

<b>ALAMEDA COUNTY SHERIFF'S OFFICE</b>  <b>DETENTION AND CORRECTIONS</b>  <b>POLICY AND PROCEDURE</b>	<b>NUMBER:</b> 17.01	<b>PAGES:</b> 1 of 11
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<b>CHAPTER:</b> Inmate Communication, Mail and Visiting	<b>SUBJECT:</b> Inmate Correspondence and Mail Regulations	

- I. **PURPOSE:** To set standards for timely delivery and processing of inmate mail in accordance with Minimum Standards for Local Detention Facilities, Section 1063. To also establish restrictions to guard against avenues that can be utilized by inmates to communicate and coordinate escape plans, assaults, and other violent acts, or to promote gang affiliation (Turner v. Safely [1987] 1075 S CT 2254).
- II. **POLICY:** All legitimate mail sent to and from inmates in Alameda County Jail facilities shall be delivered to addressees without undue delay. Mail will be delivered in accordance with security regulations of the jail.
- III. **DEFINITIONS:**
  - A. **PRIVILEGED CORRESPONDENCE:** Mail between an inmate and attorney(s), legal aid services, other agencies providing legal services to inmates, or para-professionals having a bonafide association with such agencies, attorneys, judges, and clerks of federal, state and local courts, or public officials and their authorized representatives acting in their official capacities, and the Facility Commanding Officer or higher ranking officer
  - B. **CONTRABAND:** Any item or article in the possession of an inmate, or found within the facility, that has not been issued, purchased in the Commissary, or approved by the Facility Commanding Officer
  - C. **JAIL MAIL:** Correspondence between inmates in the same facility that does not require postage, prohibited in Alameda County Jail facilities unless authorized by the Facility Commanding Officer
  - D. **FOREIGN NATIONAL:** Any person residing in the United States who is not a citizen

- E. **DIPLOMATIC REPRESENTATIVE:** An official representative of a government who conducts relations with another individual, official or government
- F. **LEGAL MAIL:** Correspondence between an inmate and his/her attorney, the court, or other legal agency

**IV. GENERAL PROVISIONS:**

- A. Policy and Procedure governing inmate correspondence shall be made available to inmates and staff, and shall be reviewed annually and updated as necessary
- B. 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, language, content, or mail source, except when there is reasonable belief that limitation is necessary to protect public safety or facility order and security
- C. Inmates in Special Management Units can write and receive letters on the same basis as inmates in general population
- D. The quantity of documents and reading materials permitted in any one cell is regulated in accordance with all applicable Fire and Safety Regulations
- E. Upon request, indigent inmates shall receive postage and stationary sufficient to send at least two (2) letters per week. Envelopes, stamps, and writing materials intended for inmate usage will not be accepted through the mail
- F. Inmates may only receive publications directly from the publishing company or on-line bookstore
- G. Newspapers must be received through the United States Postal Service
- H. Sexually explicit material will include magazines such as Playboy, Penthouse, Hustler, or any other pornographic material which depicts partial or full body nudity
- I. Inmate mail, both incoming and outgoing, may be opened and inspected for contraband. Mail is read, and/or rejected, when based on legitimate facility interests of order and security. The inmate will be notified when incoming and outgoing letters are withheld in part or in full. Mail shall not be censored
- J. Privileged Correspondence may be opened only to inspect for contraband, and only in the presence of the inmate, unless waived in writing
- K. Money shall be sent to inmates only in the form of Money Orders. A receipt will be given to the inmate for any Money Order that is accepted

- L. Incoming and outgoing mail will not be held for more than twenty four (24) hours, packages for no more than forty eight (48) hours, excluding weekends and holidays, except for cause
- M. Foreign Nationals shall have access to the diplomatic representative of their country of origin
- N. Inmates shall have the right to communicate or correspond with persons or organizations, subject only to limitations necessary to maintain order and security of the facility
- O. Inmates are generally prohibited from corresponding with other inmates housed in the same facility, or any other facility operated by the Alameda County Sheriff's Office. This includes correspondence delivered via the United States Postal Service, special delivery service, or "Jail Mail" delivered without postage
- P. The Facility Commanding Officer or his/her designee may exclude any publications or writings based on any legitimate penological interest
- Q. Inmates are also generally prohibited from corresponding with any inmate housed at any local, state, or federal correctional institution operated outside of Alameda County Jail facilities
- R. Under limited circumstances, a legitimate reason may exist where it is in the best interest of jail operation and the inmate to allow him/her to correspond with another inmate. Correspondence of this nature must be approved by the Facility Commanding Officer as follows:
  - 1. Inmates are allowed to submit a request form asking to correspond with another inmate. The inmate's request must include a legitimate reason for corresponding. The written request shall be submitted to the Facility Commanding Officer via Classification
  - 2. Classification will determine if any circumstance exists that indicates that the inmate's correspondence would be a security threat to the jail facility or the public. The inmate's correspondence request form and the Classification Unit's recommendation are to be forwarded to the Facility Commanding Officer for consideration and disposition in a timely manner
  - 3. The Facility Commanding Officer is responsible for either approving or disapproving all requests for inmate-to-inmate correspondence. The following criteria should be considered legitimate reasons to allow correspondence between inmates:
    - a. No facility or public factors
    - b. Immediate family members who are in custody

- c. Correspondence concerns legal matters
  - d. Family emergencies and exigent circumstances
  - e. Other legitimate reason at the Commanding Officer's discretion
4. Correspondence between inmates housed at different facilities requires the approval of the Facility Commanding Officer at both facilities. This includes facilities outside Alameda County Jail facilities. The Commanding Officer of the facility where the inmate is initiating the correspondence request is responsible for obtaining the permission of the other Facility Commanding Officer
5. Written Inmate Rules and Regulations shall contain instructions for inmates on how to request inmate-to-inmate correspondence
6. Inmate-to-inmate correspondence approved by the Facility Commanding Officer shall be reviewed and processed through the Classification Unit. The Classification Unit will inform the Mailroom of any approved inmate-to-inmate correspondence

## **V. PROCEDURE:**

### **A. GENERAL:**

1. Mail received for inmates at Alameda County Jail facilities must have the following information on the face of the envelope:
  - a. The inmate's last name
  - b. The inmate's first name or initial
  - c. The inmate's Personal File Number (PFN)
2. Mail is to be sent and received through regular channels only. No Deputy Sheriff or other employee is to accept incoming mail for any inmate or outgoing mail for any inmate or other person, except through regular channels
3. There is no limit on the number of letters an inmate may send, when he/she bears the mailing cost, or receive. The number of correspondents for an inmate is unlimited, except when there is reasonable belief that limitation is necessary to protect public safety or facility order and security. Limits may be placed on use of mail for conducting an inmate business
4. There will be no limit on the number of pages in each letter
5. Inmates may correspond with any person and in any language
6. Foreign Nationals in custody may write the diplomatic representative of their country of origin, utilizing the United States Postal Service

- a. In the case of indigent Foreign Nationals, where regularly provided postage is insufficient to cover postage to a foreign country, Inmate Services will provide sufficient additional postage to cover the postal costs
  - b. Foreign Nationals needing assistance in contacting their diplomatic representative, particularly in accessing appropriate addresses or telephone numbers, shall receive assistance from Inmate Services
7. Mail and packages received will be delivered within forty eight (48) hours, excluding weekends and holidays
  8. Upon request, indigent inmates shall receive postage and stationery sufficient to send at least two (2) letters per week. Envelopes, stamps, and writing materials intended for inmate usage will not be accepted through the mail
    - a. Indigent inmates will receive correspondence materials in their free-line bag upon arrival and in maintenance kits thereafter. Free-line bags containing writing materials and postage are provided to inmates weekly, through Commissary, at no cost
    - b. Mailroom employees will place the proper amount of postage on all Legal Mail, pre-approved by Inmate Services, with no limit on the number of envelopes being mailed
  9. Mail addressed to an inmate who has been transferred or released shall be returned to sender within forty eight (48) hours
  10. Inmates must meet rules and regulations for mailing letters. Deliberate violations may result in disciplinary action or referral for prosecution to appropriate authorities
  11. Incoming and outgoing mail may be opened and inspected for contraband, but may not be censored

**B. INCOMING MAIL:**

1. Mail Inspection: General correspondence shall be opened by the Mailroom staff and examined for contraband. Contraband shall be removed and dealt with as follows:
  - a. When contraband is found, which is not otherwise illegal, the entire contents shall be returned to the sender in the original envelope or package and stamped "Unacceptable Contents." Prior to re-sealing the envelope or package, a Return to Sender Notice will be completed advising the sender why the item is being returned. A copy of the notice will be sent to the inmate and a copy will be filed
  - b. When illegal contraband, such as drugs, is found, a Classification Deputy Sheriff

will be called to the Mailroom. The deputy will take charge of the contraband and letter and initiate the appropriate reports

2. Padded Envelope:
  - a. If the inmate is in custody, the envelope will be opened and the contents will be transferred to a plain envelope
  - b. The inmate's name, PFN, and housing location and the name and address of the sender will be written on the front of the envelope
3. Processing money received through incoming mail:
  - a. Money Orders are the only form of money accepted through the mail. Personal checks will be returned to sender. Any check sent to an inmate for endorsement must be sent to Inmate Services for approval
  - b. The Money Order must be made out to the Alameda County Sheriff's Office, the words Alameda County Sheriff's Office may be abbreviated, and have the inmate's name and PFN on the face of the Money Order
  - c. Money Orders that have only first initials instead of a first name will be accepted if there is a legible PFN on the Money Order
    - 1) A Mailroom Clerk will verify the inmate's name and PFN and post to his/her account via the automated system
    - 2) The automated system will print a 3-part cash voucher. The original will be delivered to the inmate with his/her mail, and the voucher shall be forwarded with the Money Order to the Accounting Office for processing. No checks are to be cashed at an Alameda County Jail facility
4. Packages and reading material: Mail exceeding 8-1/2" x 14" is prohibited, and will be returned to the sender. Books and magazines, limit of six (6), will be accepted if mailed directly from the publisher or on-line bookstore. The on-line bookstore must have a legitimate website that is verifiable and allows consumers to order directly. Any website that re-directs to another website is not acceptable. Packages must be professionally labeled and recognized as an on-line bookstore. Hardbound books are not acceptable
  - a. A Mailroom Clerk will complete an Inmate Book and Magazine Receipt with the following information:
    - 1) Inmates name and PFN
    - 2) Name of the publisher/city/shipped by
    - 3) Total number of books/magazines
    - 4) Book/magazine titles

- 5) Inmate's signature (Inmate must sign at time of delivery.)
  - 6) Issued by Corpus ID of employee handing out mail
  - 7) Book and magazine receipts signed by the inmate must be returned to the Mailroom
- b. A daily newspaper log will be maintained by mailroom staff. This log will include the inmate's name, PFN, and the number of newspapers received
5. Prohibited mail:
- a. The mailroom staff shall retain any mail which:
    - 1) Contains instructions for manufacturing explosives, weapons, drugs, or other unlawful substances
    - 2) Advocates, encourages, depicts, or condones violence, use of weapons, gang related activities, or other conduct that jeopardizes jail security
    - 3) Advocates racial, religious, or national hatred or which otherwise contains matter of a character tending to incite murder, arson, riot or any other form of violence
    - 4) Is obscene material as defined in California Penal Code 311, Obscene Matter
    - 5) Inmate to inmate correspondence is prohibited unless approved by the Facility Commanding Officer. This includes incoming mail from other correctional facilities
  - b. Questionable materials will be referred to the Classification Sergeant and a decision will be rendered through the appropriate Chain of Command
  - c. Polaroid photographs and photographs that are altered or blacked out in any manner will be returned to sender
  - d. Sexually explicit material will include magazines such as Playboy, Penthouse, Hustler, or any other pornographic material which depicts partial or full body nudity
  - e. Obscene material is contraband. When found in the possession of an inmate, it shall be retained and disposed of pursuant to Policy and Procedure 8.19, "Facility Searches," and 8.20, "Contraband Control." This includes, but is not limited to, publications which depict, display, or describe:
    - 1) Penetration of the vagina or anus, or contact between the mouth and genitals, and such is the pervasive theme
    - 2) Bestiality, sadomasochism, or an excretory function including urination,

- defecation, or semen
  - 3) Nudity of a minor, or acts which include a minor or person who appears to be a minor
  - f. Sexually explicit material, that is not otherwise deemed to be contraband, is subject to confiscation if exhibited in a manner that risks conflict or hostility. Sexually explicit photographs of a personal acquaintance of the recipient inmate shall not be shown to other inmates
  - g. Materials retained pursuant to this policy shall be stored for the inmate. Materials will be discarded only if requested by the inmate. A request to discard materials will be documented and signed by the inmate. Said document will be retained in the inmate's Jail Jacket
  - h. Sexually explicit drawings on the outside of mailing envelopes will not be accepted by United States Postal Service authorities and will be returned to the sender
6. Privileged correspondence:
- a. Letters received from attorneys or government officials, federal, state, or local, must be opened and inspected in the presence of the inmate. Mail from judges shall not be opened or inspected. If the letter does not identify the sender, it will be opened and inspected
    - 1) Mailroom staff will stamp all legal mail as mandated (See Attachment A)
    - 2) The Housing Unit Deputy will show the inmate that the legal mail is sealed. Once verified, the inmate will sign the envelope in the space provided
    - 3) The Housing Unit Deputy will write his/her name, badge number and date in the space provided
    - 4) The Housing Unit Deputy will open and inspect legal mail in the inmate's presence. If no contraband is found, the contents of the envelope will be surrendered to the inmate and the envelope will be returned to the Mailroom, via the outgoing mail, where it will be kept on file for six (6) months
    - 5) The inmate may request a copy of his/her legal mail envelopes from the Mailroom staff via an Inmate Message Request Form
    - 6) If any contraband is found, the Housing Unit Deputy will confiscate the entire contents of the envelope/package and deliver it to the Classification

Sergeant with a memorandum outlining the reason for confiscation

- b. Incoming privileged correspondence is considered “priority” and will be processed the same day
  - c. Incoming certified or registered mail shall be processed as all other mail
  - d. Any special delivery, such as Federal Express, United Parcel Service, overnight express mail, etc., will be accepted if the inmate has been verified to be in custody and a return address is included
7. All “Not in Custody” mail will be re-checked and stamped “NIC.” When a records check shows that an inmate has been transferred to another Alameda County Jails facility, his/her mail will be sent via the County Messenger Service to that facility for delivery to the inmate
  8. Mail is to be delivered to the addressee only. Inmates must identify themselves by their wristbands before any mail may be delivered to them
  9. Mail that is not deliverable to the addressee and has no return address on the envelope will be returned to the United States Postal Service for transmittal to the Dead Letter Office
  10. Mail delivery:
    - a. After inspection, a Mailroom Clerk will load the bag(s) for each housing unit with the day’s mail. The mailbags will be locked prior to delivery to the housing units
    - b. The Housing Unit Sheriff’s Technician will deliver the mailbag containing all “outgoing” inmate mail to the 121(a) closet located outside of each housing unit by 1330 hours. When mailbags are not in the 121(a) closet for pickup by mailroom staff, the housing unit staff shall deliver the mailbag to the Mailroom the following day by 1200 hours. The 121(a) closet is intended for mailbag pick-up and delivery only. Each mailbag should contain all outgoing United States Postal Service Mail. NOTE: Mailbags are to be used for inmate mail only, housing unit staff will not include miscellaneous documents intended for other units in the facility
    - c. Outgoing Legal Mail needing postage must be placed in the Inmate Services mailbox in the Alcove, for verification of the inmate’s pro-per status. Inmate Services staff will forward legal mail, not to exceed five (5) pounds, to the

Mailroom for processing. Packages over five (5) pounds. will be handled by Inmate Services staff. Mailroom staff will maintain a log of all “outgoing” Legal Mail for Pro-Per Inmates. This log will include inmate names and amount of postage used

- d. The Mailroom staff will be responsible for pick-up and delivery of mailbags to/from the 121(a) closet by 1400 hours Monday through Friday.
- e. The Housing Unit Sheriff’s Technician will retrieve and open the mailbag with the key located in housing control. The key shall not be removed from housing control
- f. The Housing Unit Deputy Sheriff shall distribute all mail to inmates

C. OUTGOING INMATE MAIL:

1. Outgoing mail may be sealed by an inmate prior to collection by jail staff, except books. Books to be mailed out for inmates must be sent to the Mailroom, unsealed for inspection before mailing
  - a. Sexually explicit drawings on the exterior of mailing envelopes will not be accepted by United States Postal Service authorities and will be returned to the sender
  - b. All other outgoing mail will be opened and read by staff, if it is deemed necessary to preserve jail security
  - c. Outgoing United States Postal Service mail must have a name, PFN and return address. If mail is returned to the Santa Rita Jail and it does not have a return name/address, it will be destroyed
2. Outgoing letters to public officials, judges, attorneys, elected officials, the Attorney General, Sheriff, jail officials, or a probation officer, will be sealed under the following conditions:
  - a. The inmate sending the letter must notify a Housing Unit Deputy of their intention to send a letter to a public official prior to sealing the letter. The deputy shall make a cursory visual inspection, without reading any of the contents. The deputy must be able to verify the inmate’s name and PFN
  - b. The Housing Unit Deputy will see that it matches the inmate’s name and PFN shown on the return address portion and that the word “Confidential” appears on

the face of the envelope/packet. Once this is completed, the item is to be sealed in the presence of the deputy

- c. The deputy will initial and write his/her badge number on the envelope/packet by the word "Confidential" and then place the letter/packet in the mail bag containing the outgoing mail for delivery
  - d. If "Confidential" mail is sent to the Mailroom without a deputy's initials and badge number, it will be returned to the housing unit
3. If outgoing mail is opened under the provisions of Subsection "1" above, it will be re-sealed and mailed. Such mail is not to be stamped or marked to indicate that it was inspected. If outgoing mail is opened and is not forwarded to the addressee, the inmate sending the mail will be informed as soon as practical
  4. All inmates may write to the Sheriff or jail officials. This mail will not require postage