

## **INMATE CORRESPONDENCE**

STANDARD NO(S):

NYSSA #

DATE:

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REFER TO:

Roger O. Ward

### **I. POLICY:**

It is the policy of the Seneca County Correctional Facility to maintain an inmate correspondence program responsive to the needs of the inmates and to comply with all federal, state, and local laws, rules, regulations and standards.

### **II. DETAILS:**

- A.** At the facility expense, indigent inmates will receive stationary and postage for two (2) one-ounce pieces of correspondence each week until such time as they no longer qualify as indigent or are no longer in the custody of the facility. Postage is not cumulative or transferable.
- B.** Stationary and postage will be made available through the commissary.
- C.** Outgoing correspondence will be sealed by the inmate.
- D.** Outgoing correspondence will have the sender's name and the address of the facility on the left hand corner of the envelope.
- E.** Outgoing correspondence will be collected by 2200 hours daily.
- F.** Outgoing correspondence will not be opened or read, except when the Chief Administrative Officer determines that there is reasonable suspicion to believe that it may endanger or threaten the safety and security of the facility or the safety, security, or health of another person.
- G.** The Chief Administrative Officer will notify the inmate of the specific facts and reason(s) why such action is necessary by using Form CF-049 (Package Correspondence Inspection Notification). The Chief Administrative Officer may delay notifying the inmate of the specific facts and reasons when such notification would endanger the safety, security, and good order of the facility. The Chief Administrative Officer will immediately notify the inmate of such actions when the threat no longer exists.
- H.** The inmate will be present when the correspondence is read.

- I. Outgoing correspondence from all housing units will be placed in the outgoing correspondence basket located at each Housing Unit Officer's post. The "A" shift Escort Officer will retrieve all such outgoing correspondence and log each piece of outgoing correspondence into the Mail Log.
- J. The "A" shift Escort Officer will place all logged outgoing correspondence into the outgoing postal receptacle located on the wall of the Civil Office for pick-up and dissemination by the United States Postal Service.

### III. INCOMING CORRESPONDENCE:

- A. A "C" Shift Escort Officer will pick up incoming correspondence from the incoming postal receptacle/bin located in the Records Division Office.
- B. A "C" Shift Escort Officer will log all correspondence into the mail log and then search all incoming correspondence and packages solely to ensure the absence of contraband. Once logged and searched, correspondence will be sorted by Housing Unit and given to the Housing Unit Officers for dissemination.
- C. Incoming correspondence will not be read except pursuant to a written order from the Chief Administrative Officer. The order will state the specific facts and reason(s) why the action is necessary. A copy of the order will be given to the intended inmate and the sender of the correspondence.
- D. A written record (Form CF-049) of the order will be kept by the Chief Administrative Officer. The record will include the name of sender, the name of the intended inmate, the date it was read and the name of the reader.
- E. If the correspondence constitutes a threat to the safety, security or the good order of the facility, it will be returned to the sender and a statement sent regarding the facts and reasons for the determination. A copy will also be given to the intended inmate.
- F. Incoming correspondence will not be deemed to constitute a threat to the safety, security or good order of the facility solely because it criticizes a correctional facility, its staff or the correctional system, or espouses unpopular ideas.
- G. The reading and determination made will be completed within five (5) business days after the facility receives the correspondence.
- H. Correspondence that may involve a criminal offense will be forwarded to the Chief Administrative Officer and given to the appropriate authority for criminal prosecution.

IV. PRIVILEGED CORRESPONDENCE:

- A.** Incoming and outgoing legal and general privileged correspondence will not be opened and inspected except in front of the inmate.
- B.** Legal privileged correspondence includes attorneys, legal assistance agencies, courts and individuals under direct supervision of such agencies.
- C.** General privilege correspondence includes the Commission of Corrections, other Correctional Officials, Local, State and Federal Law Enforcement Agencies and the Media.
- D.** General and privilege outgoing correspondence will not be opened and inspected except if the Chief Administrative Officer determines that there is reasonable suspicion that the contents threatens the safety or security of the facility or the safety and security of another person.
- E.** Outgoing and incoming legal privileged correspondence will not be read except pursuant to a lawful search warrant. The warrant will be obtained within twenty-four (24) hours of the facility's receipt of the correspondence and will be enforced immediately after its issuance.
- F.** Outgoing and incoming general privileged correspondence will not be read except when the Chief Administrative Officer believes there is reasonable suspicion that the contents endanger or threaten the safety or security of the facility or the safety or security of another person. When the Chief Administrative Officer makes that decision, a written order (Form CF-049) will state the specific facts and reasons why the action is necessary.

V. RESTRICTIONS ON CORRESPONDENCE:

- A.** The Chief Administrative Officer may establish a list of correspondence that inmates will be prohibited from corresponding with.
- B.** Subject to the limitations of this policy, inmates are entitled to correspond with any person.
- C.** There will be no restriction upon incoming or outgoing correspondence based upon the following:
  - 1.** The amount of correspondence sent or received.
  - 2.** The language in which such correspondence is written.

- D.** If the inmate is unable to read or write, they may receive assistance with their correspondence from other persons designated by the Chief Administrative Officer, including, but not limited to, facility staff and inmates at times not unduly disruptive of the facility routine.

**VI. CONTRABAND FOUND IN INCOMING CORRESPONDENCE:**

- A.** For definitions of contraband, refer to the policy entitled “Contraband”.
- B.** Incoming inmate correspondence that contains contraband or involves a criminal offense will be forwarded to the Chief Administrative Officer.
- C.** Contraband that does not involve a criminal offense will be returned to the sender or secured in the inmate’s personal property. Notification of this action will be made to the intended recipient using Form CF-049.
- D.** Contraband will be destroyed by order of the Chief Administrative Officer (Form CF-006) if it presents a threat to facility sanitation or health.
- E.** Money orders will be deposited in the inmate’s commissary account. No checks or cash will be accepted.
- F.** The Chief Administrative Officer will give written notice (Form CF-049) to the intended inmate for any determination made. The notice will include the name and address of the sender, the nature of the contraband and the specific facts and reasons for the determination.
- G.** The Chief Administrative Officer will forward the correspondence to the intended inmate after the contraband is removed, except when it may interfere with any pending criminal investigation of the matter.