RHODE ISLAND DEPARTMENT OF CORRECTIONS
POLICY AND PROCEDURE

	POLICY NUMBER: 24.01-6 DOC	EFFECTIVE DATE: 06/21/10	PAGE 1 OF 20
	SUPERCEDES: 24.01-5 DOC	DIRECTOR: Please use BLUE ink.	

SECTION: MAIL, TELEPHONE, VISITING	SUBJECT: INMATE MAIL

AUTHORITY: Rhode Island General Laws (RIGL) § 42-56-10 (22), Powers of the director; § 42-56-1, Declaration of Policy

REFERENCES: ACA standard #'s 4-4487 (inmate corresp.); 4-4488 (when inmate bears costs, limits related to security); 4-4489 (indigent inmates' postage allowance); 4-4490 (inmate access to publications); 4-4491 (inspection for contraband); 4-4492 (sealed letters to specified classes); 4-4493 (inspection to intercept cash, etc.); 4-4494 (contraband - inspection, disposition); 4-4495 (incoming and outgoing letters and packages - limit on # of hours held); 4-4496 (forwarding mail following an inmate's release); RIDOC policy #'s 2.09 DOC, Accountability of Inmate Money/Checks; 2.17-3 DOC, Inmate Accounts; 2.25-2 DOC, Indigent Inmates; 9.14-4 DOC, Proc. for Detecting and Controlling Contraband on or in the Poss. of an Inmate; 13.10-1 DOC, Inmate Grievance Procedure; 14.03-3 DOC, Inmate Property Accountability; 20.07-1 DOC, Notifying Offenders of Their Duty to Register with Law Enforcement Agencies and Procedures for Community Notification; 24.03-4 DOC, Visits (common-law relationship defined); Amatel v. Reno, 156 F.3d 192 (D.C. Cir. 1998); Mauro v. Arpaio, 188 F.3d 1054 (9th Cir. 1999); RIGL § 11-37.1-1 et seq., Sexual Offender Registration and Community Notification

INMATE / PUBLIC ACCESS?	x YES
AVAILABLE IN SPANISH?	x YES

I. PURPOSE:

To promulgate rules and guidelines governing inmate correspondence via postal service for all facilities at the Adult Correctional Institution (ACI) and interoffice mail.

Public Notice: 01/29/10 | Public Hearing: 03/10/10

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II. POLICY:

Mail procedures are established and maintained to assist inmates in social, legal, business, and other correspondence deemed appropriate. The following procedures govern the management, collection, and/or distribution of inmate mail at all ACI facilities.

Inmates will be permitted uninterrupted correspondence and/or publications (e.g., letters, memos, greeting cards, books, magazines, etc.) as long as the correspondence/publications pose no threat to the safety and security of the facility, public officials, or the general public, do not hinder rehabilitation of an inmate, are not being used to further illegal activities, and meet all other specifications contained within this policy.

III. PROCEDURES:

A. General Information

1. Miscellaneous

a. When the inmate bears the mailing cost, there is no limit on the volume of letters the inmate can send or receive or on the length, language, content, or source of mail, or publications except when there is reasonable belief that limitation is necessary to protect public safety or institutional order and security, assist the rehabilitation of an inmate, and/or prevent the furthering of illegal activities.

b. All facility mailrooms are **"OUT OF BOUNDS"** to all inmates and unauthorized staff.

c. Mail returned to the Rhode Island Department of Corrections (RIDOC) via the United States Postal Service (USPS) (i.e., "Return to Sender") will be handled in the following manner:

(1) Mail originally sent from an inmate as privileged mail [i.e., addressed to an attorney or any other individual/agency listed in item III.B.1.b.(1)-(17)] is considered privileged mail upon its return to the facility and is subject to the procedures outlined in item III.B.2., Incoming Privileged Mail.

(2) Mail originally sent from an inmate as non-privileged mail [i.e., addressed to someone other than an attorney or any other individual/agency listed in item III.B.1.b.(1)-(17)] is considered non-privileged mail upon its return to the facility and is subject to the procedures outlined in item III.C.2., Incoming Non-Privileged Mail.

2. Incoming Mail - General Information

a. Incoming mail is distributed to inmates within 24 hours of receipt from the Post Office whenever possible, excluding weekends, holidays and emergency situations.

b. Incoming mail may be opened, inspected for contraband and read by authorized institutional staff within the guidelines set forth in this policy.

c. All First Class mail (letters and packages) is forwarded by appropriate facility, administrative and/or executive staff (e.g., facility Mail Officers, the Assistant to the Director, applicable Legal Counsel staff) to inmates who have been transferred to other facilities or institutions or released provided that a forwarding address is available.

(1) If forwarding addresses are not available, First Class letters and packages are returned to senders.

(2) First Class letters and packages sent to inmates who have been transferred to out-of-state or federal facilities are forwarded to the inmates, in care of the Wardens of the receiving facilities.

d. Mail received with postage due is returned to the sender.

If the sender is unknown, the postage due mail is returned to the Post Office.

e. Publications and/or packages containing commodities authorized for inmate possession are not accepted on a C.O.D. basis.

f. All authorized items shipped through the USPS are accepted on a prepaid (in full) basis only.

g. Mail from inmates incarcerated at federal, county, municipal, and other state correctional facilities, and from inmates on Home Confinement addressed to inmates at the ACI is returned to the sender, except in cases where the correspondence is between immediate family members as defined in section III.A.3.f.

h. All mail (letters, packages, etc.) is only accepted when arriving through the USPS. Packages arriving from United Parcel Service (UPS), Federal Express, etc., are not accepted.

i. Removal of Items from Incoming Mail

(1) In each case where it is deemed necessary to remove any item(s) from incoming mail, a written record is made of such action. The record includes:

(a) Inmate's name and I.D. number;

(b) Description of mail in question, to include a description of the item;

(c) Description of action taken and reason(s) for such action;

(d) Disposition of removed item(s);

(e) Signature of the mail officer; and

(f) A copy of this record is given to the affected inmate.

(2) When contraband is found which is not otherwise illegal, a notice is sent to the inmate, and the contraband is returned to the sender at the inmate's expense.

(a) If there is no return address, contraband that is not otherwise illegal is destroyed.

(b) In the event that items are removed from mail, the inmate may appeal the action taken through the formalized inmate grievance procedure, consistent

with policy 13.10-1 DOC, Inmate Grievance Procedure, or a successive policy.

(3) When illegal contraband is seized, procedures outlined in RIDOC policy 9.14-3 DOC, Procedures for Detecting and Controlling Contraband on or in the Possession of Inmates, or a successive policy, prevail.

(4) Any cash, checks, postal notes, money orders, or drafts found in incoming mail are seized and forwarded to the Inmate Accounts Office to be deposited in the inmate's account, according to RIDOC policy 2.09 DOC, Accountability of Inmate Money/Checks, or a successive policy.

A receipt of the transaction is given to the addressee, and a copy is placed in the inmate's facility file.

j. <u>Documentation/Notification Requirements for Disapproval of Incoming Publications</u>

(1) When any publication (e.g., copyright protected books, magazines, etc.), or portion thereof, addressed to an inmate is received at the facility, but is not deliverable to the inmate for any reason set forth in section III.C.2.c.(2)(d), the inmate and the sender, when identifiable, are promptly notified, in writing, of the following:

(a) The reason(s) for refusing to deliver the publication or a portion thereof to an inmate;

(b) The fact that:

(1) When the inmate is notified, the inmate may submit a written request for review to the Assistant Director of Institutions and Operations within fourteen (14) days of receipt of notification.

(2) When the publisher is notified via copy of the inmate's notice, the publisher may request a

review of this action by writing to the Assistant Director of Institutions and Operations within fourteen (14) days of receipt of notification.

(2) Where criminal activity is suspected, in addition to the procedures set forth in this policy, the matter is referred to the appropriate law enforcement agency [e.g., USPS, Federal Bureau of Investigation (FBI), Attorney General] by the Director or designee [the Office of Inspections or the Special Investigations Unit (SIU)].

k. Unclaimed Mail

(1) When the personal property ("trap") of an inmate has been mailed out and returned as undeliverable, and where the inmate has already been released, mailroom staff within the facility where the inmate resided date and secure the package.

(a) If the package remains unclaimed for six (6) months, it is sent to the central mailroom and secured at that location for another six (6) months.

(b) If the package remains yet unclaimed [after a total of one (1) year], the package is opened by the central mailroom supervisor. Items with no value are discarded. Property with value is forwarded to the General Treasurer with the name of the owner, his/her date of birth, and the date on which the property was first logged.

(2) Incoming mail for a released inmate for whom a valid forwarding address is not available, and for whom there is no return address is returned to the RIDOC central mailroom where it is held for one (1) day, after which time it is returned to the Garden City Post Office for disposition.

l. Certified Mail

(1) The mail officer maintains a logbook for incoming Certified Mail. This logbook includes the date Certified Mail was

received and the date it was delivered to the inmate addressee.

(a) Inmates receiving Certified Mail must sign the receipts (i.e., green cards).

(b) Once the inmate signs the receipt, the mail officer sends the receipt back to the sender via USPS, and makes the appropriate notations in the logbook.

3. Outgoing Mail - General Information

a. Outgoing mail receptacles are available to inmates in each facility.

b. Outgoing mail is transmitted to the Post Office within a 24-hour period whenever possible, excluding weekends, holidays, and emergency situations.

c. The inmate sender must list his/her name, RIDOC inmate identification number, facility, housing unit, and bunk assignment in the top left-hand corner of the envelope on any mail s/he sends out, e.g., mail addressed to Departmental personnel through the inter-Departmental mail system (requiring no postage) or via USPS (requiring proper postage paid by the inmate).

d. Proper postage must be affixed.

e. Inter-Departmental mail between inmates is not authorized, except in cases where the correspondence is between immediate family members (to include blood, marriage, and step relationships) to be defined as parent, grandparent, spouse (including common-law), brother or sister, son or daughter, grandson or granddaughter, or when an inmate is a party to or a witness in an active legal action in which both inmates are involved (e.g., co-defendants), and they are both pro se (verified by RIDOC's Office of Legal Counsel). Inmates wishing to correspond with other inmates should submit requests to the facility Warden or designee.

NOTE: Examples of documents that can be used to establish the existence of a common-law marriage are listed below:

- A personal affidavit stating when and where you and your common-law spouse mutually agreed to become husband and wife; whether you were ever married, ceremonially or otherwise, to anyone else, and the details surrounding the end of any previous marriages (how they were ended, where and when); and any other details that will help to establish the existence of a husband and wife relationship.

- Affidavits from other persons who know you and are familiar with your relationship, setting forth particulars such as the length of time you lived together, your address(es); whether there was any public announcement of your marriage; and whether your friends, neighbors, and relatives regard you as married.

- Deeds showing title to property held jointly by both parties to the common-law marriage.

- Bank statements and checks showing joint ownership of the accounts.

- Insurance policies naming the other party as beneficiary.

- Birth certificates naming you and your common-law spouse as parents of your child(ren).

- Employment records listing your common-law spouse as an immediate family member.

- School records listing the names of both common-law spouses as parents.

- Credit card accounts in the names of both common-law spouses.

- Loan documents, mortgages, and promissory notes evidencing joint financial obligations of the parties.

- Mail addressed to you and your common-law spouse as "Mr. and Mrs."

- Any documents showing that the wife has assumed the surname of her common-law husband.

- Church records indicating familial status, including membership information, baptismal certificates of the parties' child(ren), Sunday school registration forms, etc.

In order to establish the existence of common-law marriage, spouses are required to present two (2) different examples of the above-listed documents.

f. All outgoing inmate mail must contain the following statement in letters at least 1/8" high:

"ATTENTION! THIS IS R.I. DEPT. OF CORRECTIONS INMATE CORRESPONDENCE. The contents have not been censored. The Sender is not authorized to enter into credit contracts."

Each facility's mail officer is responsible for stamping this message on all appropriate mail if said mail does not include this message pre-printed on the envelopes.

g. Outgoing mail may be opened, inspected for contraband, and read by authorized facility staff within the guidelines set forth in this policy.

h. All postage costs for outgoing mail will be paid by the inmate (with the exception of indigent inmates).

i. <u>Indigent Inmates</u>

The Department of Corrections will pay First Class postage for up to three (3) outgoing personal letters per week, as well as First Class postage for all outgoing privileged correspondence of indigent inmates.

(1) RIDOC policy 2.25-2 DOC, Indigent Inmates, or a successive policy, defines an indigent inmate as one who is involuntarily unemployed, has less than $10.00 in his/her active account, and has had no deposits of $10.00 or more in the previous two (2) months.

(2) Procedures for indigent inmate outgoing mail at the Intake Service Center (ISC) are as follows:

(a) Inmate places mail unstamped in the central mail depository.

(b) Both the ISC and the central mailroom officers conduct periodic, random name checks only on unstamped mail to ensure the sender is an indigent inmate. Mail not meeting those criteria is returned to the inmate.

(c) The Department does not pay for Certified or other specific mailing categories for indigent inmates.

(3) Procedures for indigent inmate mail at all other facilities are as follows. The inmate:

(a) Completes money transfer form, to include name and I.D. number;

(b) Checks off postage;

(c) Writes "Indigent" in section "Reason for Transferring Money";

(d) Signs the form; and

(e) Attaches the form to the mail and gives said form to area supervisor or places it in the receptacle designated for this purpose.

j. Books of postage stamps are available for inmate purchase via the inmate commissary.

(1) Postage stamps are not accepted through visits or mail.

(2) Inmates are allowed to have no more than two (2) books of twenty (20) postage stamps each in their possession.

(3) All postage stamps must be attached in booklets. No loose stamps are allowed.

(4) Inmates in disciplinary confinement who have adequate funds are responsible for purchasing postage stamp books. Said inmates who are not indigent are not provided with "state-issued" stamps.

k. Documentation/Notification Requirements for Disapproval of Outgoing Mail

(1) When any mail, or a portion thereof, is not mailed for any of the reasons set forth in this policy, the inmate is promptly notified in writing of the following:

(a) The reason for refusal to send the mail, or a portion thereof; and

(b) The fact the inmate may submit a written appeal through the formalized inmate grievance procedure.

(2) Where criminal activity is suspected, in addition to the procedures set forth in this policy, the matter is referred to the appropriate law enforcement agency (e.g., USPS, FBI, Attorney General) by the Director or designee [the Office of Inspections or the Special Investigations Unit (SIU)].

B. Privileged Mail

1. General Guidelines

a. Privileged mail, whether it is incoming or outgoing, cannot be read by RIDOC staff.

b. Inmates are permitted to send and receive letters from the following persons:

(1) Any official of a court of the United States or the State of Rhode Island or acting on behalf of the court (judge, attorney, clerk, probation and parole officers);

(2) The President of the United States;

(3) The Governor of the State of Rhode Island;

(4) Any member of the Congress of the United States;

(5) Any member of the Legislature of the State of Rhode Island;

(6) The Attorney General of the United States;

(7) The Attorney General of the State of Rhode Island;

(8) The Director or any agent of the Federal Bureau of Investigation (FBI);

(9) The senior administrator of any state's State Police;

(10) The Director of the Rhode Island Department of Corrections;

(11) Any Assistant Director of the Rhode Island Department of Corrections;

(12) Any member of the Parole Board;

(13) RIDOC Inmate Grievance Coordinator;

(14) Any public official or agency, where the mail appears on its face to relate to legal matters;

(15) The American Civil Liberties Union (ACLU), its affiliates and sections, i.e., The National Prison Project;

(16) Public Defender;

(17) Attorney;

(18) Legal Aid Society.

c. Inmates and other persons with whom inmates may correspond as provided above shall not use or permit others to use authorized privileged mail for:

(1) personal, non-legal, and/or non-official correspondence;

(2) the transmission of contraband; and/or

(3) the transmittal of communications to be given or forwarded to persons not specified above.

Anyone receiving mail that, according to the above-listed criteria, is considered prohibited should submit such communications or materials to the Warden of the facility in which the inmate is confined.

2. Incoming Privileged Mail

Incoming privileged mail may be opened and inspected in the presence of the inmate addressee. RIDOC staff is prohibited from reading privileged incoming mail.

Incoming privileged mail is treated as privileged only if the name and/or official status of the sender appear clearly on the envelope.

3. Outgoing Privileged Mail

Outgoing privileged mail may only be inspected if a reasonable belief exists that the security of the institution is at risk. In such cases, it may be inspected for contraband only in the presence of the inmate. RIDOC staff is prohibited from reading outgoing privileged mail.

C. Non-Privileged Mail

1. General Guidelines

a. Non-privileged mail, both incoming and outgoing, may be opened and inspected for contraband.

b. It is the policy of the Rhode Island Department of Corrections not to read or censor incoming or outgoing mail, except for reasons of safety or security.

c. Non-privileged mail may be read, and disallowed, provided there is a reasonable belief that reading the mail is necessary to preserve facility order and security or to protect the public safety.

Inmates are notified when incoming or outgoing mail is withheld in part or in full.

d. Inspection of non-privileged mail may be undertaken only by authorized staff in accordance with the procedures outlined in this document and in established post orders.

e. Only the following RIDOC staff may read non-privileged mail:

(1) Director;

(2) Assistant Directors;

(3) Wardens;

(4) Deputy Wardens;

(5) Shift Commanders;

(6) Inspectors;

(7) Investigators (SIU);

(8) Staff member designated by the Warden for such purpose.

f. Any facility-based authorized staff member reading inmate mail pursuant to this policy records such action in a logbook maintained by the facility Mailroom Officer for such purpose.

2. Incoming Non-Privileged Mail

a. In addition to the General Guidelines specified above, the Director or the Assistant Director. of Institutions & Operations may authorize the reading of incoming non-privileged mail when in his/her opinion such action is necessary to prevent entry of materials and/or information prohibited under this policy.

b. Incoming Printed (Non-Privileged) Material

(1) Only new paperback books (i.e., no hard covers), newspapers, and periodicals sent from publishers will be accepted. The purchase of commercially-produced photographs is prohibited. A publisher is defined as a business, organization, or firm which issues and makes

available to the general public books and other publications for sale and wide distribution. For the purposes of this definition, a "publisher" does not include local bookstores or distributors within a 50-mile radius of the ACI.

NOTE: Items received in the mail (e.g., pictures from magazines) cannot be posted in inmates' cells.

(2) As a general rule, any printed material, to include newspapers, drawings, magazines, pamphlets, books, or photographs may be excluded, if it is determined to be detrimental to the security, good order, or discipline of the facility, and/or if the effect of which might hinder rehabilitation of an inmate, facilitate criminal activity, or contribute to a hostile work environment.

NOTE: A publication may not be rejected solely because its content is religious, philosophical, social, or sexual, or because its content is unpopular or repugnant.

c. Disapproval of Incoming Non-Privileged Mail

(1) Incoming non-privileged mail is disapproved only to prevent interference with facility goals of security, order, discipline, rehabilitation, if it might facilitate, encourage, or instruct in criminal activity, or contribute to a hostile work environment. Disapproval is not based upon an employee's personal views of the merit of such mail.

RIDOC reserves the right to disallow personal photographs and/or facsimiles which feature nudity as defined herein [see item III.C.2.c.(2)(d)vii. NOTE].

Consistent with policy 14.03-3 DOC, Inmate Property Accountability, or a successive policy, personal property not authorized within a facility is sent to a person designated by the inmate (at no expense to the State), donated to a charitable organization, or destroyed. Property not disposed of by the inmate is donated or destroyed after thirty (30) days, except at ISC, where it is destroyed after ten (10) days.

(2) RIDOC reserves the right to disallow previously approved publications on an issue-by-issue review.

(a) Facility Wardens or designees (e.g., mail officers) review books (in consultation with the Assistant Director of Institutions and Operations or designee), newspapers, and periodicals sent from publishers to determine their appropriateness. If a newspaper or periodical (hereinafter referred to as "publication") is objectionable or questionable, the Warden/designee forwards the publication to the Central Office Investigator (Investigator) for review and a decision regarding its appropriateness. The Warden/designee also submits a brief written summary of specific sections of the publication s/he feels are objectionable and states the basis for the objection.

(b) Whenever the Investigator receives a publication(s) and request for review from any facility Warden/designee, the Investigator notifies all other facility Wardens/designees to hold all issues of the objectionable/questionable publication(s) (i.e., do not deliver them to the inmate addressees) until a final decision relative to appropriateness is made.

(c) The Investigator reviews those publications that the facility Wardens/designees found to be objectionable/questionable. The Investigator may reject any publication that s/he determines to be detrimental to security, good order, or discipline of the facility, the effect of which might hinder rehabilitation of an inmate, might facilitate criminal activity, and/or contribute to a hostile work environment. S/he will not base his/her disapproval on his/her personal views regarding the merits or opinions expressed in said publications.

(d) The contents of prohibited publications may fall, as a whole or in part, into any one of the following categories, including but not limited to, those publications that:

i. Depict or describe procedures for the construction or use of weapons, ammunition, bombs, or incendiary devices;

ii. Depict, describe, or encourage methods of escape from correctional facilities, or contain blueprints, drawings, or similar descriptions of any correctional facility within the State of Rhode Island;

iii. Depict or describe procedures for the brewing of alcoholic beverages or the manufacture of drugs, drug paraphernalia and/or poisons;

iv. Are written in code;

v. Depict, describe, or encourage activities that may lead to the use of physical violence or group disruption;

vi. Encourage, facilitate, or instruct in the commission of criminal activity;

vii. Are sexually explicit;

NOTE: "Sexually explicit material", means a pictorial depiction of sexual acts including sexual intercourse, oral sex, and/or masturbation.

viii. Inmates who are serving sentences that would require them upon release to register as "sexual offenders" pursuant to RIGL § 11-37.1-1 et seq. and policy 20.07-1 DOC, Notifying Offenders of their Duty to Register with Law Enforcement Agencies and Procedures for Community Notification, or a successive policy, for specific offenses delineated therein are also prohibited from receiving materials that feature nudity.

NOTE: "Nudity", means a pictorial depiction where male or female genitalia or buttocks and/or female breasts are exposed; "features" means that the item contains depictions of nudity or sexually explicit conduct on a routine basis or promotes itself based upon such depictions in the case of 1-time issues.

- In addition, offenders whose crimes involved minors may be further restricted with respect to printed materials/publications. Child sexual abusers are additionally prohibited from ordering child- and family-oriented publications.

- If facility Wardens/designees are uncertain of the nature of an inmate's crime or of the appropriateness of a specific publication, they consult the Director of RIDOC's Sex Offender Treatment Program, who makes case-by-case determinations.

ix. The effect of which is to glorify or promote violence against men/women/children;

x. The effect of which is to glorify or promote gang activities or racial, religious, or ethnic discord;

xi. Are not acceptable for regular mailing in the United States because they are "non-mailable material" under Federal law, military regulations, or USPS regulations.

(e) The Investigator renders a decision regarding the objectionable/questionable publication and notifies the facility Warden/designee (e.g., mail officer), who in turn either delivers the publication (if approved for dissemination to inmates by the Investigator) or notifies the inmate in writing that the publication is disallowed by the Investigator, with a copy being submitted to the publisher.

(f) If the publication is disallowed by the Investigator, the inmate and/or the publisher may request a review by the Assistant Director of Institutions and Operations, consistent with item III.A.2.j.(1)(b).

(1) If the inmate chooses not to request a review, s/he may submit a money transfer form to the mail officer with instructions as to whom the publication should be sent.

(2) If the inmate does not send a money transfer form, the publication is destroyed.

(g) If a request for review of the Investigator's decision is submitted, all mail officers hold all objectionable/questionable publications until the Assistant Director's review is complete.

(h) The Assistant Director of Institutions and Operations notifies Wardens/designees (e.g., mail officers) of his/her decision regarding the questionable/objectionable publication.

(i) If the Assistant Director upholds the Investigator's decision (i.e., the publication is disallowed), mail officers notify the affected inmates in writing of the Assistant Director's decision.

(1) Inmates may submit money transfer forms to the mail officer with instructions as to whom the publications should be sent.

(2) If the inmate does not submit a money transfer form, the publication is destroyed.

(j) If the Assistant Director overturns the Investigator's decision (i.e., the publication is approved for delivery to inmates), mail officers notify Wardens and deliver the publication.

3. Outgoing Non-Privileged Mail

a. In addition to the General Guidelines specified above, the Director or designee may authorize the reading of outgoing non-privileged mail only when s/he has received specific information (reasonable suspicion) that a particular inmate's mail contains information which is prohibited under this policy.

b. Where outgoing mail is read pursuant to this section, and prohibited information is found, the mail or relevant portion thereof may be confiscated. In addition, the inmate sending the mail is subject to disciplinary action.

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