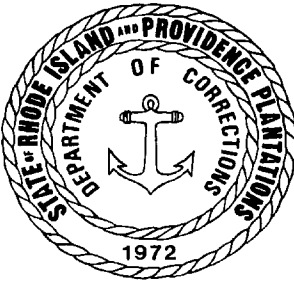
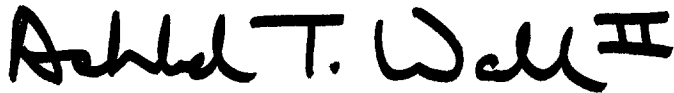


RHODE ISLAND DEPARTMENT OF CORRECTIONS

POLICY AND PROCEDURE

	POLICY NUMBER: 24.01-3 DOC	EFFECTIVE DATE: 06/17/02	PAGE 1 OF 17
	REPEALS: 24.01-2 DOC 8.17.01	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 3-4429 (inmate corresp.); 3-4430 (when inmate bears costs, limits related to security); 3-4431 (indigent inmates' postage allowance); 3-4432 (inmate access to publications); 3-4433 (inspection for contraband); 3-4434 (sealed letters to specified classes); 3-4435 (inspection to intercept cash, etc.); 3-4436 (contraband - inspection, disposition); 3-4437 (incoming and outgoing letters and packages - limit on # of hours held); 3-4438 (forwarding mail following an inmate's release); RIDOC policy #'s 2.09 DOC, Accountability of Inmate Money/Checks; 2.25 DOC, Indigent Inmates; 9.14-2 DOC, Proc. for Detecting and Controlling Contraband on or in the Poss. of an Inmate; 13.10 DOC, Inmate Grievance Procedure; 20.07 DOC, Notifying Offenders of Their Duty to Register with Law Enforcement Agencies and Procedures for Community Notification; 24.03-2 DOC, Visits (common-law relationship defined); <u>Amatel v. Reno</u> , 156 F.3d 192 (D.C. Cir. 1998); <u>Mauro v. Arpaio</u> , 188 F.3d 1054 (9th Cir. 1999); RIGL § 11-37.1-1 et seq., Sexual Offender Registration and Community Notification			
INMATE ACCESS THROUGH LAW LIBRARY?		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 Institutions (ACI).

Public Notice: 07/01/2001

Public Hearing: 07/26/2001

II. POLICY:

It is the policy of the Rhode Island Department of Corrections (RIDOC) that an expeditious mail procedure be incorporated to assist inmates in social, legal, business, and other correspondence deemed appropriate. The following procedures shall govern the management, collection, and/or distribution of inmate mail at all ACI facilities.

III. PROCEDURES:

A. General Information

1. Miscellaneous

- a. Inmates will be permitted uninterrupted correspondence so long as the correspondence poses no threat to the safety and security of the institution, public officials, or the general public and is not being used to further illegal activities.
- b. 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.
- c. All facility mailrooms are **"OUT OF BOUNDS"** to all inmates and unauthorized staff.
- d. Mail returned to RIDOC via the U.S. Postal Service (i.e., "Return to Sender") will be handled in the following manner:
 - (1) Correspondence originally sent from an inmate as privileged correspondence [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 Correspondence.
 - (2) Correspondence originally sent from an inmate as non-privileged correspondence [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 Correspondence.

2. Incoming Correspondence – 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 sections III.B.1.a., III.B.2.a., III.C.1.a. and III.C.2.
- c. All First Class letters and packages are forwarded to inmates who have been transferred to other facilities or institutions or released provided that a forwarding address is available.
 - (1) If a forwarding address is not available, First Class letters and packages are returned to sender.
 - (2) First Class letters and packages 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.
 - (1) If the sender is unknown, the postage due correspondence 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 purchased through the U.S. mail system 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 letters, packages, etc. are only accepted when arriving through the U.S. Postal Service. Packages arriving from 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 item(s) removed;
 - (e) Signature of the officer; and
 - (f) A copy of the 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.
 - (a) If there is no return address, contraband that is not otherwise illegal is destroyed.
 - (3) When illegal contraband is seized, procedures outlined in RIDOC policy 9.14-2 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) A receipt of the transaction is given to the addressee, and a copy is placed in the inmate's file.
- (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 DOC, Inmate Grievance Procedure or a successive policy.

j. Documentation/Notification Requirements for Disapproval of Incoming Correspondence

- (1) When any correspondence, or portion thereof, addressed to an inmate is received at the institution but is not deliverable to the inmate for any reason set forth in section III.C.2.c.(1)(c), the inmate and the sender, when identifiable, are promptly notified, in writing, of the following:
 - (a) The reason(s) for refusing to deliver the correspondence or a portion thereof to an inmate;
 - (b) The fact that the sender and/or the inmate may submit a written appeal to the Director or designee through the formalized inmate grievance procedure, consistent with policy 13.10 DOC, or a successive policy.
- (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., U.S. Postal Service, 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.

- (2) 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.
- (3) If the package remains yet unclaimed [after a total of one (1) year], the package is opened by the central mailroom officer in the presence of his/her supervisor or designee. Items with no value are discarded. Property with value is forwarded to the General Treasurer with the name of the owner and the date on which the property was first logged.
- (4) Incoming mail for a released inmate for which a valid forwarding address is not available and for which there is no return address is returned to the RIDOC central mailroom where it is held for fourteen (14) days, after which time it is returned to the Garden City Post Office for disposition.

1. 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 receipt (i.e., green card).
 - (b) Once the inmate signs the receipt, the mail officer sends the receipt back to the sender via U.S. mail, and makes the appropriate notations in the logbook.

3. Outgoing Correspondence – General Information

- a. Outgoing mail receptacles are available to inmates in each facility.
- b. Outgoing mail shall be transmitted to the Post Office within a 24-hour period, excluding weekends, holidays, and emergency situations.

- c. The sender must list his/her name and box number in the top left-hand corner of the envelope.
- d. Proper postage must be affixed.
- e. Mail addressed to Departmental personnel may be sent through the intra-Departmental mail system (requiring no postage) or via the U.S. mail system (requiring proper postage paid by the inmate).
- f. Inter- and intra-Departmental mail between inmates is not authorized except in cases where the correspondence is between immediate family members to be defined as parent, grandparent, spouse (including common-law), brother or sister, son or daughter, 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: In order to prove the existence and validity of a common-law marriage, the Rhode Island Department of Corrections (Warden or designee) considers the definition of a "domestic partner", consistent with RIGL § 36-12-1, as follows:

- Partners are at least eighteen (18) years of age and are mentally competent to contract.
- Partners are not married to anyone.
- Partners are not related by blood to a degree which would prohibit marriage in the State of Rhode Island.
- Partners reside together and have resided together for at least one (1) year.
- Partners are financially interdependent as evidenced by at least two (2) of the following:
 - Domestic partner agreement relationship contract by a lawyer.

- Joint mortgage or joint ownership of primary residence.
 - Two (2) of the following:
 - Joint ownership of motor vehicles
 - Joint checking account
 - Joint credit account
 - Joint lease; and/or
 - The domestic partner has been designated as a beneficiary for the inmate's will, retirement contract or life insurance.
- g. 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."
- (1) 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.
- h. Outgoing mail may be opened, inspected for contraband, and read by authorized institutional staff within the guidelines set forth in sections III.B.1.a., III.B.3.a., III.C.1.a., and III.C.3.
- i. All postage costs for outgoing mail will be paid by the inmate (with the exception of indigent inmates).
- j. Indigent Inmates

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 DOC, or its successive policy, defines an indigent inmate as one who is involuntarily unemployed, has less than \$10.00 in his/her account, and has had no

deposits of \$10.00 or more since commitment or in the previous two (2) months.

- (2) Procedures for indigent inmate outgoing correspondence at the Intake Services Center (ISC) are as follows:
 - (a) Inmate places mail unstamped in the central mail depository.
 - (b) Both the Intake Service Center 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 that 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 correspondence 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 letter and gives said form to area supervisor or places in receptacle designated for this purpose.
- k. Stamp books are available for inmate purchase at the inmate commissary.
- (1) Stamps are not accepted through visits or mail.

- (2) Inmates are allowed to have no more than two (2) books of twenty (20) stamps in their possession.
- (3) All stamps must be attached in booklets. No loose stamps are allowed.

1. 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 Section III.C.2.c.(1)(c), the inmate shall be 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 formalized inmate grievance procedure.
- (2) Where criminal activity is suspected, in addition to the procedures set forth in this policy, the matter shall be referred to the appropriate law enforcement agency (e.g., U.S. Postal Service, FBI, Attorney General) by the Director or designee [the Office of Inspections or the Special Investigations Unit (SIU)].

B. Privileged Correspondence

1. General Guidelines

- a. Privileged mail, whether it is incoming or outgoing, cannot be read by RIDOC staff.
- b. Inmates shall be permitted to mail to and receive letters from the following persons:
 - (1) Any official of a court of the United States or the State of Rhode Island (judge, attorney, clerk, probation or 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 Superintendent of State Police;
 - (10) The Director of the Rhode Island Department of Corrections;
 - (11) Any member of the Parole Board;
 - (12) RIDOC Inmate Grievance Coordinator;
 - (13) Any public official or agency, where the mail appears on its face to relate to legal matters;
 - (14) The American Civil Liberties Union (ACLU), its affiliates and sections, i.e., The National Prison Project;
 - (15) Public Defender;
 - (16) Attorney;
 - (17) 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 correspondence that, according to the above-listed criteria, is considered prohibited should submit such communications or materials to the Warden of the institution in which the inmate is confined.

2. Incoming Privileged Correspondence

- a. Incoming privileged mail may be opened and inspected only in the presence of the inmate addressee if there is a reasonable belief that said mail contains contraband. Privileged incoming mail cannot be read by RIDOC staff.

- (1) Incoming privileged mail will be treated as privileged only if the name and official status of the sender appear clearly on the envelope.

3. Outgoing Privileged Correspondence

- a. Outgoing privileged mail may only be inspected for contraband in the presence of the inmate if a reasonable belief exists that the security of the institution is at risk.

C. Non-Privileged Correspondence

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 correspondence is necessary to preserve institutional order and security and to protect the public safety.

- (1) Inmates are notified when incoming or outgoing letters are withheld in part or in full.
- d. Inspection of non-privileged correspondence may be undertaken only by authorized staff in accordance with the procedures outlined in this document and in established post orders.
- e. Non-privileged mail may only be read by the following staff:
 - (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 authorized staff member reading inmate mail pursuant to this policy records such action in a logbook maintained by the Mailroom Officer for such purpose.

2. Incoming Non-Privileged Correspondence

- a. In addition to the General Guidelines specified above, the Director may authorize the reading of incoming non-privileged correspondence when in his/her opinion such action is necessary to prevent entry of materials and/or information prohibited under Section III.C.2.c.(1)(c).
- b. Incoming Printed (Non-Privileged) Material
 - (1) Only books, newspapers, and periodicals sent from publishers will be accepted.

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 institution, 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 Correspondence

- (1) Incoming non-privileged correspondence is disapproved only to prevent interference with institutional goals of security, order, discipline, rehabilitation, if it might facilitate, encourage, or instruct in criminal activity, or contributes to a hostile work environment. Disapproval is not based upon an employee's personal views of the merit of such correspondence.
 - (a) Appointed institutional staff review books, newspapers, and periodicals sent from publishers to determine their appropriateness. If a publication is questionable to said institutional staff, said staff forward the publication to the Warden or designee, who in turn, forwards it to the Literary Advisory Board (LAB) Chairperson along with a recommendation and reason(s) for said recommendation.
 - (1) The LAB is composed of representatives from Rehabilitative Services, Administration, and Institutions and Operations, and its Chairperson is appointed by the Director of Corrections.

- (2) The LAB meets whenever a Warden requests a meeting and acts as an advisory board to recommend to the Director or designee what reading material should be excluded from inmate use.
- (b) The Director or designee reviews those publications that the LAB recommends for disapproval. The recommendation of the LAB identifies specifically those sections of the publication it feels are objectionable and states the basis for the objection. The Director or designee may reject any publication that is determined to be detrimental to security, good order, or discipline of the institution, the effect of which might hinder rehabilitation of an inmate, that might facilitate criminal activity, or contribute to a hostile work environment.
- (c) The contents of prohibited publications may fall, as a whole or in significant part, into any one of the following categories, including but not limited to, those publications that:
 - 1. Depict or describe procedures for the construction or use of weapons, ammunition, bombs, or incendiary devices;
 - 2. Depict, describe, or encourage methods of escape from correctional facilities, or contain blueprints, drawings, or similar descriptions of any correctional institution within the State of Rhode Island;
 - 3. Depict or describe procedures for the brewing of alcoholic beverages or the manufacture of drugs, drug paraphernalia and/or poisons;
 - 4. Are written in code;

5. Depict, describe, or encourage activities that may lead to the use of physical violence or group disruption;
6. Encourage, facilitate, or instruct in the commission of criminal activity;
7. Are sexually explicit;

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

8. 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 DOC, 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 publication 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 Mail Room Officers are uncertain of the nature of an inmate's crime or of the appropriateness of a specific publication, they consult the LAB Chairperson, who makes case-by-case determinations, in consultation with

LAB members and/or the Director of RIDOC's Sex Offender Treatment Program.

9. The effect of which is to glorify or promote violence against men/women/children;
 10. The effect of which is to glorify or promote gang activities;
 11. Are not acceptable for regular mailing in the United States because they are "non-mailable material" under Federal law, military regulations, or United States Postal Service regulations.
- (d) The LAB Chairperson distributes a list of prohibited materials to all Wardens.
1. Any time additions and/or deletions of publications occur, s/he updates and redistributes the list.
 2. Facility Wardens or designees ensure the current list of prohibited publications is conspicuously posted for the inmate population.

3. Outgoing non-privileged correspondence

- 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 III.C.2.c.(1)(c). Outgoing non-privileged correspondence may only be opened and read in the presence of the inmate. Where outgoing mail is read pursuant to this section, and prohibited information is found, the mail or relevant portion thereof may be confiscated.