

**State of North Carolina
Department of Correction
Division of Prisons**

POLICY & PROCEDURES

Chapter: D
Section: .0300
Title: **Inmate Use of the Mail**
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.0306 GENERAL

- (a) Correspondence between inmates is generally prohibited. This general prohibition includes inmates housed in any correctional facility (Federal prisons, county jails, prisons in other states etc.) that seek to correspond with inmates housed in N.C. Division of Prisons facilities. Correspondence between inmates can be approved by both Facility Heads involved when the inmates are immediate family members or if another compelling reason for the correspondence is presented. The approval process for inmate-to-inmate correspondence requests, when both are housed in a North Carolina Division of Prisons facility, is handled through use of the appropriate OPUS screens. Any request for correspondence between inmates must be entered into the appropriate OPUS screens in the Inmate Control Status (ISS) module.
- (b) Other than the restriction noted in .0306 (a), inmates may write to anyone. An individual inmate's privilege to write to a particular person or persons may be withdrawn, by the Facility Heads of the correctional facility to which the inmate is assigned, upon request of the recipient or if the recipient is a minor, at the request of his or her parents or legal guardian. Writing privileges also may be terminated for any of the reasons stated in Section .0307 (e) of this policy. The reason for withdrawal must be stated in a written notice to the inmate that should refer specifically to the letters previously returned.
- (c) It is the purpose of the mail policy to protect citizens in the community from offensive or threatening letters and prevent criminal activities and escape plots from developing through correspondence. To accomplish this, it is the responsibility of each facility mail room to stamp the outside of each piece of outgoing inmate mail (including packages) with the name of the correctional facility (e.g. mailed from Columbus Correctional Institution). The stamp should be affixed to the front of the envelope above the address and between the return address the postage stamp. This is not required at community residential facilities, e.g.; Wilmington Residential Facility for Women.
- (d) The Facility Heads will be responsible for developing and implementing facility mail procedures consistent with this policy. The facility procedures must be reviewed annually to assure compliance with current Division of Prisons policy.
- (e) Combined Records maintains an inmate's record based on the name of the inmate when the inmate was first committed to the custody of the Department of Correction. The alias screen on OPUS contains other names used by the inmate, including legal name changes. Inmates that have legally changed their name can receive incoming mail and send outgoing mail with the legally changed name and the inmate's OPUS number OR with the legally changed name and the inmate's committed name. Based on the Department's

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record keeping system, the Division of Prisons finds that even though using either the OPUS number or committed name is allowable, the most efficient manner of sending and receiving mail is listing the inmate's legally changed name and committed name.

- (f) The Director of Prisons or designee may modify these procedures based on the security considerations of a particular situation.

.0307 CORRESPONDENCE

- (a) Legal Mail
- (1) Definition: Mail to and from attorneys, state and federal courts, the Attorney General of the United States or the Attorney General of North Carolina, the judiciary, the Industrial Commission, consular officials, or legal aid services or a paralegal.
 - (2) Legal mail from inmates shall not be opened for inspection or impeded in its transmission. If there is any question as to whether an addressee is one of these persons, the mail can be held for not more than 24 hours to resolve the question.
 - (3) Postage for legal mail from inmates will be paid from the Inmate Welfare Fund provided the inmate is indigent. No other eligibility requirements apply to postage for legal mail. The 10 letter limitation on personal mail does not apply to legal mail.
- (b) Department of Correction Officials
- (1) Definition: The Secretary of Correction, the Director of Prisons, any member of the Inmate Grievance Resolution Board or its staff, any member of the Board of Correction, the Post-Release Supervision and Parole Commission or its staff, or any official of the Department of Correction in the chain of command above the Facility Head of the facility to which the inmate is assigned, are defined as DOC officials.
 - (2) Mail to DOC officials will be accepted within our system without postage.
 - (3) Mail to DOC officials shall not be opened for inspection or impeded in its transmission. If there is any question as to whether an addressee is one of these persons, the mail can be held for not more than 24 hours to resolve the question.
- (c) Other Government Officials
- (1) Definition: Any member of the Congress of the United States or any member of the General Assembly of North Carolina; the President of the United States or the Governor of North Carolina; the Director or any agent of the Federal Bureau of

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Investigation; consular officials for inmate who are citizens of the respective country as identified on the OR11, Personal Characteristic screen are defined as other government officials.

- (2) Mail to other government officials will be considered as personal mail for the purpose of postage.
- (3) Mail to other government officials shall not be opened for inspection or impeded in its transmission. If there is any question as to whether an addressee is one of these persons, the mail can be held for not more than 24 hours to resolve the question.
- (d) Personal mail
 - (1) Definition: Any mail to or from an inmate that is not defined in paragraph (a), (b), or (c) of section .0307.
 - (2) Postage for personal mail from inmates without funds will be paid from the Inmate Welfare Fund provided the inmate is indigent.
 - (3) Postage for personal mail from indigent inmates shall be limited to the cost of 10 first-class one ounce letters per month per indigent inmate.
- (e) Other Outgoing Mail. Personal mail from inmates may be sealed when placed in the outgoing mail and shall not be opened and censored unless the Facility Head or designee has good cause to believe that:
 - (1) The mail contains threats of physical harm against any person or threats of criminal activity.
 - (2) The mail threatens blackmail or extortion.
 - (3) The mail concerns sending contraband in or out of the correctional facility.
 - (4) The mail concerns plans to escape;
 - (5) The mail concerns plans to violate departmental rules and policies necessary to maintain security and control;
 - (6) The mail concerns plans for criminal activity or violations of state or federal laws;
 - (7) The mail concerns information that if communicated would create a clear and present danger of violence and physical harm.
- (f) Incoming mail

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- (1) Inspection: The Facility Head shall provide for the inspection of all incoming mail by a mailroom officer. The inspection shall serve to prevent inmate from receiving through the mail contraband, Social Security checks, Supplemental Security Income checks, or any material that threatens to undermine the security and order of the facility or which cannot be lawfully sent through the mail. The Mailroom Officer will use the Inmate Banking Module Deposit Control Report to review for questionable deposits. This is detailed in DOC Fiscal policy .1006 (B) (10-12).
- (A) Mail to an inmate which appears to be from one of the persons listed in paragraph (a) of this policy shall be opened by correctional staff in the presence of the inmate. Correctional staff will ensure that the contents of letters from persons listed in paragraph (a), (b), or (c) of section .0307 are free of contraband and are, in fact, official or legal correspondence from the person whose name and return address appears on the outside of the envelope or package. The correspondence shall not be read beyond what is necessary to make this determination.
- (B) Mail shall be inspected to determine whether it contains Social Security or Supplemental Security Income checks. Social Security checks for anyone convicted of a crime punishable by a sentence of more than one year in jail or prison and Supplemental Security Income checks for anyone who is incarcerated for at least one full month are required by law to be suspended. All such checks shall be returned by U.S. mail to the Social Security Administration, Baltimore, MD 21235-0001. Appropriate documentation of the return of all such checks shall be accomplished as follows:
 - (i) List the check in the Mail Record Book (Form DC-218) as provided by Division of Prisons policy D .0310 and in the space used for the inmate's signature enter the words "RETURNED TO SENDER." DO NOT have the inmate sign in this space.
 - (ii) Each day, prepare a list of the checks received noting specifically the inmate's name and number and the check's number, amount, date, and issuer. Make a copy of each check.
 - (iii) Send the list and the checks to the Social Security Administration with a cover letter from the Facility Head stating that the checks were intended for inmates were intercepted and are being returned.
 - (iv) Maintain a file with the copy of the Facility Head's letter, the list of checks, and the copies of checks. NOTE: This file must reconcile with the checks listed in the Mail Record Book that are marked "RETURNED TO SENDER."

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- (C) Mail shall be inspected to determine whether it contains Veteran's Compensation checks. Limitations on payment of Veteran's Compensation checks to inmates incarcerated for conviction of a felony are addressed in Title 38 of the United States Code, Section 3113. The following guidelines shall be used to handle veteran's benefits checks received by an inmate:

(i) Deposit the check in the inmate's trust fund following existing procedures.

(ii) Send a letter with the following information to V. A. Regional Office, 251 North Main Street, Winston Salem, NC 27155.

(1) Date of Conviction

(2) Date of initial admittance to prison

(3) Projected release date

(4) Dates of escape and recapture, if any

(5) Whether or not the inmate is participating in a work release program or is residing in a halfway house, and

(6) A copy of all Judgements and Commitments for the current term of imprisonment.

(iii) The V. A. Regional Office will then make a determination regarding the inmate's continued eligibility and/or the amount of the benefit check. If the V. A. Office determines that an inmate has received an overpayment, they will request repayment by the inmate of the overpayment. If the inmate does not repay the overpayment, the V. A. Office will reduce the inmates future checks to collect the overpayment.

- (2) Censorship: Incoming personal mail may be opened and read by the Facility Head or his/her designee only if he/she has reason to believe that the contents of the letter fall into one of the categories listed in paragraph (e) of this section .0307. This paragraph and paragraph (e) of section .0307 allow for inspection and censorship of mail only when necessary to protect the security of the facility and prevent criminal activity. No letter is to be opened or censored in order to eliminate critical opinions of departmental policy or the Department's employees. All incoming personal mail is to be inspected but not read unless it falls in one of the categories listed in paragraph (e) of section .0307.

(g) Mass Mailings:

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- (1) Any massive attempt to use the mails to reach the inmate population or facility is inherently suspect. If the Facility Head has good cause to believe that such an attempt has been initiated in order to cause disruption or otherwise threaten the order and security of the facility, the mail involved will be censored. If necessary, due to the security consideration stated directly above, the Facility Head may refuse delivery of this mail without notice to the inmate addressee.

(h) Rules on Non-English Correspondence:

(1) Generally, letters to and from an inmate should be written in English, however, correspondence not written in English does not, in and of itself, create reason to believe it threatens security.

(2) Exceptions shall be made for an inmate or a person writing to an inmate if either is determined to be unable to read or write in English, unless the Facility Head has reason to believe that the correspondence falls into one of the categories set forth in D.0307 (e).

(3) If the Facility Head has reason to believe the content of the correspondence falls into one of the categories listed in D.0307 (e), immediate action shall be taken to obtain an accurate translation by any means available, including access to local resources such as departmental staff, volunteers, high schools, community colleges, universities, and foreign language associations.

(4) Correspondence not written in English should not be prohibited based on the ability of the inmate or person writing the inmate to read or write in English. The determinative factor should be whether or not the content of the correspondence falls into one of the categories set forth in D.0307 (e).

(i) Rules on Letter Content and Structure

(1) Letters may be typewritten, printed, or written legibly in longhand.

(2) Letters to inmates should be addressed so that the full name of the inmate appears on the envelope. The inmate shall instruct his correspondents to use the correct address as posted on the inmate's bulletin board.

(3) Letters from inmates must have their full name and the return address of the facility in the upper left hand corner of the envelope.

.0308 PROCEDURES FOR CENSORSHIP

- (a) When the Facility Head or designee decides that an inmate should be prohibited from sending or receiving any personal mail because the content of the mail threatens the security of the facility, the inmate should be notified in writing within twenty-four (24) hours of the reason for censorship. A similar notification shall be given to an inmate when non-English correspondence is withheld based on a determination by the Facility

Head or designee that the correspondence falls into one of the categories listed in paragraph (c) of Section D.0307.

- (b) The inmate shall be informed that he or she may appeal the decision to withhold correspondence by presenting written arguments to a committee appointed by the Director of Prisons to resolve the issue. The inmate shall be allowed ten (10) days from the date he or she receives written notice of the correspondence being prohibited in which to appeal to the Director's Publication/Correspondence Review Committee. The inmate is given the following notice:

Your correspondence has been withheld because _____. You may appeal the decision to withhold your correspondence by presenting written arguments within ten (10) days to the Director of Prisons at 831 West Morgan Street 4260 MSC, Raleigh, N.C. 27699-4260.

- (c) The Director's Publication/Correspondence Review Committee shall consist of members of the treatment and custodial staff of the Division of Prisons. The committee need not meet formally to approve or disapprove the correspondence, but each member will be consulted as to their opinion before a final decision is reached. The Director's Publication/Correspondence Review Committee shall make its final decision within thirty (30) days of the date of the inmate's appeal is received. In instances where the inmate fails to appeal the decision made by the Facility Head or where the Director's committee determines the content of the correspondence falls into one of the categories listed in paragraph (c) of Section .0307 or that the inmate is not eligible to receive non-English correspondence then the correspondence shall be handled like any other personal property that the inmate is not entitled to have in his/her possession.

.0309 PACKAGES AND OTHER ITEMS

- (a) Sent by Inmates. Packages and envelopes larger than 4 1/4 x 9 1/2 addressed to persons other than one of those listed in Rule .0307 (a), (b), or (c) of this section may not be sealed for mailing by an inmate until inspection by a mailroom officer and found free of contraband or material which constitutes a threat to the order and security of the facility or which cannot be lawfully sent through the mail. This inspection shall be done in the presence of the inmate. If cleared for mailing, the items shall be sealed and placed in the mail by the sender in the presence of the inspector.
- (b) Sent to Inmates. Additional items sent to inmates shall be subject to inspection and handling by a mailroom officer. The inspection shall be done in a secure location in the facility and shall not be done in the presence of the inmate. If the officer determines that the package or envelope contains contraband or other material that threatens the order and security of the facility, this material shall be confiscated in accordance with policy.

- (c) Additional Items Sent to Inmates. In addition to letters, the following items may be received by an inmate through the mail, and are always subject to inspection and handling as provided in these regulations:
- (1) Clothing approved for use while incarcerated;
 - (2) Clothing to be used upon release (if received within 15 days of a scheduled release date);
 - (3) Musical instruments (when approval is secured in advance from the Facility Head);
 - (4) Unframed photographs, not to exceed 8" X 10";
 - (5) Legal papers;
 - (6) Publications which may be received under D .0100 (Publications policy);
 - (7) Religious items (see DOP Religious Practices Reference Manual);
 - (8) Money should be sent by money order or by cashiers check or certified check. Cash that is concealed or hidden within other mailed items in an attempt to avoid detection shall prompt an investigation and appropriate disciplinary action. Procedures for the proper handling of money are internal matters and are contained in Department of Correction Administrative Policy and Procedures Manual .1002 (b) (1).
- (d) Inmate Request for Other Items. Any inmate may request in writing permission from the Region Director to receive through the mail a specific item that is not otherwise authorized. This request shall be forwarded through the chain of command to permit the views of region staff to be expressed.
- (e) COD Packages Sent to Inmates. No COD packages will be accepted for any inmate and no inmate shall be authorized to send mail COD. Unauthorized items arriving by mail shall be returned to the sender at the expense of the inmate addressed. If the inmate is indigent, the package shall be returned with postage paid by the Inmate Welfare Fund or the inmate may donate it to a charitable organization or request it to be destroyed. A copy of the mail regulations shall be enclosed in the package to be returned. Packages that postal authorities will not accept for return to the sender shall be delivered to some charitable organization, or to a law enforcement agency and a receipt shall be obtained for the same.

.0310 MAIL RECORDS

- (a) For Incoming Mail: The mail officer shall:

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- (1) Record in a separate mail record book (DC-218)
 - (A) Incoming legal mail and packages; and
 - (B) Negotiable instruments such as
 - (i) checks in payment of an inmate's settlement or claim;
 - (ii) state and federal income tax refunds;
 - (iii) Veteran's Administration payments; and
 - (iv) any other negotiable instrument other than personal money orders and trust fund transfer checks.
 - (2) When opening this mail and packages, sign his/her name at the beginning of each day's entries and place his/her initials beside each entry.
 - (3) Have the inmate sign the DC-218 and endorse the check;
 - (4) When distributing such mail to inmates, sign his/her name at the beginning of each day's entries and place his/her initials beside the signature of each inmate receiving such mail.
 - (5) After inmate endorsement, add the facility's restricted endorsement stamp.
 - (6) Run calculator tapes of receipts and checks, showing total number of receipts and total dollar amount, balance and deliver to the trust fund staff.
- (b) For Outgoing Mail: The mail officer shall keep a record on a separate Form DC-218 showing the destination of all legal mail and packages mailed by an inmate. The mailroom officer mailing such items shall sign his/her name beside each entry.

[Signature]
Date *9-1-06*

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