


**HOWARD COUNTY DEPARTMENT OF CORRECTIONS
POLICY & PROCEDURE**

	SUBJECT:	Inmate Rights, Discipline and Services
	P & P #:	H-703
	TITLE:	Inmate/Detainee Mail
	EFFECTIVE DATE:	February 25, 2020
	REVIEWED BY:	<i>Elhart G. Flurry</i> Elhart Flurry, Security Chief
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POLICY: It is the policy of the Howard County Department of Corrections to ensure the maintenance of important ties with families, friends, attorneys and the community. Inmates/detainees in the Howard County Department of Corrections can receive and send mail. Inmates/detainees shall not be permitted to subscribe to magazines and/or periodicals. Inmates/detainees shall not be permitted to correspond with other inmates/detainees being confined at the Howard County Department of Corrections or other correctional facilities without approval of both managing authorities. Also, inmates/detainees, per Maryland Division of Correction policy can not send to or receive mail from a Maryland Division of Correction inmate. All outgoing inmate/detainee correspondence is subject to inspection/monitoring.

REFERENCES: Maryland Commission on Correctional Standards (MCCS), Adult Detention Center Standards .05 C. E.; Performance Based National Detention Standards 2011 Section 5.1, Postal Service’s Administrative Support Manual Section 274.96 and; HCDC Policy H-700 Indigent Inmates/Detainees.

DEFINITIONS:

Mail: Correspondence and written letters only addressed from or to an inmate/detainee and leaving or entering the Howard County Department of Corrections via the U.S. Postal Services, the term mail is meant to specifically exclude written communication between inmates being confined at the Howard County Department of Corrections. All eligible mail shall fit into a standard envelope.

Legal Mail: Mail from a Court, Judge, Clerk of the Court, Attorney at Law, The American Civil Liberties Union, Public Defender’s Office, Attorney General’s Office, Maryland Parole Commission or Legal Aid Bureau, etc... received in a sealed envelope bearing identification as official stationary of the sender (individual or agency); or mail addressed by an inmate/detainee and sent to any of the above individuals or agencies.

Sensitive Mail: Mail from an organization providing treatment/services to a sexual assault victim.

PROCEDURES:

I. Inspection of Incoming Mail

- A. All incoming mail must be placed through the parcel x-ray scanning machine prior to dissemination.
- B. Incoming mail must include the inmate/detainee's name and number and shall be opened by authorized personnel, examined, and censored prior to delivery to the inmate/detainee. Latex or vinyl gloves shall be made available to all personnel inspecting incoming mail. Inmate/detainee mail shall be inspected for cash, money orders, checks, photographs, stamps, contraband, and shall be scanned for noticeable characteristics of gang symbol terminology, etc. Known improper correspondence such as; from person with whom there is a protective order or from another inmate/detainee will be rejected. Mail will not be further reviewed unless there is evidence or suspicion that it contains material listed in Section II. A. Inmates/detainees will not be given envelopes in which mail was sent. However, the inmate/detainee, if requested, shall be allowed to write down the address of the sender of the mail.
- C. No money and/or certified checks accepted. They shall be returned to the sender.
- D. Mail received with photographs shall not exceed more than twelve (12) black and white photocopies on standard weight white paper within each year. No colored paper is allowed.

II. Rejection of Incoming Mail

- A. Mail may be rejected and returned to sender or forwarded to law enforcement authorities when such materials contain matter which:
 1. Describes escape plans, devices, or paraphernalia;
 2. Describes the construction or use of weapons, ammunition, bombs, incendiary devices, or other means of inflicting bodily harm.
 3. Describes procedures for brewing alcoholic beverages or the manufacture of drugs;
 4. Is written in code;
 5. Contains gang symbols;
 6. Is sexually explicit;
 7. Describes theory, design, or manufacture of prison security systems or equipment, including communication systems or equipment;
 8. Instructs in the commission or violation of Howard County Department of Corrections regulations that will produce a breach of security or order in the detention center;
 9. Advocates or instructs in the formation of inmate/detainee unions or gangs;
 10. Describes or poses a danger of violence or physical harm to any person;

11. Describes criminal activity;
 12. Has mechanical or electrical parts to include but not limited to musical cards;
 13. Is written by subject with whom inmate/detainee has a protective order; or
 14. Compromises security in any way.
 15. Is written in a color of ink or marker that helps to conceal contraband.
Correspondence written in pencil is acceptable. Also, it must not be on paper that is altered, it cannot have patterns, colors or designs that could conceal contraband.
 16. Exceeds the authorized number of twelve (12) allowable black and white copy paper photographs within each year.
 17. Unauthorized DOC correspondence (inmate/detainee to inmate/detainee).
 18. Circumvented mail (3rd party).
 19. Is more than a single unaltered copy of a computer email, article or book page.
- B. When it becomes necessary to reject/confiscate incoming or out-going mail, a written record is to be maintained which includes:
1. The inmate's/detainee's name and identification number;
 2. Description of the mail and/or material(s) involved;
 3. Name and address of sender to which the mail is returned; or
 4. A copy of the correspondence if the reason for rejection/confiscation is security concerns (related to verbal content).
- C. Money is considered contraband and mail which contains money shall be rejected.
- D. The money and/or other contraband (unless as described in E. below), the container or envelope, and all associated correspondence shall be returned to the sender along with a corresponding letter HCDC Form H-703a attached as Appendix 1, explaining the reason for the rejection. A copy of this letter, along with a copy of any checks returned, shall be placed in the inmate's/detainee's basefile and a copy shall be maintained in the HCDC filing system.
- E. Contraband which is illegal shall be documented on an Incoming Mail Review/Confiscation Authorization and Record HCDC Form H-703c attached as Appendix 3 and turned over to law enforcement authorities or disposed of as otherwise instructed.

III. Incoming Legal Mail

- A. Legal mail shall be delivered to inmates/detainees daily (excluding weekends, holidays and emergency government closings).
- B. All sealed legal mail shall be opened and inspected for contraband in the presence of the inmate/detainee receiving it. If the mail is found not to be bona fide legal mail, it shall be kept by the Department employee and handled in accordance with

this policy. The legal papers shall be removed from the envelope and handed to the inmate/detainee. The envelope shall then be forwarded to the Director.

- C. The inmate/detainee shall sign a Legal/Sensitive Mail Receipt HCDC Form H-703b attached as Appendix 2, indicating that the mail was received.
- D. The employee who opens the legal mail shall sign the receipt.
- E. The completed receipt shall be placed in the inmate's/detainee's basefile for documentation.
- F. All legal mail envelopes shall be returned to the Director's office after the contents are given to the inmate/detainee.

IV. Incoming Sensitive Mail

- A. Incoming sensitive mail shall be delivered to inmates/detainees daily, excluding weekends, holidays, and emergency government closings.
- B. All sensitive mail shall be opened and inspected for contraband in the presence of the inmate/detainee receiving it. If the mail is found not to be bona fide sensitive mail, it shall be kept by the Department employee and handled in accordance with this policy.
- C. The inmate/detainee shall sign a Legal/Sensitive Mail Receipt HCDC Form H-703b attached as Appendix 2, indicating the mail was received.
- D. The employee who opens the mail shall sign the receipt.
- E. The completed receipt shall be placed in the inmate's/detainee's basefile.
- F. All sensitive mail envelopes shall be returned to the Director's office after the contents are given to the inmate/detainee.

V. Outgoing Mail

A. Outgoing mail is the property of the Howard County Department of Corrections until it is handed over to the Postal Service. Until it is accepted by a Postal Service employee, or deposited in a Postal Service mail receptacle, correspondence is no different than any other inmate/detainee property. The Detention Center is well within its authority to open, examine, and censor inmates'/detainee' outgoing correspondence and packages. Legal correspondence, communications with Members of Congress, courts, and other similar circumstances do not preclude screening inmate/detainee mail for dangerous materials. Below are some effective screening procedures for inmate/detainee mail:

1. Ensure the return address on inmate/detainee mail clearly identifies its source. Some inmates/detainees have used a "suite number" as a return address. This can be misleading and should be considered suspicious.

2. Verify the identity of inmates/detainees who mail letters or packages and ensure it matches the return address. Inmates/detainees may try to use names or identifying information of other inmates/detainees to mail illegal items.
3. Require inmates/detainees to submit outgoing mail except legal in a condition that is open for inspection. This policy is particularly helpful in reducing the mailing of powder and dangerous material.

B. Outgoing Legal Mail

1. Inmates/detainees shall have a daily (except weekends and holidays) opportunity to submit legal mail for processing. The legal mail shall be handed to the collecting officer in a sealed envelope.
2. The Director shall assign a staff member to check the name and address of the attorney noted on the envelope. All verified correspondence shall be processed. Any unverified or suspect legal mail shall be sent to the Chief of Security for further review.
3. If the contents do not meet the criteria for legal mail, the collecting officer shall confiscate the envelope and contents and immediately turn the contents over to the on-duty shift leader/assistant shift leader. The shift leader/assistant shift leader shall determine if the inmate shall receive a Notice of Infraction. The shift leader/assistant shift leader shall also scan the contents for intelligence or security concerns. Any pertinent information shall be reported to the Security Chief, Deputy Director and Director.

C. For inmates/detainees who have misused mailing privileges in the past, the Director, Deputy Director, or Security Chief may require additional mail screenings.

D. There shall be no set limit on the amount of outgoing mail an inmate/detainee is allowed to send.

E. Outgoing mail shall be collected from the housing units each day.

1. All outgoing mail must be mailed through the post office. Inmates/detainees must place their name and identification number including the Howard County Department of Corrections return address in the upper left corner on the envelope. Failure to do so shall warrant rejection of the letter(s) for mailing and subsequent return to the inmate/detainee. Some inmate/detainees have used a "suite number" as a return address. This can be misleading and should be considered suspicious.
2. Howard County Department of Corrections personnel are prohibited from hand delivering inmate/detainee mail which has not been processed through the U.S. Post Office or is official correspondence within the detention center and/or CBF.

3. Except in unusual circumstances, letters are to be mailed within twenty-four (24) hours after collection from the inmate/detainee excluding weekends and holidays and emergency government closings.

VI. Indigent Inmate/Detainee Mail

- A. An indigent inmate/detainee as defined in Policy and Procedure H-700 may obtain sufficient writing materials and postage for three (3) letters per week by submitting a request to a classification counselor. An exception may be made regarding legal mail.
- B. The cost of postage will be deducted from the inmates/detainee's money account when funds become available.

VII. Inspection of Incoming and Outgoing Correspondence

- A. Howard County Department of Corrections administration reserves the right to inspect all incoming and outgoing correspondence for contraband, evidence of violation of a rule and/or regulation, or for content which is the basis for an internal or criminal investigation.
- B. An inmate/detainee's original mail may be copied with approval from the Security Chief or higher authority if it is believed there is a security concern and/or there is a requiring such investigation. A copy of the mail may be forwarded to the inmate/detainee. The original mail, if needed, shall be retained in the Security Chief's office.

VIII. Directors Prerogative

The Director has the authority to revise/change a policy or post order as needed to meet the operational demands of the Department. As the change(s) are initiated, they may be communicated by an email, memoranda or in rare circumstances verbal due to unforeseen situations.

ATTACHMENTS: Appendix 1, Form Letter for Rejected Mail, HCDC Form H-703a.
Appendix 2, Receipt for Legal/Sensitive Mail, HCDC Form H-703b.
Appendix 3, Incoming Mail Review/Confiscation Authorization and Record Form H-703c.

RESCISSIONS: HCDC Policy H-703 Inmate Mail effective February 25, 2019, February 23, 2018, February 24, 2017, June 14, 2016.