

Chapter 5 - Custody and Security Operations**Article 41 - Inmate Mail****54010****Inmate Mail****Responsibility for Revision**

This procedure will be reviewed annually in the month of April by the Associate Warden – Central Operations for the Warden's approval.

Annual Review/Revision Date

April 2015

Revised:

April 2015

54010.1**Policy**

The Warden is responsible for the overall operation of this procedure. The Visiting/Mailroom Lieutenant is the direct supervisor of the Office Services Supervisor I (OSS I), who is responsible for the operation of the Mailroom. The OSS I is the direct Supervisor of the Office Assistants assigned to the Mailroom, who in turn will be responsible for implementation of phases of this procedure.

Inmates and their correspondents are personally responsible for the contents in each item of mail entering or leaving the Institution.

Mailroom staff is responsible to process all mail, addressed to individual inmates, showing their names, California Department of Corrections and Rehabilitation (CDCR) number and the address for the applicable institution, whether it is solicited or unsolicited, first class mail, standard mail, or periodicals. Mail shall be delivered to inmates, regardless of housing, unless it is: contraband per the California Code of Regulations (CCR), Title 15, Article 1, Section 3006; or is Disturbing or Offensive Correspondence, per CCR, Article 4, Section 3135, or excessive property per the Department Operations Manual (DOM), Chapter 5, Article 43, Inmate Property.

All standard mail addressed to an individual inmate by name and CDCR number is to be processed and delivered. Mailroom staff is not to return the mail to the sender due to the absence of a specific housing unit or wrong housing unit address.

The general policy of the procedure is correspondence between inmates and persons outside the prison are encouraged. The sending and receiving of mail by inmates will not be unduly restricted or impeded, nor will the privacy of such correspondence be invaded,

except when it is required to prevent physical injury to persons, and to maintain the security of the prison.

Any violations of laws governing mail will be referred to Postal authorities and other appropriate Law Enforcement Officials. Violation of law, the policies set forth in the California Code of Regulations, Title 15, or of this procedure, may result in disciplinary action and/or temporary suspension or denial of correspondence between the person(s) involved.

This procedure applies to all inmates and institution staff. Numbers preceded by the letters "CCR" in this procedure reflect the related sections of the California Code of Regulations, Title 15, Division 3, Chapter 1, Rules and Regulations of the Director of Corrections.

54010.5**Papers, Envelopes, and Stamps for Indigent Inmates**

Indigent inmate means an inmate who has \$1.00 dollar or less in their Inmate Trust Account for 30 consecutive days and have not shopped canteen within the last thirty (30) days.

All indigent inmates will be supplied twenty envelopes per month. The Accounting Office will generate a list of the inmates who are indigent. This list is computer generated based on eligibility. There are no sign-ups for this list.

The list will be divided into three cycles per month based on the last two digits of inmate CDCR numbers. The issuing of indigent envelopes will be based on the cycle and is distributed as follows:

- Cycle 1, CDCR# 00 – 33, Week 1 (1st-6th)
- Cycle 2, CDCR# 34 – 66, Week 2 (7th-13th)
- Cycle 3, CDCR# 67 – 99, Week 3 (14th-20th)

The list will be forwarded to the Mailroom where it will be separated by housing unit. The designated list and the required envelopes shall be placed into the mailbag for each housing unit.

Each Housing Unit Officer shall be responsible for issuing the indigent envelopes to the inmates within 48 hours of receipt. **The housing Unit Officer will also ensure the inmate provides his signature on the indigent envelope list.** The signature shall be made adjacent to the inmate's printed name.

If the inmate has moved to a different housing, the Housing Unit Officer will indicate "INMATE NOT HERE" adjacent to the inmate's printed name.

Upon completion, the Housing Unit Officer will return the indigent envelope list and any undelivered indigent envelopes to the Mailroom on the following business

day. Mailroom staff will ensure the indigent envelopes are rerouted to the inmate's new housing.

54010.5.1 Processing Request for Indigent Inmate Envelopes

All inmate requests for indigent envelopes shall be authorized by the Institutional Inmate Trust Account Office. Any inmate attempting to use a State issued envelope intended for an indigent inmate or found altering envelopes not issued to them, shall receive progressive discipline.

54010.5.2 Postage for Indigent Inmates for Correspondence to the Courts and Other Persons as Required

Indigent inmates shall have free and unlimited mail to any court or Attorney's General Office.

Upon request, institutions shall also provide indigent inmates free copying and postage of the legal documents to the number of copies of a document required by the court, plus one copy for the opposing party, and one copy for the inmate's records.

If the case is accepted by the court, the need for future copies of legal documents and necessary postage will be evaluated on a case-by-case basis.

A charge shall not be placed against future deposits to the inmate's trust account to recover the cost of materials, copying, and postage provided, while the inmate was indigent as defined in DOM Section. 54010.5.

54010.5.3 Indigent Inmate Writing Supplies

Indigent inmates will be supplied with a writing implement (golf pencil or pen filler) and 40 sheets of paper per month to be ordered and supplied to indigent inmates by the housing unit staff. . After the initial distribution, the writing implements shall be replaced during the distribution of the indigent envelopes. It will be the responsibility of the inmate to retain the depleted pencil or empty pen filler for exchange.

54010.6 Recipient's Address

To ensure proper mail delivery and prevent delays in receiving mail, all incoming and outgoing mail shall have the correct inmate name, CDCR identification number, institution address and zip code inscribed on the front of the envelope or package. Incoming mail with inaccurate housing and/or institutional information shall be updated and forwarded to the correct location by the receiving housing unit officer.

All outgoing inmate mail will be required to have a complete return address on the upper left-hand corner of the envelope.

An example of the return address is:

Kern Valley State Prison
John Doe, Z-00000
Facility X Cell # XXX (specify: Lower or Upper bunk)
P. O. Box 510X
Delano, CA 93216

Note different facility addresses/PO boxes:

- Facility A, PO Box 5101
- Facility B, PO Box 5102
- Facility C, PO Box 5103
- Facility D, PO Box 5104
- Facility M, PO Box 5105
- ASU # 1, PO Box 5107
- ASU # 2, PO Box 5106

Return addresses are required on both incoming mail and all outgoing mail. Outgoing mail without the full return address will be returned to the sender.

The sender listed as the return addressee must be the author or person of origin for the contents of the mailing and is responsible for the contents of the mailing. Use of a fictitious name or address by the sender shall be cause to disapprove the mailing and may be referred to Federal Authorities for possible prosecution under United States Code Services, Title 18, Section 1342.

54010.7 Identifying Mail Originating from California State Prison

A stamp indicating the mailing is from a State Prison and its point of origin will be affixed to all outgoing correspondence by Unit Staff prior to being forwarded to the local U.S. Postal Service. The stamp shall be affixed to the outside of the envelope and indicate the State Prison, Facility and Unit of origin. Additionally, the stamp shall be affixed to all contents of the mailing, stamping through written correspondence in a diagonal fashion with red ink in a manner not to interfere with the readability of the correspondence or mail contents.

Point of origin identification stamps:

1. First Class Mail:
The envelope of each mailing shall be stamped to the left of recipient's address. Each page of the letter shall be stamped in the body of the letter diagonally to avoid the letter being repackaged in a different envelope. Caution must be utilized so the stamp does not interfere with the intended address

to avoid interference with processing by the Mailroom and the United States Postal Service.

2. Institutional Mail:

All outgoing institutional mail shall be stamped in the same manner as First Class Mail. All institutional mail to be stamped shall include, but not limited to; Inmate Requests for Interview, Law Library Access Forms, Trust Account Withdrawal Forms, Package Forms, Inmate Appeal Forms, and Sick Call Forms. These forms have all been utilized by inmates to pass messages in the past. U-Save-'Em envelopes must have the contents stamped in the same manner as First Class mailings.

3. Postcards:

Postcards shall be stamped in the body of the text.

4. Legal Mail:

Legal mail shall be stamped on the reverse side of the envelope only, preferably across the envelope seal.

Any and all legal documents and or certificates, to include copies of Legal document and Certificates **shall not be stamped.**

Copies of deeds, Marriage Certificates, Birth Certificates, and escrow papers, etc. identified in the Unauthorized Items List (**Attachment A**) are unauthorized.

5. Inmate Drawings:

Inmate drawings shall be stamped on the back of the drawing and discretion shall be used by unit staff in order to avoid damage to the drawing.

6. Photographs:

Photographs **shall not be stamped** due to ink transference and possible damage to original photographs.

54010.8

Inspection and Reading of Incoming and Outgoing Mail

Housing Unit Officers are responsible for the distribution and collection of inmate mail within their units and for re-routing mail of inmates re-housed within the institution. Mail shall be sent to the Mailroom if the inmate has transferred or is Out-to-Court.

The Mailroom Supervisor will ensure mail is processed without delay. Mail with a valid address and free of contraband will be processed before mail with incorrect addresses and/or contraband.

The regular inmate mail is delivered to the Central & Complex Control foyer no later than 1330 hours. Building officers will pick up the mail for their assigned building. The building officers will ensure the mail is delivered prior to, or during, the 1630 hours count. Any inmate not in the building when mail is distributed shall receive his mail immediately upon his return. All mail is subject to being read in its entirety, **building officers shall read a random selection of the incoming mail.**

Mail for inmates no longer housed in the unit shall be forwarded to the inmate's new location. Any facility S&E who picks up the 1630-hour count slips will pick up the re-route mail from the housing units. The facility S&E #3 shall determine the new housing for the inmates using the SOMS and deliver it to the appropriate housing/facility the same day it is picked up. **Only mail for inmates not at this prison (transferred, paroled, out on medical or out-to-court) will be returned to the Mailroom.**

All mail returned to the mailroom for transferred or paroled inmates shall be forwarded and not returned to the sender. Mailroom staff will utilize the Strategic Offender Management System (SOMS) to locate the inmate. For inmates who have transferred, the mail shall be forwarded to the respective Institution. Inmates who have paroled, the mail shall be forwarded to the corresponding Parole Region (Office) if the Parole Office is unknown; the mail is to be forwarded to the applicable Regional Parole Headquarters. Inmate mail shall not be forwarded to Case Records.

Standard Mail with a "mailer endorsement" should be either returned to the USPS for processing or forwarded to the inmate's new housing location. The mailer endorsement will appear either near the address block or below the return address in the top left corner of the mail piece. A mailer endorsement is any of the following phrases:

- Return Service Requested
- Address Service Requested
- Forwarding Service Requested
- Change Service Requested

For standard mail containing the phrase "Return Service Requested," staff is directed to return it to the USPS for processing. Standard Mail with one of the three mailer endorsements, staff is directed to forward it via interdepartmental mail to the applicable institution. For inmates who have paroled, a label affixed to the Standard Mail piece shall state "Paroled Region #____" and shall show the appropriate Parole Regions' address.

All incoming inmate correspondence without an inmate Name shall be stamped with the reason for return and returned to sender.

Letters without a return address will go to the United States Postmaster Dead Letter Office.

The Mailroom Supervisor shall submit a memorandum to the Visiting/Mailroom Lieutenant/Sergeant of the amount of incoming mail on a weekly basis. Mail will be counted by the latest date postmarked on the letter/package.

Out-Going Mail Processing:

Third Watch Housing Unit floor staff are responsible for cell door mail pick up on Facility A, B, C, and D. The officer shall ensure each piece of mail coming out of the cell (regular mail, institution mail, request for interview, etc.) is clearly labeled with the return address, specifically the cell the item was received from. Any outgoing item not indicating where the item originated from shall be returned to the sender.

First Watch Housing Unit Staff (Control Booth Officer) assigned to the task of inspecting all of the out-going inmate mail shall inspect each and every piece of mail to ensure it is free of contraband, no unauthorized items are being sent out of facility and does not pose a threat to the security of the facility/institution.

Housing Unit Staff shall confirm the mail is free from contraband and does not pose a threat to the security of the facility/institution. Staff shall stamp (in red ink) the envelope(s) with the "Kern Valley State Prison" logo, directly under the sender's name to indicate the mail is generated from a California State Prison.

Housing Unit Staff shall bundle all items of mail into **separate stacks** according to letter size, stamped, metered, Investigative Services Unit (ISU) flagged mail, institutional, out of country, Legal mail, or embossed envelopes. Envelopes shall be bundled and sealed prior to being forwarded to the Mailroom. The First Watch Housing Unit Officer shall place a rubber band around the sealed envelopes. The mail shall be placed in the institutional mailbags and forwarded to the Mailroom.

Once mailbags are filled with the daily mail, the Housing Unit Staff (Control Booth Officer) is responsible for inspecting the outgoing mail and shall secure the mailbag. The inside Patrol/Search & Escort Officer shall pick up the mailbags before 0500 hours and transport them to Central/Complex Control for pick up by Mailroom staff. ***At no time shall the mailbags be left outside exposed to the elements.***

54010.8.1**Items Enclosed in Incoming First-Class Mail**

Writing paper/tablets (white or yellow lined only – no cotton paper).

Typing/Printer paper (no cotton paper).

Legal paper; to include colored paper required by court (no cotton Paper) shall not to exceed 300 sheets. (Staples, cardboard back, tape, plastic, and metal must be removed)

Envelopes and Stamps:

Only a total of 40 blank or embossed envelopes shall be allowed. No metered envelopes allowed.

Limit of 40 postage stamps at the current rate.

(If there is a rate change; then the intent is 40 stamps at the old rate and 40 stamps at the amount needed to equal the new rate) per envelope.

Personalized postage stamps will not be accepted.

If inmates are sending out postages exceeding the 40 stamp limit, the excess postages shall be confiscated by the Housing Unit staff and treated as contraband.

The Kern Valley State Prison (KVSP) Mailroom will not process outgoing mail for US Mail Overnight Service (Express Mail) or any other type of express mail service for inmates.

Photographs:

Inmates may receive photographs in the mail. Five (5) total for privilege group D (ASU inmates) and 15 total for privilege groups A, B, and C. For security reasons, the photographs received from correspondents may not have backings or be framed in such a manner they cannot be adequately searched. Inmates will not be able to receive Polaroid photographs, negatives, or slides from correspondents. Mail received with these items will be held as contraband and the inmate will be notified. Inmates will be allowed to keep Polaroid photographs taken inside the prison through authorized programs. The sizes of the photos are not to exceed 8.5" x 11" in size. Albums are available through the canteen but are not acceptable by mail or in packages. No individual piece of mail will exceed the two (2) pound limit.

No photographs altered from their original printed state.

Books, Magazines, and Newspapers:

Inmates are authorized to possess paperback books, hardback books with the covers removed at their request, magazines, and newspapers. In accordance with the Authorized Personal Property Schedule (AAPS), KVSP inmates are authorized to possess 10 publications. Publication exceeding the AAPS allotment may be stored as excess property or disposed of in accordance CCR, Title 15, Section 3191(c). The 10 publication limit does not apply to legal materials.

All books will be searched by the Mailroom staff and sent to R&R. R&R staff will enter the books as personal

property on the inmates' property card. R&R staff will issue out the books during the issuance of special purchase/packages. Magazines and newspapers will be searched by Mailroom staff and forwarded to the respective housing units with regular mail items.

Housing Unit staff will ensure inmates are not in possession of excess publication during daily random cell searches.

54010.9

Inspection of Incoming and Outgoing Packages

Incoming Mail/Packages:

All incoming packages and regular mail addressed to an inmate will be opened and inspected before delivery to the inmate. The purpose of this inspection will be to receive and deposit in the inmates trust account any funds enclosed; to verify and record the receipt of permitted personal property; to prevent the introduction of material, substances, or property which the inmate is not permitted to possess within the prison.

All First Class Mail shall be delivered to the inmates as soon as possible, but not later than (7) calendar days from receipt of the mail from the Post Office, except during the holiday season.

Delivery by staff of packages and special purchases shall be completed as soon as possible, but not later than 15 calendar days, except during the holiday season and during lockdowns of affected inmates

In the event staff suspect/detect the presence of any form of contraband or unidentifiable chemical or powder, the inspecting individual will immediately stop and notify their immediate Mailroom Supervisor. The Mailroom Supervisor will contact ISU for proper handling and processing. (Note: the mail/package should be treated as evidence). If necessary the Mailroom Supervisor shall direct staff to exit the mailroom area until clear for return. The donning of protective gear will be mandatory prior to anyone attempting to re-examine the suspected contraband.

General Precautions:

General Precautions:

- Wash your hands with warm soap and water before and after handling mail.
- Do not eat or drink around mail.
- If you have open cuts or skin lesions on your hands, disposable latex gloves must be worn.
- Surgical mask, eye protection, or gowns are NOT necessary or recommended.
- If a letter is received contains powder or a written threat, do not shake or empty the envelope. Do

not taste, smell or sniff the contents. Do not touch your eyes. Do not try to clean any spilled contents. Remove clothing or gloves possibly contaminated and place into a plastic bag. Remain available for interview by responding Investigators. Isolate the specific area of the workplace so no one disturbs the item. Evacuation of the entire workplace is not necessary at this point. Notify the Watch Commander immediately. The Watch Commander shall notify local law enforcement and the Federal Bureau of Investigations (FBI). Wash your hands with warm water and soap for at least one minute. Do not allow anyone to leave the institution assumed of touching the envelope.

If you discover a suspicious package or letter

- Notify your supervisor and the Watch Office immediately.
- Clear the immediate area of all people.
- Avoid unnecessary handling of the item. All material including envelopes or containers may be used by the ISU in a subsequent investigation.
- Do not touch, tamper with or move any suspicious item Package or Letter (**Attachments B & C**).
- Do not open or cut strings
- Gently lower to a level surface
- Do not cover
- Do not place in sand, water or any confined space

Cash on Delivery (C.O.D.), Catalogs and Bulk Mailing:

No C.O.D. mail or packages of any kind will be accepted for inmates. All such incoming mail shall be refused at the Delano Post Office by KVSP Mailroom staff, and will be returned to sender.

- All newspapers, periodicals, magazines, and books must come directly from a book store, book distributor, or publisher (per Title 15 Section 3134.1 (a)). No directory phone books are authorized.

Trust Account Withdrawals:

Inmates may use CDCR Form 193, Trust Account Withdrawal Order, to send money out of the prison or to pay for postage or the expenditures within the institution. The cost of postage for mailing documents to the courts will be charged against an inmate's Trust Account unless the inmate is without funds at the time the material is submitted for mailing and remains without funds for 30 days after the document was mailed.

Greeting Cards/Post Cards:

10 blank greeting cards for privilege groups A and B. Five blank greeting cards for privilege groups C and D. 40 post cards, same as envelopes.

Correspondence Courses:

Inmates are allowed to receive correspondence courses. Mailroom staff will process and deliver correspondence courses to the Kern Valley Education Department.

Religious Items Enclosed Mail:

Books, periodicals, or other publications mailed from a religious organization shall be considered as coming from an authorized vendor per Title 15 Section 3133 (b) (4).

All solicited and unsolicited religious books will be x-rayed by Mailroom staff and forwarded to R&R. R&R will coordinate with the Community Partnership Manager (CPM) to delegate the distribution of religious books with the Facility Chaplains. Facility Chaplains shall be responsible to issue such books (per DOM 54030.10.9, Religious Items).

Items arriving via family or friends, or items shipped from other than approved, recognized vendors, shall be disposed (per DOM Section 54030.12.2)

Disapproval of Inmate Mail:

Staff shall not permit an inmate to send or receive correspondence having any of the following characteristics:

- No padded, bubbled or cardboard envelopes. They are not searchable and will be returned to Sender.
- Sticker labels of any kind (including address labels) are not searchable and therefore will not be allowed into the facility.
- Limit of 300 sheets white or yellow lined paper; white printer paper (no cotton paper or colored paper.) Decorated papers with matching envelopes are acceptable per DOM 54030.20.5.
- Identification cards, pre-paid telephone cards, business cards or credit cards.
- Hard plastic (of any kind), metal, glass, laminated items or needles of any kind.
- Clothing material (lace, felt, hankies, strings, ribbons, hats and/or similar items).
- Food items (allowed only through the inmate's quarterly package or canteen).
- Contains sexually explicit material.
- Factory or handmade jewelry (incoming or outgoing mail).
- No homemade greeting cards (incoming).
- Items larger than 8 X 10 (photos, greeting cards, etc.).
- Trading or playing cards (sport, etc.), collective items (stamps, cards, etc.) and autographed items
- No metered or hand stamped envelopes.

- No negotiable items: checks, deposit slips, cancelled checks, receipts, or copies of any negotiable items.
- No more than 40 stamps per envelope through incoming or outgoing mail (except in cases of rate change).
- No metal spring binding (commonly used on calendars and notebooks).
- No cosmetics.
- No pens, pencils, markers, writing/drawing instruments, cardboard or card stock paper, transparent or tracing paper. (Handicraft participants must purchase through special purchase, canteen, or quarterly packages).
- All books, magazines & newspapers must come from a Publisher/Vendor (per Title 15 Section 3134.1(a). (No directory phone books).
- Information which would create a clear and present danger of violence and physical harm to persons in or outside of the facilities of the department.
- Threatens blackmail or extortion (per Title 15 Section 3006 (c) (2).
- Plans to escape or assist in an escape (per Title 15 Section 3006 (c) (4).
- Contraband which is not permitted receiving/sending or obtaining from an unauthorized source.
- Concerns plots or plans to disrupt the orderly operation of the prison or to breach the security of prisons.
- Concerns plans for activities in violation of the law, of rules and regulations of the Director or of approved prison procedures.
- Contains coded messages not presently decipherable by the reader.
- Describes the making of any weapon, explosive, poison, or destructive device.
- Photos/articles/publications promoting or identifying gang membership and/or association, tattoo patterns or contain gang signs.
- In-Cell Photos

Such correspondence will be referred to the Investigative Services Unit for appropriate review and handling.

Mailroom staff shall issue to an inmate a CDCR 1819, Notification of Disapproval – Mail / Packages / Publications (**Attachment D**) and a CDCR 193, Trust Account Withdrawal Form (**Attachment E**) for all disapproved items placed into contraband. Inmates will have 15 days to respond and choose the form of disposition at the inmate's expense. Mailroom staff will store contraband for 15 days in a designated contraband storage area. After 15 days, if the inmate has not responded, the item will be disposed of immediately.

Publications:

Inmates may subscribe to, purchase, or have items sent to them such as newspapers, periodicals, magazines, or

books as long it comes directly from a book store, book distributor, publisher, or vendor as long as the contents do not violate CCR.

If subscriptions or books are purchased for the inmate by a third party or donated to an inmate, they must also be mailed directly from a book store, book distributor, publisher, or vendor (per Title 15, 3134.1).

Books, magazines, periodicals and publications can be received from any bookstore, book distributor i.e., Amazon.com: Barnes & Noble.com, etc., or publisher, as long as the contents do not violate CCR. Kern Valley State Prison shall not require them to be "approved vendors" nor shall they be required to place labels on their packaging stating "approved vendor" or any other type of wording when sending in merchandise.

Department Operation Manual (DOM) Article 43, Inmate Property, Section 54030.17.7 states, all inmates shall be allowed to receive hardback books with the covers removed. All hardback books will be released to Receiving and Release for processing. Receiving and Release staff shall allow the inmate to determine whether he will accept the hardback book with the cover removed or if he declines the option, decide how the hardback book is to be disposed of per CCR, Section 3191. If the inmate chooses to have the hardback book issued to them, staff shall, in front of the inmate, remove the entire cover from the hardback book. Before removing the cover, R&R staff shall ensure they have inspected the book and it does not violate any other departmental policy (CCR, Section 3006 and CCR, Section 3135). The book shall then be issued to the inmate. If upon removal of the cover, the book becomes unstable (the pages are no longer bound together), staff shall take measures to ensure the book is issued appropriately.

Kern Valley State Prison shall allow inmates to receive hard cover books as long as their contents do not violate CCR and as long as the procedure above is adhered to. No weight restrictions shall be placed on the packaging of books. A bookstore, book distributor, or publisher is not a personal correspondent and can send mail through the United States Postal Service under any classification they choose. Exact limits on books, magazines, and periodicals an inmate may possess are outlined in CCR 3190 and 3195 and DOM Article 43, Inmate Property.

It will be the responsibility of the Mailroom Supervisor to adhere to these provisions and document and track all disapproved publications on the Disapproved Publication Tracking Chart (**Attachment F**). Copies of the Disapproved Tracking Chart shall be submitted to the Standardized Procedures Unit, Division of Adult

Institutions at 1515 S Street, 344N, Sacramento, CA 95811 no later than the 15th of each month. Mailroom staff will notify inmates in writing and give them fifteen (15) days to choose a form of disposition of disapproved periodicals. The Mailroom staff will store periodicals for fifteen (15) days and if there is no response from the inmate the periodical will be disposed of.

A written notice must be provided to a publisher by letter when materials they mailed were censored from a prison. Mailroom staff shall prepare a letter and forward the letter to the appropriate company or organization. The letter shall be written using the format as written in **Attachment G**.

54010.10 Internet Downloaded Material, Electronic Mail Correspondence and Newspaper Clippings

Inmates may receive First-Class Mail containing newspaper clippings, internet downloaded articles, photocopies of clippings/articles, or electronic mail (e-mail). Prior to issuance these items shall be reviewed to ensure they comply with CCR Sections 3006, 3135, and DOM sections 54010.14 and 54010.15.

54010.11 Certified Mail

Certified and Insured Mail:

Incoming Certified mail will be logged in the Certified/Registered Mail Logbook and delivered to the Facility Sergeant for distribution to the proper inmates. The Mailroom staff will sign the receipt. Should the mail arrive "Deliver to Addressee only", the acting agent will sign at the Post Office for the letter. The inmate will be contacted by the Program Sergeant to sign for the letter. The Correctional Sergeant, in the presence of the inmate, will search the letter to insure a parcel; the inmate must have available funds and submit a Trust Withdrawal, CDCR Form 193, requesting such service. The parcel will be stamped "Insured", given a number, and a notation of the transaction will be made in the Issuance Log Book. The value is not to be above the price specified on the purchase receipt. The inmate must specify the amount of money the parcel is to be insured for. Inmates cannot receive Certified, Registered, Return Receipt Requested or Insured Receipts from any other service or individual other than the KVSP Mailroom, with the exception of "Delivery to Addressee Only", wherein, delivery will be made by the Correctional Sergeant. Inmates may use CDCR Form 193, Trust Account Withdrawal Order, to send money out of the prison or to pay for postage or the expenditures within the prison. The cost of postage for mailing documents to the courts will be charged against an inmate's Trust Account unless the inmate is without funds at the time the material is submitted for mailing and remains without funds for 30 days after the document was mailed.

Outgoing Inmate Certified Mail

To send out a parcel Certified mail, the inmate must have available funds and submit an Inmate Request for Interview GA-22 form.

The Mailroom staff will provide to the inmate with five (5) Certified Mail Receipts, PS Form 3800, and five (5) Domestic Return Receipts, PS Form 3811, per request.

For each parcel being sent Certified, the inmate must fill out both the Certified Mail Receipt and Domestic Return Receipt and return the completed package along with a Trust Account Withdrawal Order, CDCR Form 193 to the Mailroom.

The Mailroom staff will weigh the parcel to determine the amount of postage needed to send it certified, and fill in the amount on the trust withdrawal order form. The form will be returned to the inmate for his signature. The parcel will remain in the Mailroom until the signed trust withdrawal form is returned. The inmate has 15 days to reply, if the Inmate does not reply after 15 days, the parcel will be returned to the inmate.

Upon receipt of the signed Trust Withdrawal Form, the parcel will be stamped certified, and a notation will be made in the Outgoing Inmate Certified Mail Log. All correspondence must have a closing paragraph containing a contact reference and telephone number.

54010.12**Confidential Correspondence**

Inmates may correspond confidentially with the persons or the staff members of the persons listed in DOM 54010.12.1. Confidential correspondence is defined as correspondence not be read by any employee except as prescribed by law. Confidential correspondence is a right guaranteed by law. Using confidential correspondence for personal non-business correspondence, the transmission of contraband items, or the smuggling of letters and other communications to be forwarded to persons not listed in DOM 54010.12.1 is an abuse of this right and such proven abuse shall be subject to disciplinary action. It is the responsibility of the Mailroom Supervisor to ensure a log is kept of all Confidential Mail received daily and logged by the Legal Mail Officer.

54010.12.1**Persons with Whom Inmates May Correspond Confidentially**

Persons and employees of persons with whom inmates may correspond confidentially, and receive Correspondence confidentially from, include:

- All state and federal elected officials.

- All state and federal officials appointed by the governor or the President of the United States.
- All city, county, State, and federal officials having responsibility for the inmate's present, prior, or anticipated custody, parole, or probation supervision.
- County agencies regarding child custody proceedings, as clearly identified in the communication and listed on the envelope.
- All state and federal judges and courts.
- Any attorney at law, on active status or in good standing, listed with a state bar association.
- All officials of a foreign consulate.
- The Secretary, Undersecretary, Chief Deputy Secretaries, Executive Director, Assistant Secretaries, Division Directors, Associate Directors, the Chief, Inmate Appeals, and the Lead Ombudsman's Office of the Department.
- A legitimate legal service organization consisting of an established group of attorneys involved in the representation of offenders in judicial proceedings including, but not limited to:
 - ✓ The American Civil Liberties Union.
 - ✓ The Prison Law Office.
 - ✓ The Young Lawyers Section of the American Bar Association.
 - ✓ The National Association of Criminal Defense Lawyers.
 - ✓ California Appellate Project.

Per DOM Subsection 54010.11, all incoming confidential mail from an attorney or legal service organization shall include the attorney's name, title, and return address of their office. Institution mailroom staff shall contact the CDCR, Office of Legal Affairs, if there is any question regarding the legitimacy of a legal service organization.

54010.12.2**Processing Outgoing Confidential Mail**Outgoing Confidential Correspondence:

Inmates wishing to post confidential mail will do so by presenting the correspondence, unsealed, to designated staff assigned to the facility housing unit.

The housing unit officer receiving the legal/confidential mail will, in the presence of the inmate, remove the contents of the envelope upside down to prevent inadvertent reading of the contents. Staff shall remove the pages and shake the pages of the letter by each end to disclose the presence of contraband.

If no prohibited materials are discovered, the contents will be returned to the envelope and the envelope will be sealed by the inmate.

The Housing Unit Officer shall place their printed first initial, last name, badge number, date and signature on

the sealed area on the back of the envelope. The housing unit officer shall place a strip of transparent tape across their name and the seal. The outgoing legal mail shall be logged in the housing unit logbook and retained by the staff to be placed into the mailbag. The mail shall not be returned to the inmate after it has been sealed and logged. If the inmate wants to retrieve the mail prior to it leaving the housing unit, the staff can do so by generating a CDCR-128B Informative Chrono and having the inmate sign indicating he personally rescinded the mailing of the item.

If prohibited material is found in the mail, the correspondence and the envelope in which it was contained will be confiscated and reported to the employee's immediate supervisor. Disciplinary action may be taken or criminal proceedings may be instituted.

First Watch staff will separate legal mail from regular mail in separate bundles. All mail is placed in the small Legal Mail bag and delivered to Central Control for Facility A and B, Complex Control for Facility C and D, prior to 0500 hours. Level I mail bags will be delivered to the staff entrance by the 1/W O.P. Sergeant.

Mailroom staff will gather all legal mail from the housing units and log the inmate's name, CDCR #, and recipient's address on the Outgoing Legal Mail Ledger.

***Verification of legal mail for indigent inmates is done through Mailroom staff who will verify the inmate is without funds by using the Mailroom's DDPS - Trust Account Computer Ledger. If the inmate is indigent, the legal mail is processed with the correct amount of postage added. If the inmate has funds, the legal mail is returned with a trust account slip to be signed by the inmate to pay for postage.*

Outgoing legal mail will be delivered to the United States Post Office.

54010.12.3

Processing Incoming Confidential Mail

Incoming Confidential Correspondence:

Incoming confidential mail shall be sorted by Mailroom staff and logged in the Confidential/Legal Mail Log Book. The log will be maintained in the Mailroom.

A copy of the Confidential/Legal Mail Log shall be attached to the confidential/legal mail upon delivery.

Mailroom staff will deliver Confidential/Legal Mail to Central/Complex Control in designated legal mail bags secured with a pad lock. The Facility Sergeant or

his/her designee will be assigned to a key for accountability and shall be responsible for the distribution of such mail to the proper inmate(s).

The Facility Sergeant or his/her designee will issue the Confidential/Legal mail within the same day of receipt and ensure the inmate provide his signature on the Confidential/Legal Mail Log. The signature shall be made adjacent to the inmate's printed name. The issuing staff member shall print their name, sign and date the bottom of the CDCR 119 after issuing all confidential mail. The completed CDCR 119 shall be reviewed by the Facility Sergeant. After review of the CDCR 119 the Facility Sergeant shall print their name, sign and date the form. The Sergeant shall ensure the completed CDCR 119 is faxed to the mailroom at extension 6371 and the original is returned to the mail room in the legal mail bag. A copy of the form shall be retained on the Facility for future reference for a period of 1 year.

If the inmate has moved to different housing the Facility Sergeant or designee will indicate "INMATE NOT HERE" adjacent to the inmate's printed name and on the confidential/legal mail.

Upon completion, the Confidential/Legal Mail Log and any undelivered confidential/legal mail will be forwarded back to the Mailroom. Mailroom staff will ensure the confidential/legal mail is rerouted to the inmate's new housing the following business day. Such re-routing will be documented by Mailroom staff.

The Facility Sergeant or his/her designee will also be responsible in maintaining their own permanent logbook for such records.

The staff member issuing the legal/confidential mail has the inmate open the letter/package in their presence. The staff member will take possession of the contents of the letter/package, in the presence of the inmate, separate and shake the pages of the letter by each end to disclose the presence of contraband. The staff can quickly scan, without reading the letter, in part or in its entirety, the letter to ensure it is of a legal letter and not an attempt to circumvent mail procedures. If no prohibited material is discovered, the contents will be returned to the envelope and given to the inmate.

If prohibited material is found in the mail, it (and the envelope in which it was contained) will be confiscated and reported by generating a CDCR 128-B Chrono to the employee's immediate supervisor. Disciplinary action may be taken or criminal proceedings may be instituted.

If funds (money orders) are enclosed, staff making the discovery shall complete a property receipt for the funds

and provide a copy of the receipt to the inmate. This event shall be logged into the Housing Unit Log book. The name of the inmate, the amount of the money order, the sender's name and the money order number shall be logged in the Housing Unit Log book. **The funds (and the envelope) will be returned to the Mailroom via the Legal Mailbag (secured).** Funds will be processed the same as stated in Section 54010.18

54010.12.4 Confidential Enclosures

Newspapers, published articles, books, etc., enclosed in confidential correspondence shall be treated as confidential and shall be handled in the following manner.

When the staff delivering attorney/client confidential mail observes newspapers, books, or any other enclosure in such mail, the inmate shall be informed of available options concerning disposition of the items.

54010.12.5 Examination of Enclosures in Confidential Correspondence

The inmate may consent to an immediate examination of the enclosure by staff who issues the mail. Such examination shall be limited to the extent necessary to determine if the enclosure may be safely admitted into the facility under the standards of PC 2601. The conclusion of the examiner shall be written on the enclosure, and be dated and signed by the examiner. If the enclosure can be safely admitted into the facility, it shall be given to the inmate. If, in the examiner's opinion, the enclosure does not meet the standards of PC 2601 and cannot be safely admitted into the facility, it shall be referred to facility staff at not less than the captain level for final determination.

54010.12.6 Inmate Declines Consent for Examination of Confidential Enclosures

When an inmate refuses delivery of Legal/Confidential Mail, the mail shall be returned to the Mailroom Supervisor, accompanied by two copies of a CDCR 128-B Chrono.

Upon the second refusal of Legal/Confidential Mail, the mail shall be returned to the Mailroom Supervisor accompanied by two copies of a CDCR 128-B Chrono.

The Chrono shall indicate the two attempted delivery dates, the reason(s) for refusal, (if known), and the name of the personnel attempting the delivery.

The Mailroom Supervisor will retain one copy of the Chrono for mailroom files and forward a copy to the

correspondent or sender of the letter along with the Legal/Confidential Mail.

54010.13 Staff Confidentiality Requirements

Staff is required to maintain their professionalism, and confidentiality of the inmate when issuing confidential materials.

54010.14 Correspondence that is Offensive / Threatening / Contains Security Concerns

Flagged mail is any correspondence posing a danger to a person(s), the public, or is a serious threat to the security of the institution. Any correspondence found with questionable contents by the Mailroom Staff or Custody Staff shall be delivered to the immediate supervisor. If the supervisor feels there is reasonable cause to halt the letter, he/she will place it in a CDC 805 (U SAVE 'EM) envelope or manila envelope and forward it to the ISU to be reviewed. **Under no circumstances will the employee write on the original envelope or write on top the envelope with a yellow sticky note.**

As stated in CCR, 3136, such mail shall be referred to a staff member not below the level of Facility Captain for determination and appropriate action.

54010.18 Funds Enclosed Enclosed Funds:

(Refer to KVSP Operational Procedure #609, Receiving and Transferring of Inmate Funds).

Funds can be sent using JPAY with credit/debit card payments online at www.jpays.com.

Another way to send funds is by using Western Union, which can be done by utilizing the walk-in cash payment, phone payments and/or online www.westernunion.com/corrections.

Effective June 1, 2015, KVSP will no longer accept personal checks/money orders/cashier's checks for placement on an inmate's trust account. The only checks that will be accepted are restitution payments or family visits. The inmate monies (personal checks, money orders, cashier's checks) from families and friends will be mailed to a secured centralized depository (lock-box). The address is JPay 2202 South Figueroa St. Box #3001 Los Angeles, CA 90007 The collections will be processed within 10 to 15 days and the inmates will no longer have a 30 day hold making the funds available once received by the department. Personal checks will be held for 10 days before being deposited into the inmate's account.

Cash will not be accepted. All cash shall be recorded in the mail room cash log, forwarded to the Accounting Office for processing and funds returned to the sender.

All checks and daily mailroom logs will be taken to the accounting office for processing and return to the sending party.

All correspondence received containing personal checks, money orders and/or cashier's checks shall be logged on the mailroom funds received log and a receipt of check/money order mail notification will be placed in the envelope and forwarded to the inmate. This list shall show each recipient number, type of payment and the amount. The report showing totals collected, shall be prepared in duplicate and distributed as follows:

1. Original to Mailroom.
2. Duplicate to Cashier with collections.
3. All receipts are to be taken to the Cashier's Office on a daily basis at 1100 hours, after the funds are recorded and totaled.
4. In the event a United States Government Check is received for an inmate who is no longer at the prison, adhere to the following:
 - If the inmate is deceased or discharged, the letter containing the check will be returned to the sending agency with the necessary information shown.
 - If an inmate has been transferred to another Institution, the check shall be forwarded, to their current location including a note requesting the inmate to notify the Federal Agency of the change of address.
5. Correspondence, including any containing money orders for inmates who have been paroled, shall be forwarded to their Parole Region.
6. No foreign currency shall be accepted. All foreign currency must be converted to a money order or cashier's check prior to arrival at the institution. If foreign currency is sent, staff shall re-seal the envelope and attach an explanation. The envelope, and its entire contents, shall be forwarded to Accounting (Inmate Trust), and subsequently returned to sender.

54010.22

Correspondence between Inmates / Parolees / Probationers Procedures:

Request to correspond with other inmates/parolees shall be initiated through the Correctional Counselor I (CCI) (for inmates) and Parole Agent I (PAI) (for parolees). The Counselor/Parole Agent will interview the inmate/parolee and/or review his/her file to obtain the information required to complete the Request for Correspondence Approval, CDCR 1074 form. The Counselor/Parole Agent will recommend approval or denial of the request, sign the form and forward it to the person designated to approve correspondence between inmates. Such mail shall be referred to a staff member not below the level of Captain. Upon approval of the CDCR 1074 form, CCI will forward the original copy to the inmate, forward a copy to the Mailroom, and retain a copy in the Central File.

Criteria:

The following criteria will be referred to when considering inmate to inmate/parolee correspondence requests, including inter-facility, CDCR, inmates and/or out of state inmates. The correspondent must be:

- A family member related through blood, marriage or adoption.
- A co-litigant regarding case factors or litigation.
- Incarcerated natural parent of the inmate's child/children.
- Proof of such a condition, i.e., certified copy of the child's birth certificate.
- A random scan of the correspondence may be utilized to verify the child/children are the subject matter of the correspondence.
- Approval of the Wardens of both facilities/institutions is required.

Unauthorized Correspondence:

Mailroom staff will maintain an alpha file system of all approved correspondents. If an institution/parole office receives mail from an unapproved inmate/parolee correspondent, staff shall mark the envelope with "Not an Approved Correspondent" or equivalent language and return it to the sender.

54010.30

Temporary Absence

Mail will be held in the KVSP Mailroom for an inmate who is temporarily away from the prison when the inmate's return is anticipated within one week. Mail received for an inmate who has been transferred from the facility where the mail is received shall be immediately forwarded to the facility or agency with custody of the inmate.

Inmates Out-to-Court:

Inmates going Out-To-Court (OTC) can request in writing for their mail to be held in the Mailroom until their return. This is not to exceed 60 days. The inmate can also request the mail to be forwarded to another prison

or county jail provided a memorandum approved by the inmate's counselor.

Inmates at CTC:

All regular and legal mail addressed to inmates in CTC will be processed accordingly.

Inmates at Outside Hospitals:

All regular and legal mail addressed to inmates at outside hospitals will be processed accordingly.

Regular Mail:

Inmates at outside hospitals may request their regular mail by submitting a request to the Medical Department provided they have been gone for 30 days. The request must be approved by the Chief Medical Executive (CME) with a memorandum provided to the Mailroom Supervisor for such notice and approval. Otherwise, the mail will be held in the Mailroom. Such mail will be rerouted at the inmate's request upon his return to the institution.

Legal Mail:

If the inmate receives Confidential/Legal mail, the Mailroom Supervisor will contact the Healthcare Captain. The Healthcare Captain will assign a designee to retrieve the Confidential/Legal mail in the Mailroom. The Healthcare Captain's designee will be responsible to route and distribute the confidential/legal mail. Upon delivery, the designee will instruct the inmate to sign the Outside Hospital Legal/Confidential Log (**Attachment H**).

If the inmate refuses the Confidential/Legal mail, the issuing officer shall follow the procedure in section 54010.12.6 of this supplement.

Attachments:

- Attachment A – Unauthorized Items List
- Attachment B – What Makes a Suspicious Package?
- Attachment C – What Makes a Suspicious Letter?
- Attachment D – CDCR 1819, Notification of Disapproval – Mail / Packages / Publications
- Attachment E – CDCR 193, Trust Withdrawal Form
- Attachment F - Disapproved Publication Tracking Chart
- Attachment G - Letter of Notice of Returned Mail
- Attachment H - Outside Hospital Confidential/Legal Mail Log

Original Signed By

Approved:

MARTIN BITER
Warden
Kern Valley State Prison

Date:

April 1, 2015
