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SUBJECT:	INCARCERATED PERSON MAIL
RELATED SECTIONS:	B.5 , P.1 , P.17

PURPOSE

To establish guidelines for the uniform handling, screening and prompt routing/delivery of United States (U.S.) mail, incoming letters, new softbound books, periodical subscriptions (i.e., magazines, newspapers, etc.), confidential/legal mail, and electronic email messages.

POLICY

Incarcerated persons shall be allowed to receive and possess U.S. mail, incoming letters, confidential/legal mail, and mail from official government agencies (as defined below). They may also receive electronic email messages, periodicals, and new books.

There shall be no limit on the amount of mail an incarcerated person may send, and no limit on the amount of mail that they may receive, except to the extent that possession of such materials may constitute a fire hazard or pose an unacceptable security risk by providing the means to hide contraband.

All incoming non-legal mail will be routed to the Mail Processing Center (MPC) warehouse located at the Las Colinas Detention and Reentry Facility.

Deputies assigned to the MPC and Sheriff's Transportation Detail (STD) will work collaboratively with detention facilities' staff to provide the reasonably prompt delivery of incoming materials. Facility deputies will process and send out directly all outgoing correspondence.

PROCEDURES

I. AUTHORIZED CORRESPONDENCE

There is no limitation placed on the volume of mail an incarcerated person may send or receive. All correspondence, except for confidential/legal mail as defined below, is subject to being scanned, copied, and read when there is a valid security concern, and the facility commander approves.

All delivery personnel and U.S. Postal employees will transact their business at the Custody Information Office. They are not permitted to enter any detention facility.

A. Confidential/Legal Mail

1. Incarcerated persons may correspond confidentially with the state and federal courts, any member of the State Bar or holder of public office, Citizens Law Enforcement Review Board (CLERB), Internal Affairs, Office of the Sheriff, the Board of State and Community Corrections (BSCC), and PREA auditor. They

may also correspond confidentially with the facility commander or the assistant facility commander.

2. Attorneys are required to take measures to safeguard the confidentiality of communications with their clients. For attorney mail, it shall be the sender's responsibility to identify confidential/legal mail on the front of the envelope with the words "legal mail," "confidential mail," or another similar descriptor.
3. All incoming U.S. mail within the purview of confidential/legal mail shall be opened and inspected for contraband in the presence of the individual it is addressed to. Absent any security concerns, the mail shall then be given directly to the individual.
4. Upon receipt of incoming U.S. mail, Detentions Processing Division (DPD) staff will sort through the mail and remove any items identified as confidential or legal mail. DPD staff will verify the individual is in custody by utilizing the master card or booking summary screens and forward the confidential/legal mail as outlined in facility-specific green sheets. All other mail will be routed to the MPC for processing.
5. Electronic email messages received via the incarcerated persons email system are not considered confidential/legal mail.
6. Incarcerated persons will seal outgoing mail that comes within the purview of confidential/legal mail in the presence of a deputy after the deputy has inspected the envelope to ensure there is no contraband in it. Under no circumstances will a deputy accept a piece of sealed confidential/legal mail from an incarcerated person. If there is reasonable suspicion as to the confidentiality of the sealed outgoing mail, the deputy should contact the watch commander for a determination on a course of action.

B. Incoming U.S. Mail

1. Any of the following will cause incoming U.S. mail to be rejected:
 - a. U.S. mail marked with paint, crayon, glitter, labels, cloth, string, watermarks, stains, lipstick, cosmetics, perfume, or stickers (excluding U.S. postage stamps).
 - b. U.S. mail depicting nudity, obscenities, suggestive images, or other offensive materials.
 - c. U.S. mail depicting weapons, gang references, criminal activity, codes, or markings.
 - d. U.S. mail depicting or containing writings, images or references that may incite violence, riot, racism, or threaten the security of any San Diego County detention facility.

2. All acceptable incoming mail and packages shall be sent or delivered as soon as possible and shall not be held for more than 24 hours after delivery to the facility.
3. Each facility shall be responsible for creating a procedure for the prompt and accurate delivery of all incoming mail to include books, legal mail, and money orders. Unless the incarcerated person is absent from the housing area, the housing unit deputy shall see that all mail is delivered to them before the end of their shift.

C. Certified and Registered Mail

1. All certified and registered mail shall be accepted at the Custody Information Office. Before accepting the mail, DPD staff will run an inquiry to verify the individual is in custody and if the item qualifies as confidential/legal mail. Questions regarding the nature of the certified/registered mail should be addressed to the watch commander. Mail known to contain materials considered to be contraband will be refused.
2. Upon acceptance of the certified/registered mail, DPD staff shall:
 - a. Sign the receipt for the registered/certified mail.
 - b. Complete an Incoming Property Receipt (J-53) form and attach it to the mail.
 - c. Forward the J-53 form and the mail immediately to the incarcerated person's housing module to obtain their signature.
3. Upon receipt of the J-53 form and certified/registered mail, the housing deputy shall:
 - a. Open and inspect the mail immediately in the presence of the individual.
 - b. Ensure the individual signs the J-53 form in the "Received" section.
 - c. Sign their name and ARJIS in the witness section
 - d. Give the individual their mail.
 - e. Provide the individual with the pink copy of the signed J-53 form.
 - f. Forward the white and canary copies of the J-53 form to DPD staff.
 - g. DPD staff will file all copies into the incarcerated person's custody record.

- D. Mail sent directly from federal, state, or local government offices will also be accepted (e.g., Social Security, Veteran's Affairs, Child Support Services, Unemployment, Welfare, Health and Human Services, Office of the Patient Advocate, Probation, Registrar of Voters, etc.). The letters will be inspected for authenticity before delivery .

E. Any personal documents requiring a signature of an incarcerated person produced at the facility where they are housed will be provided to the them for signature and promptly returned to the person delivering the document.

F. Handling of Returned Mail Sent by Incarcerated Persons

In the event a letter is received "return to sender," and an incarcerated person sent the letter, the letter will be rejected and forwarded to the U.S. Postal Service to prevent manipulation of the mail services or enable contraband to enter the facility.

G. MPC Deputies

1. MPC deputies shall inspect and sort all non-legal incoming U.S. mail, subscription periodicals, and electronic mail for contraband, criminal conspiracies, and information regarding facility security. Questionable mail shall be immediately taken to the watch commander or designee. The watch commander or designee may have the material copied and sent to an appropriate authority for investigation or follow-up.

2. MPC deputies shall organize all inspected mail into facility-specific bags. Each facility bag will contain paper bags with mail, incoming books and one locking money bag containing incoming checks and money orders (for more information on the locking canvas bags see Detention Services Bureau Policies and Procedures section B.5). At the end of each shift, the MPC deputies will seal the bags of mail and have them ready for pickup by STD.

3. STD will collect all incoming mail for incarcerated persons from the MPC warehouse on the last transportation trip of the day. STD will be responsible for delivering all bags and bins of mail to each facility the following day, excluding weekends and holidays. Bags will be delivered to the intake area of each facility. Once all mail has been delivered, sworn staff from the facility will ensure the locking canvas bags are returned to a collection area for STD to pick up and return to the MPC warehouse.

H. Facilities shall not forward any incarcerated person mail, packages, or periodicals outside of the Sheriff's detention system.

1. The incarcerated person is responsible, upon or before release or transfer, to notify the senders of change of address.

2. All U.S. mail, packages, and subscription periodicals for an incarcerated person no longer in custody shall be marked "return to sender" and will be returned to the U.S. Postal Service via the Custody Information Office.

3. Electronic email messages received for incarcerated persons out of custody shall be deleted from the message queue.

- I. Incarcerated persons without funds are permitted at least two postage-paid envelopes each week to communicate with family and friends, and unlimited postage-paid correspondence with their attorney and the courts. Incarcerated persons without funds that are housed and have not received envelopes due to the store delivery date may request through the counseling office for their letter to be mailed.

II. PERIODICALS AND BOOKS

Periodicals and new soft covered books delivered to the facility by publishers or bookstores via the U.S. Postal Service may be accepted. All parcels containing new books will be forwarded to the watch commander or designee for inspection and approval. The subject matter of some periodicals and new soft covered books shall establish whether they are allowed in the detention facility housing units.

- A. The following items are not usually allowed inside the facility due to their construction or subject matter:

1. Softcover books with wire and/or spiral binding.
2. CD-ROMs, DVDs, or any other new media items.
3. Hardbound books of any nature.
4. Any material that advocates the use of violence.
5. Any material that advocates criminal activity, violation of any criminal law or violation of facility rules and regulations.
6. Incarcerated persons are prohibited from possessing or receiving materials that show nudity of either gender or portray sexual activity. Any personal photographs, drawings, periodicals and/or pictorials displaying nudity or sexual activity delivered to any detention facility or jail, in possession of an incarcerated person or found during routine cell searches will be treated as contraband. Contraband as described in this section will be handled by either disposing of or mailing the item(s) at the expense of the incarcerated person.

- B. Processing acceptable books, periodicals, and parcels

1. MPC deputies will inspect all incoming books, periodicals, and parcels.
2. MPC deputies shall write the name and booking number on the outside of each acceptable item.
3. MPC deputies shall complete a J-53 form listing the titles of all accepted books, periodicals and/or parcels and attach it to the items, bundling them if necessary.
4. The item(s) will be delivered to each facility along with incoming incarcerated person mail. It is the responsibility of the housing unit deputy to obtain the incarcerated person's signature on the J-53 form.

5. Upon receipt of the J-53 form and attached books, periodicals and/or parcels, the housing unit deputy shall:
 - a. Ensure the incarcerated person signs the J-53 form in the "Received" section.
 - b. Sign their name and ARJIS in the witness section.
 - c. Give the incarcerated person their books, periodicals and/or parcels and the pink copy of the J-53 form.
 - d. Forward the white and canary copies of the J-53 form to DPD staff for filing in the incarcerated person's custody record.
- C. Each incarcerated person shall be allowed to possess up to a combination of six (6) periodicals and/or new softcover books.
 1. The incarcerated person shall choose to have all excess periodicals and/or books donated to the jail library, thrown away or mailed out of the facility at the incarcerated person's expense. Incarcerated persons shall not be allowed to release reading material to outside parties or to have the items placed in their property prior to release.
 2. The limit on periodicals/books does not include any authorized religious or legal material.
- D. Periodic inspections of reading materials shall be made at the time of book exchange or during routine module inspections.

III. REJECTION/APPEAL PROCESS

- A. If an item of mail contains drugs/narcotics, a crime report will be written in NetRMS. The items of mail will be identified as evidence and processed accordingly. All mail rejections will be logged as "MREJ" in the receiving incarcerated person's Jail Information Management System (JIMS) history, and appeal process procedures will be completed by the Detention Investigation Unit (DIU) upon the conclusion of the investigation.
- B. All items deemed to contain contraband or determined to be unacceptable (other than drugs/narcotics items), will not be delivered to the incarcerated person but will be retained pending the conclusion of the internal appeal process. Certain items will be destroyed if the items cannot be placed in the incarcerated person's property (e.g., liquids, etc.).
- C. In cases in which incoming mail is withheld for reasons other than drugs/narcotics items:
 1. The MPC deputies will enter a "MREJ" event type into the receiving incarcerated person's JIMS history. The entry will include the name and address of origin and the specific reason the article was not deliverable.

2. The incarcerated person and the sender will receive a copy of a Contents Unacceptable Notice (J-320) form. The MPC deputy will identify the article, sender and disposition on the J-320 form. The sender will receive a "Notice of Appeal," which will explain the appeal process. In cases where incarcerated person mail is not deliverable and placed into the incarcerated person's property, the incarcerated person will receive a copy of the J-320 form and a J-53 form. The notice of appeal rights shall include sufficient information identifying the non-delivered item/mail and the reason(s) why the item(s) pose a threat to detention facility safety and security.
- D. Unacceptable books and periodicals will be handled in the same manner as outlined above. When a book is rejected, MPC deputies will make an entry in the incarcerated person's JIMS history using the drop-down "MREJ." The following areas will be addressed in the comments section:
1. The title of the rejected items.
 2. The sender's name and address.
 3. Tracking/parcel number(s).
 4. Why the item was rejected.
 5. Name of the watch commander/designee that approved the rejection.
- E. MPC deputies will follow the process in the MPC Operations Manual when storing, handling, tracking, and forwarding documentation to the sender and incarcerated person for all unacceptable mail, books, periodicals, and parcels returned.
- F. When an item is rejected, both the sender and incarcerated person will receive notification of the opportunity to appeal within five business days. The notification will be given in the form of a copy of the completed J-320 form.
- G. Notice to the incarcerated person will contain the name and address of the sender, the name of the publication or item, description of the article, the incarcerated person's name, the date the publication was received, the reason for the rejection, a reference to the objectionable portion of the mail and the name of the person authorizing the withholding. It will also include instructions on how the incarcerated person may appeal the rejection of mail by following the facility grievance procedures.
- H. The incarcerated person may appeal the rejection decision within ten (10) business days of the receipt of the notice using an Grievance (J-22) form. The appeal must include the incarcerated person's name, date, the name of the publication or item in question, and all the reasons the incarcerated person disagrees with the decision. Any reason not included in the written appeal will not be considered. Further appeals will comply with the facility grievance procedures.
- I. Notice to the sender will contain the same information provided to the incarcerated person listed in subsection III(H) of this policy.

- J. The sender may appeal within ten (10) business days after receipt of the notice. The sender must send the appeal by U.S. mail, addressed to the facility commander of the facility that is identified at the top of the J-320 form. If the sender chooses not to use certified mail, the burden to demonstrate timely mail deposit is upon the sender. Likewise, if the Sheriff's Department does not send the notice of withholding via certified mail, the burden to demonstrate timely receipt of the notice is upon the Sheriff's Department.
1. The appeal must include the incarcerated person's name, a contact person's name and address at the company or sender's location, the date, and the name of the publication or item, and all reasons that the sender disagrees with the rejection decision.
 2. Senders will be notified of the appeal decision within ten (10) business days of the receipt of the appeal. The written appeal decision by the facility commander or designee will contain a written explanation, detailing the reasons for the rejection.
- K. All appeals will be handled by the facility commander or designee of the facility in which the incarcerated person is housed. The person involved with the decision to withhold the item shall not be assigned the appeal. The decisions of the facility commander or designee will be the final finding on the matter, and there will be no further appeals available. All rejected mail will be held at the MPC warehouse during the 10-day appeal period.
- L. If the facility commander or designee answering the appeal needs longer than ten (10) days due to the length of the publication or the number of appeals filed, notice will be provided to the sender that an extension of time is necessary to respond. The facility watch commander or designee will notify the MPC deputies if an appeal needs to be extended.
- M. If the appeal by an incarcerated person or sender overturns the non-delivery decision, the item or items shall be promptly delivered to the incarcerated person, and the sender shall be notified of the decision (if a return address is provided).

IV. U.S. MAIL BETWEEN SAN DIEGO COUNTY SHERIFF'S DETENTION FACILITIES

- A. Incarcerated persons within the San Diego County Sheriff's detention facilities are prohibited from corresponding with other incarcerated persons housed in any San Diego County Sheriff's detention facility.
1. Attempts by an incarcerated person to furtively send mail to another incarcerated person in San Diego County Sheriff's custody either directly or indirectly is prohibited.
 2. Items used to circumvent the Sheriff's mail policy shall be considered contraband and disposed of accordingly.

- B. Incarcerated persons within the San Diego County Sheriff's detention facilities shall be permitted to correspond with incarcerated persons at other detention facilities, including but not limited to: federal, state, and other local detention facilities not under the control of the San Diego County Sheriff's Department. In most cases, the facility commander's/warden's prior approval of such facilities shall be given, or the letters may be returned.