's constitutional right of expression while maintaining a safe, secure, efficient and effective custodial environment.

1008.2 POLICY

This department will provide ample opportunity for inmates to send and receive mail, subject to restriction only when there is a legitimate government interest.

1008.3 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 correction tape, fluids, crayon, metal clasps, staples, lipstick, glitter, stains, perfume, glue, adhesives, stickers, rubber inked stamps, stickers/labels.

Letters - Consist 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 sards 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 - Include books, periodicals, magazines, newspapers, circulars, pamphlets, catalogs, and newsletters.

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1008.4 MAIL GENERAL REQUIREMENTS

A. General Requirements

1. Inmates will be responsible for informing their correspondents regarding the rules governing inmate mail, including legal mail.
2. When the inmate bears the mailing cost, there is no limit on the volume of letters he/she 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.
3. An inmate's writing privileges to a particular person or group may be withdrawn for the following reasons:
 - (a) At the request of the recipient;
 - (b) If the recipient is a minor and his/her parent or guardian has requested, in writing, that the privilege be terminated;
 - (c) To comply with a court ordered restriction;
 - (d) For specific cause supported by criteria in this policy; or
 - (e) An inmate may grieve any withdrawal of writing privileges.
4. 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;
 - (a) Incoming first class mail will be distributed to the inmate within 24 hours of receipt;
 - (b) Outgoing first class mail will not be held for more than 24 hours; and
 - (c) All other mail will be delivered to the inmate within 3 to 5 days
5. No "over the counter" mail will be accepted for inmates, except for that mail from those within the criminal justice system. (e.g. prosecutor, public defender)
6. Incoming mail that contains contraband will be returned to sender.
7. Incoming mail that contains illegal contraband may be seized as evidence, and handled accordingly.

B. 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 the Detention Services web site: <http://www.spokanecounty.org>.

1. Sample:
Inmate First, MI, Last name
C/O Spokane County Detention
Services

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1100 W. Mallon
Spokane, WA. 99260

- (b) Mail in a foreign language will be handled per policy 1008.11
- (c) 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.
- (d) Incoming mail must contain only correspondence for the addressed inmate. Correspondence for a third party is not permitted.
- (e) 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

- (a) Detention Services will accept US postal money orders, Western Union Money Orders, Cashiers Checks, US Treasury checks, checks from Tribal institutions and other correctional facilities through the mail for posting on an inmate's account.
- (b) Social Security, SSI and unemployment checks will be placed in the inmate's property. These checks will not be posted to the inmate's account
- (c) Any other checks or cash will be returned to sender

3. Certified or Registered Mail

- (a) Certified and registered mail for inmates will be accepted by the mail room.
- (b) Registered mail with restricted delivery may be signed by a designee of Detention Services, as outlined in the USPS Domestic Mail manual.
- (c) Any Detention Services employee may sign for certified or registered mail.
- (d) If not authorized, the certified/registered mail will be returned to sender.
- (e) A receipt of this mail will be completed by the mail clerk, and sent to the inmate for signature.

C. Outgoing Inmate Mail

- 1. Letters sent by inmates must have a complete return address, to include cell number/housing location, facility address, and the inmate's name as it appears on the roster. The inmate is responsible for instructing his/her correspondents to use the correct address as posted on the return address of the inmate.

- (a) Sample:
Inmate First, MI, Last name
C/O Spokane County Detention Services
1100 W. Mallon
Spokane, WA. 99260

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2. Outgoing mail, including legal mail, may be opened and inspected when there are reasonable grounds to believe that such mail:
 - (a) Poses a threat to public safety or the order and security of the jail, or
 - (b) Contains contraband
3. Legal mail must only be opened and inspected in the presence of the inmate
4. Outgoing mail from an inmate must contain only his/her correspondence. Correspondence from a third part is not permitted.

1008.5 CONFIDENTIAL CORRESPONDENCE

Inmates may correspond confidentially with courts, legal counsel, officials of this department, elected officials, jail inspectors, government officials or officers of the court. This facility will also accept and deliver interoffice mail from these entities.

Foreign nationals shall have access to the diplomatic representative of their country of citizenship. Staff shall assist in this process upon request.

1. Legal mail must meet all of the following requirements:
 - (a) Must be 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 mail between inmates verified to be co-parties to the same legal proceeding which contains person legal documents/papers and/or a legal pleading.
 - (b) 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.
 - (c) The front of the envelope must be clearly marked "Legal Mail", "Attorney/Client", or similar designation of the item as legal mail.
 - (d) Mail readily identifiable as being from a court will be handled as legal mail regardless of whether it has been marked legal mail
2. Incoming legal mail will be opened in the presence of the inmate by designated Detention Services personnel. Staff will be authorized to inspect the contents of the legal mail to ensure it:
 - (a) Does not contain contraband or any other material that would threaten the security and order of the facility, and
 - (b) Meets the policy requirements for legal mail.

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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. Facility staff may inspect outgoing confidential correspondence for contraband before it is sealed, provided the inspection is completed in the presence of the inmate. In the event that confidential correspondence is inspected, staff shall limit the inspection to a search for physical items that may be included in addition to the correspondence and shall not read the content of the correspondence itself.

1008.6 SUSPENSION/RESTRICTION OF MAIL PRIVILEGES

Mail privileges may be suspended or restricted upon approval of the Director or designee whenever staff becomes aware of mail sent by an inmate that involves:

- (a) Threats of violence against any member of the government, judiciary, legal representatives, victims or witnesses.
- (b) Incoming or outgoing mail representing a threat to the security of the facility, staff or the public.

The County Prosecutor or County Attorney should be consulted in cases where criminal charges are considered against an inmate or there is an apparent liability risk to the Department that relates to suspension or restriction of mail privileges.

1008.7 PROCESSING AND INSPECTION OF MAIL BY STAFF

Assigned staff members should open and inspect all incoming general mail of current inmates and may read the correspondence as frequently as deemed necessary to maintain security or monitor a particular problem. Mail for inmates no longer in custody should not be opened. All incoming mail for inmates, with the exception of confidential correspondence as defined in policy 1008.5, will be photocopied in black and white. The copy will be given to the inmate, and the original mail will be placed in the inmate's property.

Except for confidential correspondence, outgoing mail may not be sealed by the inmate and may be read and inspected by staff when:

- (a) There is reason to believe the mail would:
 1. Interfere with the orderly operation of the facility.
 2. Be threatening to the recipient.
 3. Facilitate criminal activity.
- (b) The inmate is on a restricted mail list.
- (c) The mail is between inmates.
- (d) The envelope has an incomplete return address.

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When mail is found to be inappropriate in accordance with the provisions of this policy or when an inmate is sent material that is not prohibited by law but is considered contraband by the facility, the material may be returned to the sender or held in the inmate's property to be given to the inmate upon release. When mail is rejected, it will be done in accordance with the steps outlined in policy 1008.7.2.

Inmates shall be notified in writing whenever their mail is held or returned to the sender. Mail logs and records, justification of censoring or rejection of mail, and copies of hold or return notices shall be maintained in the inmate's file in accordance with established records retention schedules (WAC 44-14-03005).

Government checks and money orders contained in incoming inmate mail shall be removed and credited to the inmate's account. Personal checks may be returned to the sender.

1008.7.1 DESIGNATION OF STAFF AUTHORIZED TO READ MAIL

Only staff members designated to that role are authorized to read incoming and outgoing non-confidential mail. These staff members should receive training on legitimate government interests for reading and censoring mail and related legal requirements.

Designated Detention Services personnel are authorized to open and inspect incoming mail to prevent:

- (a) 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
- (b) Criminal activity

1008.7.2 REJECTION OF INCOMING AND OUTGOING NON-CONFIDENTIAL CORRESPONDENCE

In making the determination of whether to reject incoming non-confidential correspondence, consideration shall be given to whether rejecting the material is rationally related to a legitimate government interest, and whether alternate means of communicating with others is available. The impact the correspondence may have on other inmates and jail staff is also a factor. Reasonable alternatives should be considered and an exaggerated response should be avoided; for example, discontinuing delivery of a magazine because of one article.

Outgoing non-confidential correspondence shall only be rejected to further a substantial government interest, and only when it is necessary or essential to the address the particular government interest. Government interests that would justify confiscation of outgoing mail include:

- (a) Maintaining facility security.
- (b) Preventing dangerous conduct, such as an escape plan.
- (c) Preventing ongoing criminal activity, such as threats of blackmail or extortion, or other similar conduct.
- (d) Preventing harassment of those who have requested that no mail be sent to them by the inmate.

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The process for rejecting mail is as follows:

(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.
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 Detention Services grievance procedures will apply to his/her request for review.
5. The sender will be notified that the restriction will become final 15 days after the postmark date of the notice unless the sender seeks review by the Detention Services Director or designee.
6. 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 Director or designee.
7. The request for review shall include the sender's reasons for disagreeing with the restriction and any other information the sender wants the Detention Services Director or designee to consider.
8. Within 10 days after receiving the sender's request for review, the Detention Services Director or 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, lack of postage or other reason not relating to written or pictorial content of the mail.
2. The sender will be notified of the rejection but have no right to administrative review. The inmate will be notified of the rejection and may grieve the same.

(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 policy 1008.9 section B 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 Detention Services grievance procedures will apply to his/her request for review.

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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 Detention Services Director or 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 Detention Services Director or 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 Detention Services Director or designee to consider.
 8. Within 10 days after receiving the intended recipient's request for review, the Detention Services Director or 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 on policy 1008.9 section B, 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) Detention Services staff shall keep a mail rejection log of incoming and outgoing mail.
- (f) The Detention Services Director or 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

Correspondence and material identified for rejection shall be delivered to the Office Supervisor, who shall make the decision if such mail will be rejected.

Notices should be sent to the sender of rejected correspondence or publications, even when the sender is the editor or publisher. A single notification may be sent if the publication is received by multiple inmates.

1008.8 BOOKS, MAGAZINES, NEWSPAPERS AND PERIODICALS

Unless otherwise in conflict with this policy and prohibited by the Director or designee, inmates are permitted to purchase, receive and read any book, newspaper, periodical or writing accepted for distribution by the U.S. Postal Service.

Publications, magazines or newspapers shall be accepted only if they are mailed directly from the publisher to a named inmate. A local daily newspaper in general circulation shall be made available to interested inmates.

1008.9 REJECTION OF MAGAZINES AND PERIODICALS

The Department may reject magazines, periodicals and other materials that may inhibit the reasonable safety, security and discipline in the daily operation of this facility. Generally, books, newspapers and magazines are accepted only if they are sent directly by the publisher.

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- (a) Inmates may receive publication as follows, provided they meet the requirements of this policy and policy 1008.11.
 - 1. Inmates may receive new/used paperback books, newspapers, and other publications sent directly from the publisher or a bona fide bookstore/retailer.
- (b) Publications not meeting the requirements of the policy and policy 1008.11 will initially be rejected by the staff member who identifies an issue. The initial rejection shall be reviewed by the Detention Services Director or 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 Detention Services personnel, and signed for by the inmate.

Staff shall notify the Office Supervisor whenever a decision is made to reject books, magazines or periodicals. The Director or the authorized designee will be responsible for making the final decision as to the specific magazines, periodicals and other materials that will be prohibited within this facility.

1008.10 PACKAGES

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

1008.11 UNAUTHORIZED MAIL

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 this policy.

- A. 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.

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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 (e.g. 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 (e.g. 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 deemed a threat to specific and articulated legitimate penological objectives.
14. Publications that have been altered after publication (e.g. pages or portions of pages removed, extraneous markings, etc.)
15. 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 reasonable be thought to precipitate a violent confrontation between the recipient and a member(s) of the target group.
16. Mail purported to be legal mail, but upon visual scanning for contraband is determined to be general correspondence.
17. Mail containing cash or personal check(s).
18. Mail containing markings of gang symbols or symbols of other groups that may reasonably be thought to precipitate violence.
19. 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.
20. Mail containing items such as hazardous materials, correction tape, fluids, crayon, metal clasps, staples, lipstick, glitter, stains, perfume, glue, adhesives, stickers, rubber inked stamps, stickers/labels, stamps, batteries, or other envelopes or containing another inmate's correspondence.
21. Mail containing compact discs.
22. Publications (i.e. reproduced handwritten, typed/printed, or pictorial materials including books, periodicals, newspapers, magazines, and pamphlets) and

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catalogs (i.e. a publication predominantly or substantially focused on offering items for sale) not mailed directly from the publisher/retailer.

23. Mail without an identifiable author / sender.
 24. The outside of the envelope or package does not contain a return address as defined in this policy.
 25. Other items that threaten the security and order of the facility or the inmate's treatment as identified by the Detention Services Director or designee.
 26. Mail that is sexually explicit.
 - (a) The term sexually explicit refers to any pictorial representation that is intended for sexual gratification and shows male or female genitalia, full frontal nudity, 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.
- B. 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 address 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 to facilitate criminal activity or constitutes evidence of a crime.

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1008.12 FORWARDING OF MAIL

Any mail received for a former inmate should be returned to the sender with a notation that the inmate is not in custody. Inmates are responsible for informing correspondents, including publishers, of any change of address.

1008.13 MAIL RECORDS

- A. The Detention Services Director or 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 (e.g. 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 written record books will be maintained in the mailroom, by Detention Services personnel.

1008.14 MAIL COSTS

- A. Inmates must pay for their own mail costs
 - 1. Inmates may purchase pre-franked 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
- C. Specialized services (e.g. certified, return receipt requested, etc.) will not be authorized
- D. Legal mail arriving at the facility with postage due will be delivered to the inmate without undue delay
- E. Indigent inmates may order three (3) stamped envelopes per week from the commissary store
 - 1. Request for additional legal envelopes shall be submitted with a Jail Request Form to the Law Library. A Property Release Form should accompany the additional envelopes for any correspondence postage.

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1008.15 RETURNED MAIL

- A. All mail returned to the facility by the Post Office as undeliverable, will be opened and inspected for contraband
- B. Any re-mailing must be done at the inmate's expense
- C. Any return mail qualifying as "Legal Mail" will be opened and inspected for contraband the the inmate's presence