



# WYOMING DEPARTMENT OF CORRECTIONS

## Policy and Procedure #5.401

### Inmate Mail

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<b>Authority:</b> Wyoming Statute(s): 25-1-104; 25-1-105  ACA Standard(s): 4-4487 through 4-4496	<b>Effective Date:</b> March 31, 2007 <b>Revision/Review History:</b> 06/01/03
<b>Cross Reference of Policy:</b> P&P #3.006, <i>Property Control</i> ; P&P #3.009, <i>Custody and Chain of Evidence</i> ; P&P #3.013, <i>Searches</i> ; P&P #3.301, <i>Management of Security Threat Groups</i> ; P&P #3.401, <i>Inmate Legal Affairs</i> ; P&P # 5.400, <i>Inmate Visiting</i>	<b>Summary of Revision/Review:</b> Revises Policy 5.401 dated 06/01/03.
	<b>Supersedes Existing Policy :</b> P&P #5.401, <i>Inmate Mail</i> , dated 06/01/03
<b>Approved:</b>	
/s/ R.O. Lampert	2-5-07
Robert O. Lampert, Director	Date

### REFERENCE

1. ATTACHMENTS
  - A. **WDOC Form #306:** *Search of Inmate's Legal Material*
  - B. **WDOC Form #520:** *Overview of Inmate Mail Regulations Affecting You*
  - C. **WDOC Form #521:** *Notification of Mail Rejection*
  - D. **WDOC Form #522:** *Package Authorization*
  - E. **WDOC Form #523:** *Notification of Privileged Mail Accidentally Opened*
  - F. **WDOC Form #524:** *Notification of Publication Rejection*
  - G. **WDOC Form #525:** *Notification of Package Rejection*
  - H. **WDOC Form #526:** *Indigent Inmate Application and Verification*
2. OTHER – None Noted



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## I. PURPOSE

- A. **Procedures for Processing Incoming and Outgoing Inmate Mail.** The purpose of this policy is to establish a uniform set of guidelines and procedures which will be used by Wyoming Department of Corrections' correctional facilities to process incoming and outgoing inmate mail in order to decrease the likelihood of the introduction of contraband; decrease the likelihood of dissemination of information in violation of this policy; promote the safety and security of staff, inmates and the public; and promote the good order of the correctional facility.

## II. POLICY

- A. **General Policy.** In regard to inmate mail, it is the policy of the Wyoming Department of Corrections (WDOC) to:
1. Implement methods whereby inmate mail (both incoming and outgoing) is processed without unnecessary delay, loss, or damage;
  2. Provide consistent documentation of mail processing within the correctional facility mail service to ensure mail is processed in accordance with this policy and procedures and to ensure that inmates, regardless of classification or custody assignment, are afforded the opportunity to write and receive letters on the same basis as inmates in the general population; and,
  3. Ensure that inmates shall not send, receive, transfer, or possess mail which violates the provisions of this policy and procedure, which contains inflammatory material or which may otherwise present a threat to the safety and security of staff, inmates and the public, or present a threat to the good order of the correctional facility.

## III. DEFINITIONS

- A. **Approved Personal Visiting List:** The official list of visitors requested by the inmate and approved by WDOC, in accordance with WDOC Policy and Procedure #5.400, *Inmate Visiting*.
- B. **Attorney:** A member of a state bar association who is licensed to practice law in Wyoming or another state.



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- C. **Business Transaction:** A transaction involving the purchase, sale or delivery of merchandise, commodities, or services of any kind.
- D. **Censored:** (*For this policy only.*) The removal of any part of incoming or outgoing mail based on legitimate correctional facility interests of order and security.
- E. **Check Processing:** (*For this policy only.*) The procedures followed by staff to complete a financial transaction on behalf of the inmate.
- F. **Chief Executive Officer (CEO):** A CEO is identified, but not limited to, the following positions: Director, Deputy Director, division administrators, deputy administrators, wardens, district supervisors, adult community corrections coordinator, and adult community corrections directors.
- G. **Confinement Name:** The name under which the inmate is currently confined in accordance with Wyoming Department of Corrections' records.
- H. **Confiscate:** (*For this policy only.*) To remove the item or that portion of the item that violates this policy and procedure.
- I. **Contraband:** Contraband includes:
1. Any item or article which an inmate is prohibited by statute, rule or order from obtaining or possessing.
  2. Any item or article which is not authorized by regulations of the Wyoming Department of Corrections, or a subunit thereof.
  3. Any item or article which is in excess of the maximum quantity permitted by written regulations of the Wyoming Department of Corrections, or a subunit thereto, including approved property items in excess of the amounts established by WDOC Policy and Procedure #3.006, *Property Control*.
  4. Any item or article which is received or obtained from an unauthorized source.
  5. Any item or article which was once authorized but is no longer authorized or which poses a threat to security and good order.
  6. Any item or article which is altered without authorization, put to an unauthorized use, or taken into an unauthorized area.
  7. Evidence of a crime or other violation.



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- J. Co-Parties:** Two (2) or more individuals involved together in the same lawsuit or named together in the same court proceeding. Co-parties include co-plaintiffs (two (2) or more persons filing suit together) and co-petitioners (two (2) or more persons filing a common petition asking the court for a ruling).
- K. Correctional Facility:** Any adult correctional facility operated by the Wyoming Department of Corrections or correctional facilities and county jails under contract with the Wyoming Department of Corrections.
- L. Department of Corrections Employee:** Any person employed full-time, part-time, or under temporary appointment by the Wyoming Department of Corrections; any person under contractual arrangement to provide services to the department; any person employed by private or public sector agencies who is serving under department-sanctioned special assignment to provide services or support to department programs.
- M. Discovery:** (*For this policy only.*) The process of gathering information in preparation for legal action.
- N. Examine:** (*For this policy only.*) To open and examine or view, including the reading and/or photocopying of contents. All non-privileged incoming and outgoing mail is subject to examination at any time. Privileged mail is subject to scan search and examination upon the written approval of the Chief Executive Officer or acting Chief Executive Officer only.
- O. Gang Related Material:** Any identifying depiction, object, item or material such as jewelry, symbols, gang signs, stationery, writings, code, emblems, information, tattoos, and gang colors or patches, known to be associated with a particular security threat group, including photographs depicting any such object, item or material.
- P. Immediate Family Member:** (*For this policy only.*) Those related by blood, adoption, or current valid marriage as spouse, parent, grandparent, children, or siblings only. Validation of the relationship as required may come from the inmate's Pre-Sentence Investigation (PSI) report, personal history summary or other documentation.
- Q. Incarcerated Individual:** (*For this policy only.*) Any person currently confined in any foreign, federal, state, or local correctional facility, including jails.
- R. Indigent Inmate:** An inmate who has no source of income and no money on his/her account. Inmates who have fifteen dollars (\$15.00) or more credited to



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their account at any time in any given month from any source for discretionary spending will not be considered indigent during that month regardless of their account balance at any time during that month.

- S. Inflammatory Material:** Material whose presence in the facility is deemed by the department to constitute a direct and immediate threat to the security, safety, health, good order, or discipline of the correctional facility because it incites or advocates physical violence against others or because it incites or advocates a major violation of the Code of Inmate Discipline or violation of federal or state criminal laws. No material shall be considered inflammatory solely because it criticizes the operation, programs or personnel of the Wyoming Department of Corrections, Board of Parole, or any other governmental agency. No material shall be considered inflammatory solely on the basis of its appeal to a particular ethnic, racial, or religious audience, unless it otherwise violates this policy.
- T. Inmate:** Any person under the supervision of the Wyoming Department of Corrections who is not on parole or probation status. An inmate is a person who is incarcerated in any Wyoming Department of Corrections' correctional facility, county jail, municipal jail or in-state/out-of-state contract facilities, to include adult community corrections centers, who is committed to the custody and supervision of the Wyoming Department of Corrections.
- U. Inmate Funds:** Inmates' personal money in the care and custody of the Wyoming Department of Corrections that is managed by the Wyoming Department of Corrections.
- V. Inmate Identification (I.D.) Card:** A laminated picture I.D. card accepted by the Wyoming Department of Corrections as the authorization for an inmate to move from one location to another. The inmate I.D. card must be produced upon request. The only exception is maximum custody inmates who do not keep their I.D. card.
- W. Inmate's Correctional Facility Number:** The unique identification number assigned to each inmate upon intake into the Wyoming Department of Corrections.
- X. Inspection:** *(For this policy only.)* To open and check for physical contraband, without reading or photocopying. All incoming and outgoing mail, including legal and official mail, is subject to inspection in accordance with the guidelines of this policy.
- Y. Inspection Device:** Any device (i.e., metal detector, fluoroscope, etc.) which is used to detect contraband in the form of metal or other foreign objects.



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- Z. Legal Mail:** Incoming or outgoing mail to or from an attorney, court, or court official clearly addressed as “LEGAL MAIL” on the addressee side of the envelope, with the designation set apart from the return address and mailing address, and of sufficient size to permit easy recognition by mail room staff. Legal mail includes mail which is addressed to or received from the following:
1. Wyoming Attorney General’s office;
  2. United States Attorney General’s office;
  3. United States Department of Justice;
  4. County and prosecuting attorneys;
  5. Federal, State, Local and Tribal Courts;
  6. Attorney;
  7. Legal aid clinic; or
  8. American Civil Liberties Union.
- AA. Mail:** Incoming or outgoing correspondence, publications and packages authorized by the inmate mail policy to be sent or received by an inmate.
- BB. Mail Processing:** The handling and disposition of incoming or outgoing mail which has been opened by staff for inspection or examination.
- CC. Mail Restriction:** Restriction of mail privileges as a result of violations of the inmate mail policy.
- DD. Money:** Cash, money orders, personal checks, warrants, certified checks, and other remittances.
- EE. Non-Privileged Mail:** Mail other than privileged mail.
- FF. Nudity:** A pictorial depiction where male or female genitalia or buttocks, or female breasts including any portion of the areola and/or nipple, are exposed. Publications containing nudity illustrative of medical, educational, or anthropological content may be excluded from this definition.
- GG. Official Mail:** Unless specifically waived in writing by the officials named below, incoming and outgoing mail addressed to or from the Director of the Wyoming Department of Corrections, state elected officials, Wyoming’s state



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legislators, Wyoming's United States Congressional delegation, administrators of internal grievance systems as appointed by the Director, foreign embassy consulates, and members and staff of the Board of Parole, which is clearly worded "OFFICIAL MAIL" on the addressee side of the envelope, with the designation set apart from the return address and mailing address, and of sufficient size to permit easy recognition by mail room staff. Official mail includes mail sent to or received from the following:

1. The Governor of Wyoming;
2. The Secretary of State of Wyoming;
3. The State Treasurer of Wyoming;
4. The State Auditor of Wyoming;
5. The Superintendent of Public Instruction of Wyoming;
6. Wyoming state legislators;
7. Wyoming United States Congressional delegates;
8. The Director of the Wyoming Department of Corrections;
9. Foreign embassy consulates;
10. The Board of Parole, its members, and staff; or
11. The inmate's physician of record.

**HH. Official WDOC Return Address:** The inmate's confinement name, including first and last name or initial and last name, followed by his/her WDOC correctional facility number must appear on the first line. If the inmate's legal name is different than his/her confinement name, the legal name can be listed on the second line as AKA: (insert legal name). Otherwise, the name of the assigned correctional facility shall appear on the second line. The correctional facility address or post office box shall appear on the next line and the city, state and zip code of the assigned correctional facility must appear on the last line of the official Wyoming Department of Corrections' return address.

Examples: John Doe #12345  
Wyoming State Penitentiary  
P.O. Box 400  
Rawlins, WY 82301

Jane Smith #56789  
AKA: Misty Jones  
Wyoming Women's Center  
P.O. Box 20



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Lusk, WY 82225

- II. Package:** A completely wrapped parcel that is more than one-quarter inch (1/4") thick regardless of other dimensions received directly from an approved source and legal and official mail in excess of three (3) inches in thickness.
- JJ. Personal Photograph:** *(For this policy only.)* Any analog or digital photograph of a person, place or thing, or any duplication thereof, not to exceed 8 by 10 inches in size, which is not sexually explicit and does not contain nudity, gang signs, illegal activities, or other depiction in violation of this policy. Self-developing photographs, such as Polaroid photographs, are prohibited and are not included in this definition.
- KK. Portrayal:** The act or process by which an idea or message is depicted or represented, usually by written words or images.
- LL. Privileged Mail:** Mail that qualifies as legal mail or official mail in accordance with WDOC Policy and Procedure # 5.401, *Inmate Mail*.
- MM. Privileged Mail Restriction:** A temporary measure imposed by the Chief Executive Officer as a result of an inmate's violation of privileged mail protections, such as using privileged mail to send threats or contraband to attorneys, public officials or others, which authorizes the inspection of privileged mail outside the presence of the inmate.
- NN. Publication:** A book or single issue of a magazine, periodical or newspaper, plus such other materials addressed to a specific inmate as flyers and catalogues, received directly from the publisher.
- OO. Publisher:** *(For this policy only.)* A business, organization, or firm that issues and makes available to the public (generally for sale and wide distribution) magazines, newspapers, books and other publications. For purposes of this policy and procedure, "publisher" includes approved publications suppliers and distributors not open for the public.
- PP. Reasonable Suspicion:** *(For this policy only.)* An apparent state of objective facts and rational inferences drawn there from that would cause a reasonable and experienced correctional staff person to conclude that an individual is in the possession of unauthorized property or contraband.
- QQ. Return Address:** The name and full mailing address of the person sending incoming correspondence to an inmate.
- RR. Scan Search:** The visual scanning or reading of documents to determine the nature and content of the writing. All incoming and outgoing mail is subject



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to scan search, however, authority to scan search legal mail and/or official mail rests with the Chief Executive Officer.

**SS. Security Threat Group:** (*For this policy only.*) Also commonly referred to as a gang. Any group of two or more individuals who:

1. Have a common name, identifying symbol, or characteristic which serves to distinguish themselves from others.
2. Have members, affiliates, and/or associates who individually or collectively engage, or have engaged, in a pattern of illicit activity or acts of misconduct that violate Wyoming Department of Corrections rules, including promoting racism.
3. Have the potential to act in concert to present a threat, or a potential threat, to staff, public, visitors, inmates, offenders or the secure and orderly operation of the correctional facility.

**TT. Security Threat Group Paraphernalia:** Any material, document(s) or items evidencing security threat group involvement or activities (e.g., rosters, constitutions, structures, codes, pictures, training material, clothing, communications or other security threat group-related contraband.)

**UU. Sexually Explicit:** A pictorial depiction or portrayal of actual or simulated sexual acts including: sexual intercourse; anal or oral sex; masturbation; force or violence in a sexual context, including sexual assault and acts of sadomasochism emphasizing the infliction of pain; behaviors in which one of the participants is a minor or appears to be under the age of eighteen (18); bestiality; excretory functions, including but not limited to urination, defecation, or ejaculation; or material which promotes itself based upon such depictions on a routine or regular basis or in individual one (1) time issues. No distinction shall be made between depictions or portrayals of heterosexual or homosexual activity in applying these standards.

**VV. Victim:** A person who was subjected to direct harm or injury as a result of the criminal conduct of the inmate for which the inmate has been convicted, past or present, as identified in records or information available to the Wyoming Department of Corrections.

**WW. WDOC Correctional Facility Number:** The unique confinement number assigned by the Wyoming Department of Corrections to each inmate for identification and tracking purposes.

**XX. Working Day:** (*For this policy only.*) Monday through Friday, excluding weekends and state and/or federal holidays.



#### IV. PROCEDURE

##### A. General Guidelines for All Inmate Mail

- 1. Inmate Access to Policy.** An initial copy of this inmate mail policy and procedure shall be provided to each inmate prior to its effective date and explained when necessary. All newly received inmates shall receive a copy for their personal use and legal library holdings shall include at least five (5) copies of this policy and procedure for reference. It is the responsibility of the inmate to familiarize his/her correspondents with inmate mail regulations. (See WDOC Form #520, *Overview of Inmate Mail Regulations Affecting You*, which will be available for distribution by each inmate during the intake process.)
- 2. Policy Training For Employees.** Correctional employees responsible for the mail processing of incoming and outgoing inmate mail shall be trained in this policy and procedure prior to assignment.
- 3. Internal Delivery Process.** Each correctional facility shall develop an internal process to ensure timely delivery of mail while assuring accountability for valuables and detection of unauthorized communications or materials, contraband or other items not allowed in living units or institutions.
- 4. Prohibitions for Inmate Mail.** Inmates shall not send, transfer or possess mail which violates the provisions of this policy and procedure; which contains inflammatory material; which may otherwise present a threat to the safety or security of staff, inmates or the public; or which may present a threat to the good order of the correctional facility.
- 5. Mail Addressed to Another Inmate.** Inmates may not forward, receive, or possess mail addressed to another inmate, except as authorized under paragraph IV.D.3. of this policy and procedure.
- 6. Purchase of Envelopes.** Inmates may purchase pre-stamped envelopes, as available in the correctional facility canteen.
- 7. Limits on Inmate Mail.** 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 a reasonable belief that limitation is necessary to protect public safety or correctional facility order and security (such as when the mail is



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otherwise in violation of this policy and procedure or WDOC Policy and Procedure #3.006, *Property Control*).

8. **Retention of Mail.** The amount of mail that can be retained by the inmate is governed by property allowances of WDOC Policy and Procedure #3.006, *Property Control*.
9. **Prohibiting Unwanted Mail.** The department may prohibit an inmate from sending unwanted mail to a particular person or address when requested by the person in writing.
  - i. In the case of a minor child, when requested in writing by the child's custodial parent or legal guardian, the department may prohibit an inmate from sending or receiving mail to or from the minor child (unless the inmate's paternity to the child has been established and parental rights have not been removed).
  - ii. Inmates will be provided written notification of each prohibition under this paragraph.
  - iii. Inmates may not request the rejection of incoming mail from a particular person or address by mail processing staff as unwanted mail.
10. **Mail Associated With Victims.** Inmates shall not send, receive, transfer, or possess mail to or from the registered victim(s) of their crime(s) of conviction (both past and present), except as authorized in writing by the correctional facility Chief Executive Officer (CEO) or designee.
11. **Business Transactions by Mail.** Inmates shall not conduct business transactions by mail without the prior written consent of the correctional facility CEO or designee.
12. **Days for Processing.** Excluding weekends and holidays, except in extraordinary circumstances or unless the mail is being reviewed for possible violations, incoming and outgoing correspondence should be processed within two (2) working days of receipt by the correctional facility; publications within five (5) working days of receipt by the correctional facility; and packages within ten (10) working days of receipt by the correctional facility.
13. **Postage Due.** Mail that is received from the sender with postage due shall be rejected and returned to sender without notification to the inmate addressee.



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14. **Mail in Foreign Language.** Mail may be in a foreign language, but shall not be in coded language or symbols.
- i. Foreign language mail may be delayed up to an additional ten (10) working days to facilitate translation and review of content for compliance with this policy and procedure, upon the approval of the CEO, when there is no staff member or volunteer available to staff who can translate the material within the normal time lines for mail processing and there is reason to believe that the content may be in violation of this policy.
15. **Examination and Inspection of Mail.** All incoming and outgoing mail is subject to examination, scan search, and/or inspection by person or inspection device in accordance with the guidelines of this policy and procedure.
- i. Privileged mail, including legal and official mail, shall be handled in accordance with section IV.B. (*General Guidelines for Privileged Mail*) of this policy and procedure.
16. **U.S. Postal Service.** All mail, excluding approved packages, shall be routed through the U.S. Postal Service.
- i. Mail may also be sent by other approved mail service providers for packages and special circumstances, if approved by the correctional facility CEO.
    - a. Items received for an inmate following his/her transfer or release that are not routed through the U.S. Postal Service shall be rejected and shall not be forwarded.
    - ii. Other mail service providers include, but are not necessarily limited to United Parcel Service, U.S. Airborne, Federal Express, and approved newspaper delivery.
    - iii. Authorization may vary among correctional facilities depending upon the availability of the service at each site, security concerns, mail room operations and the physical layout of the building and grounds.
17. **Rejection of Mail not Addressed to a Specific Person.** Incoming mail, including newsletters, brochures and bulk mailings, which are not addressed to a specific person (e.g., mail addressed to “Current Occupant”, “Resident”, or “Inmates of the Wyoming Department of Corrections”), shall be rejected, regardless of the mail service provider utilized.



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- 18. Rejection of Mass Mailings.** Mass mailings to the same individual or bulk rate mailings containing more than five (5) copies of the same item addressed to a single individual inmate (e.g., multiple copies of the same newsletter, pamphlet, etc.), are not permitted and will be rejected, regardless of the mail service provider utilized.
- 19. Prohibition of Material Affixed to Mail.** Incoming mail shall not have anything other than the canceled postage stamp or postage label, address label, and return address label or stamp glued, taped, or otherwise affixed to the envelope or package, or its contents.
- i.** Canceled postage stamps and postage labels shall be removed by mail processing staff, or shall be clearly marked across with permanent black marker, to help prevent attempted reuse and/or the introduction of contraband.
  - ii.** Gummed or self-adhesive address labels shall be removed to prevent the introduction of contraband. The corresponding address shall be written on the envelope or an enclosed piece of paper, unless the address is already contained on the contents inside the envelope.
  - iii.** Mail received with unauthorized attachments on the exterior of the envelope, including stickers, sealing wax, and other material that can not be easily inspected and removed without damaging the envelope, shall be refused and returned to the U.S. Postal Service or applicable mail service provider.
  - iv.** Notice to the sender shall be provided on a form label or stamp affixed to the outside of the envelope or package, which indicates, "Return to Sender. Unauthorized Attachment."
  - v.** Separate notice will not be provided to the inmate addressee.
- 20. Requirements of Enclosures.** Only written correspondence, newspaper and magazine clippings, small pamphlets, photocopies, carbon copies, business cards, hand-made drawings, single-page paper calendars without foreign substances or stickers on them, and personal photographs no larger than 8" by 10" that otherwise are in compliance with this policy and procedure may be enclosed in incoming letters, as long as the total thickness of the letter does not exceed ¼ inch and the overall dimensions of the envelope do not exceed 9" by 12". Newspaper and magazine clippings and photographs shall not exceed ten (10) items for each category in a single mailing.



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- 21. Unauthorized Enclosures of Low Value.** Unauthorized items with minimal monetary value that are included as enclosures, including but not limited to, paper clips, rubber bands, blank post cards without postage, paper or plastic book marks, envelopes without postage, one (1) or two (2) sheets of blank paper, single sticker, etc., may be removed and destroyed. The remaining mail shall be sent to the inmate, if the mail is otherwise in compliance with this policy and procedure.
- i.** Inmates will not be notified if such items are removed and destroyed. It is the responsibility of the inmate to assure their correspondents are familiar with the mail policy.
  - ii.** Unauthorized enclosures, such as “post-it” notes which have minimal value, but which contain hand-written content, shall be photocopied prior to being destroyed. The inmate’s account will be charged for the cost of the photocopy and the inmate will be given the photocopy.
- 22. Unauthorized Enclosures of Higher Value.** Unauthorized items with more than minimal monetary value that are included as enclosures, other than those identified in paragraph IV.A.20., above, shall result in rejection of the letter and the enclosures using WDOC Form #521, *Notification of Mail Rejection*.
- 23. Illegal Items/Evidence of Illegal Activity.** Any incoming item which is considered to be illegal or evidence of illegal activities as defined by Wyoming State Statutes, and/or Federal Statutes, will be confiscated and held as evidence for law enforcement officials according to WDOC Policy and Procedure #3.009, *Custody and Chain of Evidence*.
- i.** Inmates will not be notified of the confiscation of such items when the contraband was referred to law enforcement officials.
  - ii.** In the event it is determined by law enforcement that the confiscated item has no evidentiary value, the item is not contraband, and there would be no impact on correctional facility security, safety or good order, it will be given to the inmate.
  - iii.** In the event it is determined by law enforcement that the confiscated item has no evidentiary value, but possession of the item by the inmate would impact correctional facility security, safety or good order, the item will be handled as contraband and disposed of in accordance with WDOC Policy and Procedure #3.006, *Property Control*.



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24. **Uncertain Identification of Sender/Recipient.** For security reasons, mail for which the recipient and/or sender cannot be positively identified by the sender's name and return address and/or the recipient's address on the outside or front of the envelope will be returned to the U.S. Postal Service or other authorized mail service provider without mail processing. Inmates will not be notified of such returns.
25. **Delivery to and Verification of Recipient.** Incoming mail will be delivered by a correctional employee directly to the inmate addressee only. Verification of the identity of the receiving inmate may be by personal knowledge of the employee or by checking of the inmate's identification (I.D.) card.
- i. In the alternative, correctional facilities may have a correctional employee deliver non-privileged mail directly to an individually assigned mail box that is accessible to the inmate addressee, so an inmate who is not present during scheduled mail delivery may retrieve the mail at his/her convenience.
    - a. Privileged mail, packages, and publications must be delivered personally to the inmate addressee and shall be held in the possession or control of staff until the inmate returns to his/her assigned living quarters for mail delivery.
    - b. Oversized mail, packages, and publications, which do not fit inside of the designated inmate's assigned mail box, shall be held in the possession or control of staff until the inmate returns to his/her assigned living quarters for mail delivery.
  - ii. Incoming mail that cannot be delivered directly to the inmate addressee due to intervening inmate housing moves will be returned to the mail room for rerouting to the proper housing location the following regularly scheduled mail processing day.

**B. General Guidelines for Privileged Mail**

- 1. **Legal Mail and Official Mail Treated as Privileged Mail.** Both legal mail and official mail qualify as privileged mail and will be handled in accordance with this section.
- 2. **Mail More than Three (3) Inches Thick.** Legal and official mail that is more than three (3) inches in thickness, regardless of other dimensions, will be handled as a package and will be returned to the sender unless



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receipt has been pre-approved using WDOC Form #522, *Package Authorization*.

3. **Privileged Mail Not Marked As Such.** Mail which otherwise qualifies as legal or official mail, but that lacks the proper designation as “LEGAL MAIL” or “OFFICIAL MAIL,” shall be processed as non-privileged mail (i.e., opened and inspected) outside the inmate’s presence and shall not be considered privileged mail accidentally opened.
4. **Privileged Mail to Be Logged.** All incoming and outgoing legal mail and official mail will be logged by the warden or designee.
  - i. The log shall include date, sender and recipient, and logging staff member.
  - ii. The log will also reflect any accidental opening of privileged mail.
  - iii. The full name and initials of the staff member doing the logging must appear on each page of the log book to allow for identification of the staff member for future reference.
5. **Search of Privileged Mail.** Legal mail and official mail sent to inmates shall be opened and inspected for contraband in the presence of the inmate addressee as provided in WDOC Policy and Procedure #3.013, *Searches*. The inspection shall be done by the staff member delivering the mail to the inmate, unless waived in writing by the inmate, or unless approved in advance in writing by the CEO or acting CEO using WDOC Form #306, *Search of Inmate’s Legal Material*, for opening and inspection outside the presence of the inmate.
  - i. Incoming legal mail and official mail shall not be examined, scan searched, read, or photocopied by staff, unless authorized in advance in writing by the warden using WDOC Form #306, *Search of Inmate’s Legal Material*.
    - a. Such authorization shall be based upon documentation showing there is a reasonable suspicion that the content is not in fact privileged matter or otherwise violates section IV.E.6 (*Criteria for Rejection of Mail*) of this policy.
6. **Accidental Opening of Privileged Mail.** The inmate addressee shall be informed in writing of the circumstances of accidental openings of legal mail or official mail outside the inmate’s presence using WDOC Form #523, *Notification of Privileged Mail Accidentally Opened*.



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**C. General Guidelines for Non-Privileged Mail**

- 1. Inspection of Non-Privileged Mail.** Non-privileged mail, both incoming and outgoing, may be opened and inspected for contraband, non-allowable property and mail violations, and/or it may be scan searched or examined.
- 2. Incoming Non-Privileged Mail to Be Opened.** All incoming non-privileged letters and packages shall be opened by mailroom staff or personnel designated by the warden and inspected to intercept money and any other contraband items.
- 3. Address and Delivery of Incoming Mail.** Incoming mail must include the inmate's confinement name, followed immediately by his/her WDOC correctional facility number, and must also contain the name and full mailing address of the sending person or entity as the return address.
  - i.** Incoming mail containing titles or prefixes to an inmate's name such as "Dr." or "Reverend", or containing aliases or nicknames other than the inmate's confinement name or confinement name accompanied by his/her legal name, will be returned to the sender unprocessed.
  - ii.** A reasonable attempt will be made to identify the inmate recipient if the inmate's name or number is incomplete.
    - a.** Incoming mail with the inmate's WDOC correctional facility number not immediately following the inmate's name, such as when it follows the post office box number or facility address, will be returned to the sender unprocessed.
    - b.** If the inmate recipient has a common name, such as "John Smith", or otherwise cannot be positively identified the mail will be returned to sender unprocessed.
- 4. Outgoing Mail.** All outgoing non-privileged mail shall be processed as follows:
  - i.** All outgoing inmate mail shall be enclosed and sealed in a stamped envelope. The envelope must contain the sending inmate's full official WDOC return address on the upper left front of the envelope and the full name and address of the intended recipient.



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- ii. Outgoing mail shall be placed in a secure designated receptacle in the correctional facility for pickup and mail processing by designated staff.
- iii. All outgoing non-privileged mail may be opened and inspected or examined prior to posting.
- iv. Prior to posting, all outgoing inmate correspondence will be stamped with the words “This is an uncensored letter from an inmate” on the envelope.

#### D. Inmate Correspondence with Other Incarcerated Individuals

1. **General Prohibition.** Except for the exceptions listed in paragraph IV.D.3., below, inmates may not send mail to nor receive mail from other incarcerated individuals, including, but not limited to, co-defendants, inmates in other WDOC facilities, and those currently under WDOC supervision in contract facilities.
2. **Return of Inmate to Inmate Correspondence.** Except for the exceptions listed in paragraph IV.D.3., below, mail which is identified as being from other incarcerated individuals prior to opening shall be returned to the sender unprocessed with the envelope stamped “Return to Sender. Mail from Unauthorized Source”.
  - i. Separate notice of the return will not be given to the inmate addressee for such unopened and unprocessed mail.
  - ii. Mail from an unauthorized incarcerated individual, which is not identified as being from an incarcerated individual prior to opening, shall be rejected with notification provided using WDOC Form #521, *Notification of Mail Rejection*. Return of such items to the sender shall be at the expense of the inmate.
3. **Allowable Exceptions.** Exceptions allowing correspondence between inmates and other incarcerated individuals may be made for up to two (2) letters per week under the following guidelines:
  - i. An inmate may correspond with another incarcerated individual when the correspondents are both inmates as defined by this policy, and were at the time of commitment, immediate family members listed as such on each of the inmate’s pre-sentence investigations.



- a. When in doubt as to the immediate family relationship between the inmates, inmate-to-inmate mail will be checked against the inmates' pre-sentence investigations or approved inmate to inmate correspondence listing by mail processing staff prior to rejection.
- ii. An inmate may correspond with another incarcerated individual when one (1) of the correspondents is not an inmate as defined by this policy, but is an incarcerated individual who is an immediate family member, and that relationship has been previously validated by mail processing staff upon the request of the inmate or the warden or his/her designee prior to the receipt of the correspondence.
- iii. Inmates may write to or receive mail from another incarcerated individual concerning obtaining or giving legal assistance or in furtherance of a legal matter in which the incarcerated individuals are co-parties, in accordance with this section, subject to the understanding that this mail is not considered either legal or official mail for mail processing purposes.
  - a. Inmate correspondence from another incarcerated individual concerning legal work must be clearly marked "Legal Related" on the front of the envelope, or it will be returned unopened and unprocessed to the sending person.
    - (1) Separate notice of the return will not be given to the inmate addressee for such unprocessed mail.
  - b. Legal related correspondence between incarcerated individuals will not be handled as privileged mail.
    - (1) Legal related correspondence between incarcerated individuals shall be considered non-privileged mail and shall be opened, inspected and/or examined by mail processing staff prior to delivery to the inmate addressee, or prior to posting if it is outgoing correspondence.
  - c. The ability to write to other inmates concerning legal work may be revoked if the content is not strictly related to obtaining or giving legal assistance or in furtherance of a legal matter in which the inmates are co-parties.



- (1) Appropriate legal matters would include active or pending civil or criminal litigation, or other proceedings, including but not necessarily limited to post conviction relief, habeas corpus petitions, domestic matters, and claims for benefits.
    - (i) Inmate disciplinary issues, grievances or potential grievances and parole matters do not qualify as legal matters exempt from the restriction of correspondence between incarcerated individuals.
  - (2) The correspondence should consist of requests for advice or assistance, the giving of advice or assistance, or the giving of legal documents relating to a legal matter in which the incarcerated individuals are co-parties.
  - (3) Except for normal salutations and closings, the correspondence should not address matters outside the scope of the type of legal matters discussed above.
  - (4) Unauthorized communications generally involve any non-legal discussion. More specifically:
    - (i) Social exchanges;
    - (ii) News or other information not related to the legal matter at hand;
    - (iii) Any other materials or documents not related to legal matters; or
    - (iv) Encrypted, coded or otherwise hidden messages.
  - (5) Inmate-to-inmate correspondence will not be allowed for an inmate to obtain discovery of information in support of his/her legal action.
- d.** Inmate-to-inmate correspondence in violation of this section will not be delivered to the addressee and will be rejected as it “otherwise violates this policy and procedure.”



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- (1) The inmate addressee will be notified of this rejection using WDOC Form #521, *Notification of Mail Rejection*, within two (2) working days of the rejection.
- iv. An inmate may correspond with another incarcerated individual if the corresponding inmates are the unmarried biological parents of the same minor child(ren), when paternity has been established, the ability to correspond has been approved in writing by the warden or his/her designee, and the correspondence is directly related to the welfare of the child(ren);
- v. An inmate may correspond with another incarcerated individual with expressed written approval of both wardens, which shall be given only for good cause shown.

#### E. Rejection of Non-Privileged Mail

- Reasons for Rejection of Non-Privileged Mail.** Non-privileged mail, both incoming and outgoing, may be opened, read and photocopied and may be rejected when in violation of this policy and procedure; when based on legitimate correctional facility interests of order and security; and when it is deemed to pose a threat or be detrimental to legitimate penological objectives, including inmate rehabilitation.
- Notice of Rejection.** Mail that is received, but returned to sender unopened and unprocessed due to an outwardly apparent violation of this policy and procedure, will not require a separate rejection notice to either the sender or the inmate addressee, but shall have a form label or stamp affixed on the outside of the package explaining the reason for the refusal (e.g., incomplete address; unauthorized attachment; mail from unauthorized source; or unable to positively identify intended inmate recipient.)
- Notice to Inmate of Rejection.** Inmates shall be notified by mail room staff when incoming or outgoing non-privileged mail that has been opened and processed is rejected, using WDOC Form #521, *Notification of Mail Rejection*, within two (2) working days of the rejection.
- Authority to Reject Non-Privileged Mail.** The rejection of non-privileged mail, other than publications, will be at the decision of the warden or designated mail processing staff.



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5. **Return or Disposal of Rejected Mail.** Any item rejected consistent with this policy and procedure, may be returned to the sender at the expense of the inmate within fourteen (14) calendar days of notice of mail rejection or disposed of at the direction of the inmate.
- i. In lieu of disposition within fourteen (14) calendar days of the notice of mail rejection, the inmate may use the inmate grievance system to request review of the rejection, in which case the item will be held for the appropriate disposition determined by the grievance process.
  - ii. Any item rejected consistent with this policy and procedure shall not be considered as inmate property and is not therefore subject to the requirements of WDOC Policy and Procedure #3.006, *Property Control*.
  - iii. Indigent inmates may choose to return rejected items using a portion of the indigent postage available to him/her under section IV.I.2. (*Indigent Inmates Postage and Supplies*) of this policy.
  - iv. Rejected items containing money shall be returned to the sender at the expense of the inmate.
6. **Criteria for Rejecting Mail.** The criteria for rejecting mail are as follows:
- i. Mail may be rejected if it contains threats, plans, or evidence of criminal activity, including but not limited to escape, violence, contraband, blackmail, extortion, etc.; or if it incites, advocates, aids or abets such criminal activity.
  - ii. Mail may be rejected if it is contrary to specific instructions of a court order.
  - iii. Mail may be rejected if it contains and/or is in furtherance of attempts to send contraband, within, into, or out of any correctional facility, including but not limited to nudity or sexually explicit material.
  - iv. Mail may be rejected if it contains plans for activities in violation of the Code of Inmate Discipline or otherwise violates the Code of Inmate Discipline.
  - v. Mail may be rejected if it is in code or the contents are not otherwise easily understood.



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- vi. Mail that solicits gifts, goods, or money from individuals or organizations other than the inmate's immediate family may be rejected.
- vii. Mail may be rejected if it contains gang-related material, gang signs, security threat group paraphernalia, or information concerning security threat group related activities. (See WDOC Policy and Procedure #3.301, *Management of Security Threat Groups*.)
- viii. Mail may be rejected if it contains material that could create tension within the correctional facility because it advocates separation of or violence between, or is derogatory towards, any group or individual within the correctional facility, or contains inflammatory information or other information which, if communicated, would create a clear and present danger of violence and physical harm to a human being.
- ix. Mail may be rejected if it contains cash; other forms of remittance from individuals who are not immediate family members of the addressee or individuals who are not on the inmate's personal visiting list; or remittance from relatives or visitors of other inmates in the custody of the WDOC.
- x. Mail may be rejected if it contains material not intended for the addressee; but rather material intended for other parties.
- xi. Mail may be rejected if it contains plans for activities in violation of this policy and procedure or otherwise violates this policy and procedure.
- xii. Mail may be rejected if it contains glue; glitter; powder; stickers; wax; stamps; excessive perfume, after shave or cologne; lipstick or lip gloss; possible bodily fluids; crayon; and/or any other foreign substance attached to or absorbed into the envelope or contents, which cannot be easily or safely inspected or removed, including artwork other than that designed by and printed by the manufacturer onto the stationary or envelope or hand-made drawings included as an authorized enclosure.

## F. Publications

1. **Receipt from Publisher.** Inmates may receive publications directly from the publisher only.



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2. **Publications to Be Paid in Advance.** All orders for publications must be paid for in advance of receipt.
3. **Rejection of Delayed Billing Publications.** Credit, delayed billing, or “bill me later” transactions for subscription to publications or purchase of publications or other merchandise received by the mail room will not be processed for mailing and will be destroyed without notice to the inmate or addressee.
4. **Limitation on Number of Publications Possessed.** The number of publications that an inmate may have in his/her possession at any given time is governed by property allowances contained in WDOC Policy and Procedure #3.006, *Property Control*.
5. **Prohibition against Multiple Copies of Publications.** Multiple copies of the same publication to the same inmate shall be prohibited.
6. **Inspection for Contraband.** All incoming publications shall be inspected for contraband.
7. **Removal of Unauthorized Enclosures.** Unauthorized attachments, enclosures, merchandise, or materials in publications, such as perfume samples, CD’s, and “bill me later” subscription cards not attached to the publication, may be removed and destroyed to allow the publication to be accepted and delivered to the intended inmate recipient.
  - i. Unauthorized items may be removed and destroyed without notice to the inmate or the publisher of the removal, if the publication is otherwise in compliance with this policy and procedure, and doing so would not drastically alter/destroy the publication or remove other content not directly related to the item(s) removed.
  - ii. If unauthorized items cannot be removed without drastically altering/destroying the publication, or such removal would also remove other content not directly related to the item(s) removed, the publication may be rejected upon the approval of the CEO.
  - iii. All accepted books, magazines and other publications (except newspapers) shall have an approval stamp placed on the front or inside front cover of the publication, together with the inmate addressee’s name, confinement number and staff’s authorization signature.





- e. The publication depicts, describes or encourages activities which may lead to the use of physical violence or group disruption, including martial arts or similar instruction;
- f. The publication encourages or instructs the commission of criminal activity;
- g. The publication contains nudity or is sexually explicit material;
  - (1) Publications received prior to the effective date of this policy, which are in violation of this section, shall be considered contraband after March 31, 2007.
  - (2) Inmates will have until March 31, 2007, to surrender such items to staff for disposition in accordance with WDOC Policy and Procedure #3.006, *Property Control*, without disciplinary consequences.
- h. The publication poses a threat to the security, good order, or discipline of the correctional facility, or facilitates criminal activity, or disrupts or inhibits the rehabilitative objectives of the correctional facility.
- iv. Incoming mailings that contain only advertisements, brochures, promotional materials, pamphlets, sweepstakes, contests and other materials where the primary purpose is to sell a product or service and when taken as a whole lack serious literary, artistic, religious, political, educational, or scientific value, shall be prohibited.
  - a. Such items will be returned to the sender if forwarding postage is guaranteed or they shall be destroyed.
  - b. No notice will be provided to the sender or the intended inmate recipient for mail refused under this paragraph.
- v. The inmate addressee shall be notified when a publication has been rejected by the warden using WDOC Form #524, *Notification of Publication Rejection*, within two (2) working days of the rejection.



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- a. The warden rejecting the publication will notify the other wardens of the rejection of that issue of the publication via e-mail.
  - (1) Notification to other wardens shall include the name and issue date of the publication, along with the specific reason for rejection, including page numbers of the noted violations.
- b. Rejection by one (1) warden shall serve as a basis for rejection at each of the remaining correctional facilities for identical issues of the incoming publication received after the date of the rejection.
- c. Identical issues of the same publication, received prior to the initial rejection date and approved for inmate receipt, shall be immediately considered contraband and confiscated in accordance with WDOC Policy and Procedure # 3.006, *Property Control*, as in violation of this policy if its continued presence inside the institution is found by the warden to pose a threat to the security, good order, or discipline of the correctional facility, or facilitates criminal activity.
- vi. Publications that have been previously rejected by the department shall continue to be prohibited.
  - a. The removal of offending pages and/or the re-mailing of the rejected publication shall not override the earlier rejection and continuing prohibition.

## G. Packages

1. **Prior Authorization Required.** Packages, other than publications received directly from the publisher, shall require prior authorization from the appropriate warden or his/her designee (e.g., associate warden, correctional program manager, security manager, property officer, librarian, and/or chaplain.)
2. **Thickness of Mail to Determine Designation as Package.** Non-privileged mail that is more than ¼ inch thick regardless of other dimensions, and legal and official mail that is more than three (3) inches in thickness shall be considered to be a package.



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3. **Package Authorization Required.** All packages, including those containing religious or study material not received directly from the publisher, will be returned to sender unprocessed unless receipt has been pre-approved using WDOC Form #522, *Package Authorization*, signed by the warden or his/her designee.
  - i. Notice of the return will be provided to the inmate using WDOC Form #525, *Notification of Package Rejection*, within two (2) working days of the rejection.
4. **Packages from Inmate Friends and Family.** Outside friends and family are not permitted to mail packages to inmates (no exceptions).
5. **Medically-Required Items Ordered by Friends and Family.** Outside friends and family are not permitted to order items for delivery into the institution, except for pre-approved replacement prosthesis, corrective footwear, or other medically-required items meeting the following criteria:
  - i. Such items may only be ordered with the approval of and upon the express written order of a licensed physician under contract to provide services to WDOC inmates; and
  - ii. Such items may be ordered from an authorized medical supplier for direct delivery from the supplier to the correctional facility, if and only if, the item is not available, or would not be available, through medical suppliers contracted with WDOC or its contracted service provider within a reasonable time frame; and
  - iii. Delayed access to the item by the inmate would be medically concerning to the authorizing physician; and
  - iv. The item is packaged by and delivered directly from the approved medical supplier to the attention of the authorizing physician only at the correctional facility address; and
  - v. The item is provided to the inmate only after physician's approval of the item as medically appropriate and following security inspection for contraband.
6. **Order by Inmates through the Canteen.** All approved merchandise that is to be received as a package from outside the correctional facility must be ordered by the inmate himself/herself for his or her own use only through the correctional facility canteen.





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- ii. Any item rejected consistent with this policy and procedure, may be returned to the sender at the expense of the inmate within fourteen (14) calendar days of notification of the package rejection, or disposed of at the written direction of the inmate.
    - a. In lieu of disposition within fourteen (14) calendar days of notification of the package rejection, the inmate may use the inmate grievance system to request review of the rejection, in which case the item will be held for the appropriate disposition determined by the grievance process.
    - b. Any package rejected consistent with this policy and procedure shall not be considered as inmate property and is not therefore subject to the requirements of WDOC Policy and Procedure #3.006, *Property Control*.
    - c. Indigent inmates who choose to return rejected items using indigent postage shall have the full costs of the return charged against his/her individual account for future reimbursement in accordance with this policy, even if it results in a negative balance on the inmate's account.
      - (1) Postage to return these items shall not be counted against the amount of postage authorized the indigent inmate under section IV.I.2 (*Indigent Inmates Postage and Supplies*) of this policy.
      - (2) The full amount of the costs of return shall be debited against the inmate's account even if the inmate has been indigent for more than one hundred eighty (180) consecutive calendar days.
9. **Sending Outgoing Packages.** Inmates may send outgoing packages containing personal property items, including legal work or hobby items, at their own expense upon the written approval of the warden or his/her designee on the WDOC Form #522, *Package Authorization*.
- i. Indigent postage may not be used to send out hobby items or other personal property items, unless disposition of the property is required under WDOC Policy and Procedure #3.006, *Property Control*.
  - ii. The mailing of legal material shall be in accordance with WDOC Policy and Procedure #3.401, *Inmate Legal Affairs*.



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10. **Package Log.** Mail processing staff will keep a log of all incoming and outgoing packages, the date and the disposition of each package (e.g., returned to sender, forwarded to property officer, given to postal carrier, referred to law enforcement, etc.).

## H. Inmate Mail and Money

### 1. Incoming Money

- i. Money will only be accepted if it is in the form of a cashier's check or money order, received from an approved source.
  - a. Money orders must be filled out completely to include the name and address of the sending party in the space's provided on the money order.
  - b. Incomplete money orders and cashier's checks or money orders received from individuals not authorized to send the inmate money under this policy shall be returned unprocessed.
- ii. Personal checks, cash, or other forms of remittance in violation of this policy and procedure will be not be accepted after the effective date of this policy and will be returned to the sender unprocessed by the business office, along with the letter or other enclosures, in the envelope it was received in.
  - a. Mail returned to sender for money violations will be stamped as "Return to Sender. Remittance in Violation of Mail Policy".
  - b. The cost of returning such items shall be paid by the inmate addressee.
  - c. Inmates will be notified of such returns using WDOC Form #521, *Notification of Mail Rejection*.
- iii. Cashier's checks and money orders from private individuals can only be received from individuals who are members of the inmate's immediate family as defined by this policy or from other individuals who are on the inmate addressee's approved personal visiting list.



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- iv. Checks made payable to the inmate from governmental agencies, business and tax refund checks, and checks received from an inmate's individual retirement account or fund may be received for deposit to the inmate's account.
- v. Cashier's checks and money orders in compliance with this policy shall be removed from incoming mail by the mail officer and shall be credited to the inmate's account by the business office or designee.
  - a. The inmate will receive a receipt on or in the envelope which contains the date, amount, and the initials of the staff member who received the cashier's check or money order.
  - b. Money orders with a value of less than one dollar (\$1.00) will not be processed and will be returned to the sender. The inmate will be notified that the money order was returned.

## **2. Outgoing Money**

- i. If money is available in the inmate's personal account, he/she may submit a state issued check request to the unit manager or designee for approval.
- ii. State issued checks may be requested for approved outside purchases or publications, charitable donation, or for authorized money transfers including the transfer of funds to other approved individuals, approved investment or interest-bearing accounts, and for the payment of previously owed bills, fees or legal obligations.
- iii. All complete state issued check requests must be attached to a stamped, addressed envelope prior to approval and check processing.
- iv. State issued checks may only be sent to individuals who are:
  - a. The inmate's immediate family as defined by this policy;
  - b. Other individuals whose names appear on the inmate's approved personal visiting list;
  - c. Bona fide, reputable, charitable organizations; or
  - d. Approved vendors or publishers.



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- (1) State issued checks to vendors or publishers must be accompanied by a completed order form.
- v. Inmate money transfers or other financial transactions of any kind are not permitted between inmates, including between immediate family members, without the prior approval of the warden or designee.
- vi. Inmates will be charged a flat fee of one dollar (\$1.00) for each state issued check that is processed at their request, as a check processing fee.
  - a. Funds received as state issued check processing fees shall be used to reduce the costs to the State for the checks and then for non-reimbursed postage allowances for indigent inmates.
  - b. Funds received as state issued check processing fees, other than reimbursement to the State for the costs of the checks, will be deposited to the inmate assistance fund.

## I. Indigent Inmates

- 1. **Indigence Status.** An inmate may apply for indigence status, using WDOC Form #526, *Indigent Inmate Application and Verification*, in any calendar month in which his/her individual account balance available for discretionary spending never exceeded \$14.99, including money from institutional pay and/or any other internal or external source.
  - i. Once approved, an inmate's status as an indigent inmate will continue for a period of sixty (60) calendar days, unless the inmate has \$15.00 or more received to his/her account from any source, including but not limited to institutional pay and money received from outside sources, during that sixty (60) calendar day period, in which case his/her indigence status will automatically cease.
  - ii. Indigent inmates who receive \$15.00 or more in any calendar month from any source shall continue to be eligible for indigence status if \$15.00 or less is credited to his/her individual account balance for discretionary spending due to court ordered obligations, fines, and restitution payments that are debited from the amount received prior to posting to the account balance for discretionary spending.



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iii. Each indigent inmate must reapply for that status every sixty (60) calendar days.

2. **Indigent Inmates Postage and Supplies.** An inmate, who is defined as indigent in the month he/she is requesting such, shall be provided an indigent packet for sending no more than five (5) letters per week.

i. Indigent packets shall include five (5) envelopes, ten (10) sheets of writing paper, and the required postage for those five (5) letters. It shall also include one (1) security-approved writing implement, issued once per month or upon an exchange basis (i.e., empty for new).

a. If pre-stamped envelopes are provided to indigent inmates they will be addressed with the requesting inmate's full official WDOC return address by the inmate at the time of delivery.

b. If indigent postage is not provided until the letter is posted, the inmate shall be required to sign for the postage when used.

ii. Inmates shall be required to sign for indigent packets. Costs incurred by the Department in providing such necessary supplies and/or mailing services shall be tracked for each inmate for whom these supplies and/or mailing services were provided, and shall be charged against an indigent inmate's individual account for future reimbursement in accordance with this policy, even if it results in a negative balance on the inmate's account.

a. The cost for supplies provided to the inmate and charged against his/her account shall not exceed the cost of purchase of those supplies.

b. Postage provided under this section shall not exceed the current first-class mailing rate.

(1) First-class mailing costs shall normally be limited to the costs of posting five (5) ounces of mail per week, unless otherwise authorized for cause on an individual basis by the law library coordinator or his/her designee.

(2) The CEO may authorize, for cause, the costs of posting up to two (2) pounds of first-class mail for



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an indigent inmate within the same week if required.

- (3) Specialized mailing services such as overnight, Fed-Ex, UPS, registered mail, certified mail, return/receipt, etc., shall not be provided.
- iv. Indebtedness will continue to accrue for materials and services provided to any inmate on indigence status. If the inmate has been on indigence status for a period of at least one hundred eighty (180) consecutive calendar days, the costs of indigent supplies and mailing services provided after that date will not result in additional arrearages for the subsequent period of consecutive indigence.
- v. Indebtedness incurred while on indigence status shall remain on the inmate's account subject to reimbursement from any monies received from any source until the entire indebtedness balance is paid or until the inmate is released from WDOC control and supervision upon parole or discharge.
- vi. Ten percent (10%) of any future money received from any source to the account of any inmate in arrearage for the costs of materials and supplies under this policy, not credited to restitution or child support, shall be frozen by the business office and used for payment towards such arrearages prior to the crediting of the balance of the amount received to the inmate's personal account. This ten percent (10%) shall be independent of any other amounts targeted for reimbursement due to other debts or obligations, including services provided in accordance with WDOC Policy and Procedure #3.401, *Inmate Legal Affairs*.

**J. One-Time-Only Issue of Writing Supplies and Postage During Intake**

- 1. **Request for Supplies at Intake.** Newly received inmates who arrive at intake without writing supplies may request a one-time-only issue of the indigent postage allowance of up to: five (5) envelopes, twenty (20) sheets of writing paper, one (1) security-approved writing implement, and required postage to facilitate immediate correspondence with family and friends.
  - i. If pre-stamped envelopes are provided as part of the one-time-only issue, they will be addressed with the requesting inmate's full official WDOC return address by the inmate at the time of delivery.



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2. **Inmates Ineligible for Issue.** Inmates who arrived with \$15.00 or more and who have had the opportunity to make a purchase from the canteen after their arrival will not be eligible for this one-time-only issue.
3. **Limitation on Postage Provided.** Postage provided under this section shall not exceed the current first-class mailing rate.
  - i. Specialized mailing services such as overnight, Fed-Ex, return/receipt, etc., shall not be provided.
4. **Costs Debited from Inmate Account.** Costs incurred by the Department in providing such necessary indigent supplies and/or mailing services will be debited from the account of the inmate for whom these supplies and/or mailing services were provided, even if doing so results in a negative inmate account balance.
5. **Future Money Received Used for Payment of Arrearages.** Future money received from any source to the account of any inmate in arrearage for the costs of supplies and/or mailing services received on a one-time-only basis under this section shall be frozen by the business office and up to the full amount received used for payment towards such arrearages prior to the crediting of the balance of the amount received to the inmate's personal account.

**K. Forwarding of Mail**

1. **Mail from U.S. Postal Service Forwarded After Release.** The WDOC shall forward first-class letters and packages received through the U.S. Postal Service after an inmate's transfer or release for up to ninety (90) calendar days provided the inmate has provided the correctional facility a forwarding address.
  - i. Mail received more than ninety (90) calendar days after an inmate's transfer or release shall be returned to sender.
  - ii. Packages received from mail service providers other than the U.S. Postal Service after an inmate's transfer or release shall be rejected and shall not be forwarded.
2. **Return to Sender When Address Not Available.** If an address is not available, letters and packages shall be returned to sender.
3. **Mail for Temporary Transfers Held.** Incoming mail for inmates temporarily transferred to another criminal justice agency or medical or



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mental health facility who are expected to return to the same correctional facility they were transferred from, will be held at the facility for no more than seven (7) working days.

- i. If the inmate does not return to the sending facility within seven (7) working days, the correctional facility will forward to the receiving agency all accumulated and subsequent mail received at the facility for the inmate.
- ii. If the receiving agency refuses the forwarded mail, it will be held at the sending facility until the inmate has been returned.

4. **Classes of Mail Forwarded.** The following classes of mail will be forwarded:

- i. First-class (including zone rated priority) mail;
- ii. All second, third, and fourth-class mail for which the sender or addressee has guaranteed to pay the forwarding postage;
- iii. All other mail for which the sender or addressee has guaranteed to pay the forwarding postage.

5. **Inmate Responsibility to Make Change of Address Notification.** It will be the inmate's responsibility to make a change of address notification to the publishers to whom he/she subscribes in the event he/she is transferred to another correctional facility or discharged.

6. **Return to Post Office of Sender when Unable to Forward.** Mail received for an inmate who has escaped or which cannot be forwarded for whatever reason will be returned to the post office or other approved mail service provider for mail processing per postal service regulations or returned to sender if delivered by another approved mail service provider.

L. **Administrative Review.** Decisions made relative to this Policy and Procedure are subject to the inmate grievance process.

## V. TRAINING POINTS

- A. Who may deliver mail to an inmate addressee?
- B. Can enclosures of minimal value, such as a paper clip or blank sheet of paper, be removed and destroyed so that the inmate may receive the incoming mail without notice being given to the inmate?



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- C.** Under what circumstances may legal or official mail be opened?
- D.** Under what circumstances may legal or official mail be scan searched or read?
- E.** Who may make the decision to reject incoming publications?
- F.** Can all inmate-to-inmate mail be received?
- G.** Is legal related mail that is sent from one incarcerated individual to another privileged mail?
- H.** Can inmates receive money through the mail from any source?
- I.** Can decisions made relative to this policy and procedure be appealed?