


RHODE ISLAND DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE

	POLICY NUMBER: 24.01-2 DOC	EFFECTIVE DATE: 07/12/99	PAGE 1 OF 12
	REPEALS: 24.01-1 DOC	DIRECTOR:	
SECTION: MAIL, TELEPHONE, VISITING		SUBJECT: INMATE MAIL	
AUTHORITY: Rhode Island General Laws (RIGL) § 42-56-10(v), 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); <u>Morris v. Trivisono</u> , 499 F. Supp. 149 (1980); RIDOC policy #'s 8.17.02-2 (Indigent Inmates); 8.17.01 (Inmate Printed Material); 9.14-1 DOC (Proc. for Detecting and Controlling Contraband on or in the Poss. of an Inmate); 5.17.04-6 (Accountability of Inmate Money/Checks); 13.10 DOC (Inmate Grievance Procedure)			
INMATE ACCESS THROUGH LAW LIBRARY?		X YES	

I. **PURPOSE:**

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

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 such 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 Guidelines:

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.

B. Privileged Mail:

1. Inmates shall be permitted to mail to and receive letters from the following persons in accordance with the procedures set forth in this policy:
 - a. Any officer of a court of the United States or of the State of Rhode Island (judge, attorney, clerk, probation or parole officers);
 - b. The President of the United States or the Governor of the State of Rhode Island;
 - c. Any member of the Congress of the United States or any member of the Legislature of the State of Rhode Island;
 - d. The Attorney General of the United States or the Attorney General of the State of Rhode Island;
 - e. The Director or any agent of the Federal Bureau of Investigation, the Superintendent of State Police.
 - f. The Director of the Rhode Island Department of Corrections.
 - g. Any member of the Parole Board.
 - h. Departmental Grievance Coordinator.
 - i. Any public official or agency, where the mail appears on its face to relate to legal matters.
 - j. The American Civil Liberties Union (ACLU), its affiliates and sections, i.e., The National Prison Project.
 - k. Public Defender.
 - l. Legal Aid Society.

2. Inmates and other persons with whom inmates may correspond as provided above shall not use or permit others to use authorized privileged mail for personal non-legal or non-official correspondence, the transmission of contraband, or the transmittal of communications to be given or forwarded to persons not specified above. Persons receiving unauthorized privileged mail should submit such communications or materials to the Warden of the institution in which the inmate is confined.

C. Non-Privileged Mail

Non-privileged mail, both incoming and outgoing, may be opened and inspected for contraband. Mail may also be read, and disallowed, provided there is a reasonable belief that the mail needs to be read to preserve institutional order and security and to protect the public safety. Inmates will be notified when incoming or outgoing letters are withheld in part or in full. 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. When inmate mail is read and disallowed, the inmate or author will be notified of the reason(s) for the action and have an opportunity to appeal that decision to an official who did not participate in the original disapproval of the correspondence.

1. Inspection of non-privileged correspondence shall be undertaken only by authorized institutional staff in accordance with the procedures outlined in this document and in established post orders.
2. Non-privileged mail may only be read by the following institutional staff:
 - a. Director;
 - b. Assistant Director;
 - c. Wardens;
 - d. Deputy Wardens;
 - e. Shift Commanders
 - f. Inspectors;
 - g. SIU;
 - h. Staff member designated by the Warden for such purpose.
3. Any authorized official reading inmate mail pursuant to this policy shall record such action in a log book maintained for such purpose.

4. All mail rooms designated at each facility shall be OUT OF BOUNDS to all inmates and unauthorized staff.
5. Outgoing mail shall be transmitted to the Post Office within a 24-hour period, excluding weekends, holidays, or emergency situations. Incoming mail will be distributed to inmates within 24 hours of receipt from the Post Office whenever possible, excluding weekends, holidays, or emergency situations.
6. The policies and procedures hereunder shall be reviewed annually and updated as necessary.

D. Outgoing Mail:

1. Outgoing mail receptacles will be provided for inmates in each facility.
2. The sender must list his/her name and box number in the top left-hand corner of the envelope, and proper postage must be affixed.
3. Mail addressed to Departmental personnel may be sent through the intra-Departmental mail system requiring no postage or by the U.S. mail system requiring proper postage paid by the inmate.
4. 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 or a witness in an active legal action in which both inmates are involved, i.e., co-defendants and they are both pro se.

NOTE: In order to prove the existence and validity of a common-law marriage, the Rhode Island Supreme Court has set forth the following criteria, which must be shown by clear and convincing evidence, as follows:

- a. Cohabitation;
- b. Mutual agreement and consent by the parties to be husband and wife after a specific date;
- c. Declarations, acts and conduct of such a character as to lead to a belief in the community, after that date, that the parties were, in fact, married;
- d. That no legal impediment existed to such a marriage (i.e., one of the parties was already married, or under the legal age of consent).

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

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

Each security's mail officer is responsible for stamping this message on all appropriate mail. In addition, the facility should stamp this message on all appropriate mail.

6. Outgoing mail may be opened, inspected for contraband and read by authorized institutional staff within the guidelines set forth in Section III. C. of this document.
7. 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.
 - a. RIDOC policy #8.17.02-2 defines an indigent inmate as one who is involuntarily unemployed, has less than \$10.00 in his/her account, and no deposits in the previous two months or since commitment, whichever is shorter.

b. Procedure (Intake Service Center)

- (1) Inmate will place mail unstamped in the central mail depository.
- (2) Both the central mail room officer and Intake Service Center mail officer will conduct periodic, random name checks only on unstamped mail to insure that the mailer is an indigent inmate. Mail not meeting that criteria will be returned to the inmate.
- (3) The Department will not pay for certified or other specific mailing categories for indigent inmates.

c. Procedure (All Other Facilities):

- (1) Use inmate money transfer form;
- (2) Fill in name and I.D. number;
- (3) Check off postage;
- (4) Write "Indigent" in section "Reason for Transferring Money";
- (5) Sign the form;
- (6) Attach the form to your letter - give to area supervisor or place in container designated for this purpose by the security.

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

a. Stamp books will be available for inmate purchase at the institutional store.

- (1) Stamps will not be 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 will be attached in booklets. No loose stamps are allowed.

E. Incoming Mail:

1. Incoming mail may be opened, inspected for contraband and read by authorized institutional staff within the guidelines set forth in Section III. C. of this document.

2. Privileged correspondence:
 - a. Incoming privileged correspondence may not be read and must be opened and inspected only in the presence of the inmate addressee.
 - b. Incoming privileged correspondence shall be treated as privileged only if the name and official status of the sender appear clearly on the envelope.
3. All first class letters and packages will be forwarded to inmates who have been transferred to other institutions or released, provided that a forwarding address is available.
 - a. If a forwarding address is not available, first class letters and packages will be returned to sender.
 - b. First class letters and packages to inmates who have been transferred to out-of-state or federal facilities, shall be forwarded to the inmate, in care of the Warden of the assigned facility.
4. Incoming printed material will be handled as follows:
 - a. Only books, newspapers, and periodicals sent from the publisher will be accepted.
 - b. 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, or if it might facilitate criminal activity.
 - c. The rejection of printed material will be done according to RIDOC policy # 8.17.01 (Inmate Printed Material).
5. Mail received with postage due will not be delivered to the inmate until s/he has authorized withdrawal of funds from his/her inmate account to pay the postage due.
 - a. The mail officer shall contact the inmate directly or through the inmate's counselor to inform him/her that the Post Office is holding "postage due" mail.
 - b. If the inmate wishes to pay the postage due, s/he shall authorize a money transfer slip which the mail officer shall process for pick-up of said mail at the Post Office.

- c. If the inmate chooses not to pay the postage due, the mail officer shall inform the U.S. Postal Service to return the mail to sender.
 - (1) In most cases, if no action is taken within a 10-day period, the "postage due" mail is automatically returned to sender.
 6. Publications and/or packages containing commodities authorized for inmate possession, shall not be accepted on a C.O.D. basis.
 - a. All authorized items purchased through the U.S. Mail system shall be accepted on a prepaid (in full) basis only.
 7. Mail from inmates incarcerated at federal, county, municipal, and other state correctional facilities addressed to inmates at the ACI will be returned to the sender except in cases where the correspondence is between immediate family members as defined above in paragraph III.D.4.
 8. All letters, packages, etc. will only be accepted when arriving through the U.S. Postal Service. Packages arriving from UPS, Federal Express, etc., will not be accepted.
- F. Removal of Items from Incoming Mail:
1. In each case where it is deemed necessary to remove any item from incoming mail, a written record shall be made of such action. The record shall include:
 - a. Inmate's name and ID number.
 - b. Description of mail in question, to include a description of the item.
 - c. Description of action taken and reasons for such action.
 - d. Disposition of item removed.
 - e. Signature of the officer.
 - f. A copy of the record is given to the affected inmate.
 2. When contraband is found which is not otherwise illegal, a notice shall be sent to the inmate, and the contraband will be returned to the sender.
 - a. If there is no return address, contraband will be put in addressee's traps.

3. When illegal contraband is seized, procedures as outlined in RIDOC policy # 9.14-1 DOC, (Procedure for Detecting and Controlling Contraband on or in the Possession of an Inmate) shall prevail.
4. Any cash, checks, postal notes, money orders, or drafts found in incoming mail shall be seized and forwarded to the Inmate Accounts Office to be deposited in the inmate's account, according to Operational memorandum 5.17.04-6 (Accountability of Inmate Money/Checks).
 - a. A receipt of the transaction shall be given to the addressee, and copy placed in inmate's file.
5. In the event that items are removed from mail, the inmate may appeal the action taken through the formalized inmate grievance procedure.
 - a. The formal inmate grievance procedure is outlined in RIDOC policy # 1.20.01 (Procedures for Filing and Disposition of Inmate Grievances).

G. Reading of Non-Privileged Correspondence:

1. 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.
 - a. The Director may authorize the reading of incoming non-privileged correspondence when in his or her opinion such action is necessary to prevent entry of materials and/or information prohibited under Section III.H.
 - b. The Director may authorize the reading of outgoing non-privileged mail only when he or she has received specific information that a particular inmate's mail contains information which is prohibited under III.H.1. Where outgoing mail is read pursuant to this section, and prohibited information is found, the mail or relevant portion thereof may be confiscated. Notice of a confiscation shall be given to the inmate in accordance with Section III.I. below.

H. Disapproval of Incoming Non-Privileged Correspondence:

1. Incoming Correspondence. Incoming non-privileged correspondence shall be disapproved only to prevent interference with institutional goals of security, order, discipline, or if it might facilitate, encourage, or instruct in criminal activity; disapproval shall not be based upon an employee's personal views of the merit of such correspondence. The Director or designee may disapprove receipt by an inmate of non-privileged correspondence, the contents of which fall as a whole or in significant part into any one of the following categories:

- a. Depicts or describes procedures for the construction or use of weapons, ammunition, bombs, or incendiary devices;
- b. Depicts, describes, or encourages methods of escape from correctional facilities, or contains blueprints, drawings or similar descriptions of any correctional institution within the State of Rhode Island;
- c. Depicts or describes procedures for the brewing of alcoholic beverages or the manufacture of drugs;
- d. Is written in code;
- e. Depicts, describes, or encourages activities that may lead to the use of physical violence or group disruption;
- f. Encourages, facilitates, or instructs in the commission of criminal activity;
- g. Sexually explicit material which by its nature or content poses a threat to the security, good order, or discipline of the institution, or which might facilitate, encourage, or instruct in criminal activity.

I. Procedural 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 delivered to the inmate for any reason set forth in Section III.H. above, the inmate and the sender when identifiable, shall be 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 a written appeal may be submitted by the sender to the Director or designee and by the inmate through the formalized inmate grievance procedure.
2. Where criminal activity is suspected, in addition to the foregoing procedures, the matter shall be referred to the appropriate law enforcement agency by the Director or designee (e.g., U.S. Postal Service, F.B.I., Attorney General).

J. Procedural Requirements for Disapproval of Outgoing Mail:

1. When any mail, or a portion thereof, is not mailed for any reason set forth in the Section III.H. above, 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 that a written appeal may be submitted by the inmate through formalized inmate grievance procedure.
2. Where criminal activity is suspected, in addition to the foregoing procedures, the matter shall be referred to the appropriate law enforcement agency by the Director or designee (e.g., U.S. Postal Service, F.B.I., Attorney General).

K. Unclaimed Mail:

1. When the personal property ("trap") of a detainee has been mailed out and returned as undeliverable, and where the detainee has already been released, the security shall date the package and secure it. If the package remains unclaimed for six (6) months, it shall be sent to the central mail room and secured at that location for another six (6) months. If the package remains yet unclaimed [after a total period of one (1) year], the package shall be opened by the central mail officer in the presence of his/her supervisor or designee. Items with no value shall be disposed of. Property with value shall be forwarded to the General Treasurer with the name of the owner and the date on which the property was first logged.
2. Incoming mail for a released inmate in which a valid forwarding address is not available and for which there is no return address shall be returned to the RIDOC central mail room where it shall be held for fourteen (14) days, after which time it shall be returned to the Garden City Post Office for disposition.

RHODE ISLAND DEPARTMENT OF CORRECTIONS

TO: _____
Inmate's Name Inmate's ID #

FACILITY: ISC HSC MAX MED I MED II MIN/WR DIX GM
Room/Cell #

FROM: _____
Staff Person's Printed Name and Title

DATE: _____

SUBJECT: DISAPPROVAL OF INCOMING INMATE CORRESPONDENCE

Consistent with policy # 24.01-2 DOC, section III.I., the incoming correspondence (or portion thereof) described below was received at the institution, but will not be delivered to you for the reason(s) stated below.

Item description(s) (to include name and address of sender, if known, or name of person who signed letter, and date mailed):

Reason(s) for nondelivery:

You may submit a written appeal using the Department's inmate grievance procedure.

- The sender has been notified in writing.
- The sender's identity and/or address are unknown; s/he cannot be notified.

Staff Person's Signature

Date

RHODE ISLAND DEPARTMENT OF CORRECTIONS

TO:
Name

Street Address

City State Zip Code

FROM:
Staff Person's Printed Name and Title

FACILITY: ISC HSC MAX MED I MED II MIN/WR DIX GM

DATE:

SUBJECT: DISAPPROVAL OF INCOMING INMATE CORRESPONDENCE

Consistent with policy # 24.01-2 DOC, section III.I., this memo serves to notify you the enclosed correspondence is being returned to you:

Item description(s):

Inmate Addressee's Name:

Reason(s) for Return:

Staff Person's Signature Date

Distribution:

original: Sender
copies: Inmate
 Facility File

RHODE ISLAND DEPARTMENT OF CORRECTIONS

TO: _____
Inmate's Name Inmate's ID #

FACILITY: ISC HSC MAX MED I MED II MIN/WR DIX GM _____
Room/Cell #

FROM: _____
Staff Person's Printed Name and Title

DATE: _____

SUBJECT: DISAPPROVAL OF OUTGOING INMATE CORRESPONDENCE

Consistent with policy # 24.01-2 DOC, section III.J., this memo is to notify you the outgoing correspondence (or portion thereof) described below was not mailed for the reason(s) stated below.

Item description(s):

Reason(s):

You may submit a written appeal using the Department's inmate grievance procedure.

Staff Person's Signature

Date