

CLEVELAND COUNTY DETENTION CENTER POLICIES & PROCEDURES	POLICY NUMBER: 5.08	EFFECTIVE DATE: 03/21/2016
	CHAPTER: Inmate Programs and Activities	
CORE STANDARDS:	TITLE: Inmate Mail	
STATE STANDARDS: OAC 310:670-5-9(1-7)	REVISED: April 19, 2016	

I. POLICY

Inmates are permitted to send and receive mail that does not pose safety and security concerns for the operation of the jail. The type and form of incoming and outgoing mail is limited in accordance with the terms of this policy and the pressing need for facility security, discipline and order. All incoming and outgoing mail is subject to both this policy and other policies which regulate any procedures for screening, distributing, and for inmates possessing such mail within their cells.

II. GENERAL RULES

1. Due to the needs of security and institutional order in a correctional setting, all incoming mail is inspected through the screening process, and non-privileged mail may be read if it is deemed to pose a potential threat to safety or security interests.
2. Acceptance by the facility of any mail is subject to the terms stated and procedures outlined in this policy.
3. Senders and intended recipients of mail will be notified when mail is rejected or impounded in accordance with this policy.
4. All mail must be clearly and properly addressed to the inmate to be delivered. Inmate mail addressed incorrectly, or not addressed to a particular inmate, will be returned to sender.
5. There is no limit to the amount of mail that an inmate may receive or send, subject to the regulations governing the amount of paper permissible in a cell.

III. PERMITTED MAIL

1. Postcards that have not been altered from their original form, such as by adding layering, backing, laminate, buttons, stickers, or other items

2. Privileged mail, meeting the criteria outlined in Section VI below, from a legal source that is clearly marked in a manner to demonstrate the source (i.e. mailed in official stationary or by letter with sufficient identification to clearly indicate the status of the sender)
3. Softcover books, newspapers, periodicals, magazines, publications and the like that are mailed directly from the publisher or from a distributor, book club, bookstore, book seller, retailer or other distributor of publications through the mail
4. Correspondence: An unlimited number of pages sent in an envelope that has not been altered from its original form.
 - a. Neither the paper nor the envelope may contain any perceived biohazard, i.e. lipstick, gloss, scents, residue, etc.
 - b. The paper may not contain any staples or other metallic fixtures such as paperclips
 - c. Paper will be removed from envelopes during screening, and the envelopes will be disposed of and not be delivered to inmates, **IF** information, which indicates the date of the enclosed letter or material and the sender of it, is available on the letter or material itself. If this information is not available, then the envelope or a copy of it will be delivered. Also, if the envelope contains content not typically included for mail reasons, such as artwork, drawings or brief messages to the recipient, then the envelope or a copy of it will be delivered to the inmate.
5. Commercial Enveloped Mail: An unlimited number of pages contained within an envelope, otherwise acceptable under this Policy.
 - a. Neither the paper nor the envelope may contain any perceived biohazard, i.e. lipstick, gloss, scents, residue, etc.
 - b. The paper may not contain any staples or other metallic fixtures such as paperclips
 - c. Paper will be removed from envelopes during screening, and the envelopes will be disposed of and not be delivered to inmates, **IF** information, which indicates the date of the enclosed letter or material and the sender of it, is available on the letter or material itself. If this information is not available, then the envelope or a copy of it will be delivered. Also, if the envelope contains content not typically included for mail reasons, such as artwork, drawings or brief messages to the recipient, then the envelope or a copy of it will be delivered to the inmate.
6. These permitted items are further subject to the rules below regarding impermissible content, form and/or items appended to such mail.

IV. IMPERMISSIBLE INCOMING MAIL

Mail that otherwise would be permitted, in accordance with Section III, may be rejected and impounded if such mail:

1. Does not qualify under Section III as permitted mail
2. Contains drugs or other contraband
3. Contains wire, spiral bindings, metal, plastic, pens, pencils, or any other items deemed inappropriate or unacceptable for safety or security reasons
4. Contains obscene images, graphics or any exposed genitalia, including but not limited to pornography
5. Contains content of any sort that tends to incite violence, riot, racism, or threaten the safety or security of the facility, inmates or staff
6. Contain any perceived biohazard, i.e. powder, lipstick, gloss, scents, residue, etc.
7. Contains unused postage stamps within the mail
8. Contains gang codes or other gang related markings
9. Poses safety and security concerns for the operation of the jail
10. Is not clearly addressed to the inmate or does not otherwise meet the requirements of incoming mail contained in this policy.
11. Does not contain any return address and, after subjected to the screening process, is believed by CCDC staff to pose a security threat or to contain contraband or any of the prohibited content noted above

The above are examples of impermissible mail and not an exclusive list.

V. PERMISSIBLE AND IMPERMISSIBLE OUTGOING MAIL

1. Inmates are allowed to mail letters using envelopes, postcards and greeting cards purchased through the commissary.
2. Inmates may not mail:
 - i. Contraband
 - ii. Edible items
 - iii. Gang codes
 - iv. Other items or content deemed to jeopardize the legitimate penological objectives of the facility or endanger the public
3. Envelopes that are suspected of containing contraband shall be forwarded to the Detention Clerk. The Detention Clerk will contact the inmate and attempt to ascertain what is inside the envelope. If necessary, the envelope will be searched via the usual screening process.

VI. DEFINITIONS

1. Privileged (Legal) Mail: Mail between an inmate and any of the following: licensed attorneys or law firms; legal aid services or other agencies which provide legal services to inmates; judges; clerks of any court; public officials and their authorized representatives, acting in an official capacity.
2. Contraband: Any item or article in the possession of an inmate or found within the jail that has not been officially issued, purchased in the commissary, or approved by an appropriate staff member; or, possession of an excess of otherwise authorized items.
3. Censor/ Censorship: The reading and deleting of any parts contained within inmate correspondence to further a reasonable and legitimate penological interest unrelated to the suppression of expression.
4. Commercial Enveloped Mail: A mail item that is easily discernible as sent from a business or organization for a commercial, educational, promotional, literary, or informative purpose. Examples include but are not limited to the following: newsletters, brochures, flyers, fundraiser materials, solicitations for donations or product or services, and judicial opinions.
5. Correspondence: A written or visual communication that reasonably appears to be from an individual, such as a family member, friend, colleague, spouse, life partner, boyfriend/ girlfriend, etc., as opposed to a business or organization, which communication is contained within an envelope addressed to a particular inmate. The form of the communication, whether it is typed, handwritten, computer processed, consists of photographs in whole or in part, formal or informal, etc., shall not matter in the designation of the mail as correspondence.
6. Rejection: The entire withholding and denial of any incoming or outgoing mail in concert with this policy and procedure, including the final decision to deny any appeal or grievance related to delivery of certain mail
7. Impoundment: The temporary withholding of mail from delivery to its recipient pending the completion of any grievance or appeal process that has been initiated by a sender or receiver of mail
8. Screening process: All of the procedures by which the detention center staff receives, checks, censors, alters, and processes inmate mail for delivery either within the facility or outside the facility
9. Personal mail: All mail, of whatever form and size, that is not privileged (legal) mail

VII. TREATMENT OF STAPLES AND OTHER BINDING MATERIALS

General Rule: Due to health concerns, including but not limited to sterilization, disease, and illicit tattooing, and also safety concerns, implicated by the fashioning of sharp items

and/or weapons, CCDC staff will remove all staples from incoming personal and privileged mail before delivery to inmates.

1. During the screening process, staff will remove from mail items all staples, of any size, due to safety and security concerns.
2. If staples are removed from magazines or publications that bind them, these items will be folded in such a manner as to keep the pages together for delivery.
3. All paper clips, metal clamps, clasps, wire, putty, tacks and other binding materials will be removed before delivery.
4. In the event that volume of stapled mail increases and causes security concerns and/or an unacceptable expenditure of staff time and resources in performing the above procedure, CCDC reserves the right to re-evaluate and change the procedure. If such a change occurs, senders and receivers of mail will be notified for a period of 6 months after the new procedure goes into effect.

VIII. PROCEDURAL GUIDELINES FOR INCOMING PERSONAL MAIL

General Rule: All incoming material, except privileged mail, shall be processed through the CCDC mail system and screened by detention staff to ensure appropriate security measures are observed and the security and order of the facility is safeguarded.

1. The Detention Clerk retrieves the mail and it is processed.
2. Processing Incoming Mail/ Screening Process
 - a. All personal mail is reviewed for compliance with the terms of this policy
 - b. All personal mail is searched for contraband and other items noted above as impermissible attachments to mail
 - i. Unauthorized items will be confiscated
 - ii. If the authorized items are illegal, the Shift Supervisor may pursue criminal charges
 - c. All mail is reviewed to ensure there is no inmate to inmate mail.
 - d. The Detention Clerk shall decide whether each piece of mail is permitted or rejected.
 - e. The Detention Clerk sorts the mail first by Tower then by Pod.
 - f. Accepted mail will be placed into Unit Mail Folders and the folders will go into the mail cart.
 - g. Detention Officers retrieve the mail from the Detention Clerk's office and pass the mail out to inmates.

IX. PROCEDURAL GUIDELINES FOR INCOMING PRIVILEGED MAIL

1. The Detention Clerk retrieves the mail and it is processed.

2. The Detention Clerk identifies privileged mail and places it in a designated box for each Pod.
3. The Detention Officer picks up the box and travels to the pod where each subject inmate is located.
4. The Detention Officer opens and searches the privileged mail IN THE PRESENCE OF THE INMATE to ensure there are no unauthorized items, as set out in this policy.
5. Privileged mail is not ordinarily to be read but is subject to the screening process for contraband and treatment of binding materials.
6. Privileged mail may be screened outside the presence of the inmate in the very unusual event that pressing security concerns are reasonably believed to exist relative to the subject mail.

X. NOTIFICATION OF MAIL REJECTION DECISION

1. If the mail is rejected, a Mail Rejection Form will be completed by the Detention Clerk and filed.
2. This Form shall specify:
 - i. The subject piece of mail
 - ii. The sender of this mail
 - iii. The addressee/ intended recipient of the mail
 - iv. The reason(s) the mail was rejected
 - v. Notice of Appeal Rights, including:
 1. The time within which to appeal this decision
 2. The manner in which the appeal is to be filed and to whom it shall be addressed
 3. The timetable for a final decision once an appeal is filed
 4. The title of the person who will decide the appeal
3. The Mail Rejection Form shall be delivered to the subject inmate addressee of the mail by regular facility mail pass, and the date the inmate receives the mail shall be logged onto a copy of the Mail Rejection Form and kept in a file.
4. One Mail Rejection Form, per issue or type of mail item, shall be delivered to the sender of the mail, the mailing date of which shall begin the time to appeal the Rejection decision.
 - i. CCDC may send one Rejection Form for each issue rejected, listing the total number of inmates who did not receive the subject issue.
 - ii. In this way, CCDC will attempt to notify the sender each time a rejection decision is made, unless the sender appeals the rejection and an appeal is finalized with the rejection upheld. In this event, CCDC may, but is not required to, send a Mail Rejection Form for the same issue for which the appeal process has already been exhausted.

5. The subject mail shall be impounded at the facility until such time as either the time to appeal has passed or a final decision is reached upon an appeal.

XI. INTERNAL APPEAL PROCESS OF REJECTION OF MAIL

1. If incoming mail, including any magazine or publication, is rejected and not delivered to an inmate for one of the reasons listed in this policy, detention staff will notify both the sender and the inmate of the decision and of the opportunity to appeal this decision.
2. CCDC staff will send notification to the inmate via regular mail pass within no later than three (3) days after rejection.
3. Consistent with the provisions of Section X(4) above, CCDC staff will send notification to the sender via certified mail within no later than three (3) business days after the rejection of the subject mail.
4. The inmate may appeal the rejection decision within fourteen (14) business days of the mailing of the Mail Rejection form by using a grievance form, following the usual grievance procedures. The inmates grievance form shall contain:
 - i. The inmate's name
 - ii. Date of completion of the grievance form
 - iii. Name or nature of the mail item in question
 - iv. All of the reasons why the inmate disagrees with the decision
5. The sender may appeal the rejection decision within fourteen (14) business days of the mailing of the Mail Rejection form by sending a letter to: Chief of Detention, F. Dewayne Beggs Detention Center, 2550 West Franklin Rd., Norman, OK 73069. If the sender chooses not to use certified mail, the burden to demonstrate timely mail deposit, for purposes of appeal validity, is upon the sender.
 - i. The appeal will be handled by a different person than the one who reviewed and made the initial decision to reject the mail item.
 - ii. If the Chief of Detention is not able to handle the appeal due to being out of the office or due to a pressing correctional situation, another official will be designated to handle the appeal and perform all functions associated therewith.
6. The appeal from the sender must include:
 - i. The inmate's name
 - ii. Date of receipt of the Mail Rejection Form
 - iii. Contact person's name, address and phone number of the sending party which is appealing the rejection decision
 - iv. Name or nature of the mail item in question

v. All of the reasons why the sender disagrees with the decision

7. Inmates and senders will be notified of the appeal decision within twelve (12) business days of the receipt of the appeal/ grievance.
8. If the person handling the appeal at CCDC needs longer than twelve (12) days to render a decision on the appeal, notice will be provided to the sender that an extension of time is necessary to respond and the number of days forming the extension.
9. If the internal appeal by an inmate or sender overturns the rejection decision, the item(s) shall be promptly delivered to the inmate, and the sender shall be notified of the decision by regular mail.
10. If the internal appeal by an inmate or sender affirms the rejection decision, the item(s) shall be either discarded or, if the sender so elects, returned to the sender at the sender's expense.