

	<b>MARICOPA COUNTY SHERIFF'S OFFICE</b> <b>POLICY AND PROCEDURES</b>	
	<b>Subject</b> <b>INMATE MAIL</b>	<b>Policy Number</b> <b>DK-1</b>
		<b>Effective Date</b> <b>04-26-24</b>
<b>Related Information</b> DD-1, <i>Authorized Inmate Possessions</i> DP-3, <i>Inmate Library Services</i> GE-3, <i>Property Management and Evidence Control</i> GH-2, <i>Internal Investigations</i> GJ-22, <i>Bomb Threats and Explosive Incidents</i>	<b>Supersedes</b> DK-1 (10-27-21)	

**PURPOSE**

The purpose of this Office Policy is to establish guidelines and procedures for receiving, handling, and distributing inmate mail.

**POLICY**

It is the policy of the Office to ensure inmate mail is a means for inmates to communicate with their families, friends, legal representatives, and other members of the public. The sending and receiving of mail may only be restricted to the extent necessary to prevent threats to the safety, security, and order of an Office jail facility, the safety or well-being of any individual, or for other legitimate penological purposes.

**DEFINITIONS**

**Censored:** Reading inmate mail or other correspondence and deleting material considered to be a security threat or offensive.

**Contraband:** An item whose introduction or possession within a jail facility is prohibited.

1. Administrative Contraband: Any item not specifically included in the definition of contraband in Arizona Revised Statutes (ARS) 13-2501, which has nonetheless been prohibited by the Sheriff for possession by inmates, including, but not limited to, money, jewelry, tobacco products, and fire-producing items, or any item not in an original or usable condition. Administrative contraband, although not considered to be criminal contraband, may in some cases become criminal evidence, if found or recovered in connection with a criminal act, such as an extortion attempt or a drug transaction.
2. Criminal Contraband: Any item specifically defined in ARS 13-2501, such as dangerous weapons or drugs.

**Custody File:** The file containing the inmate's judicial and custodial records. The Custody File consists of two files, the Commitment and Jail File.

**Direct Messaging:** An application available on the inmate tablet used for communicating between friends and family and inmates. Those who want to communicate through direct messaging must create an account through the vendor's

web site. Messaging on tablets is not a form of privileged communication, no matter the affiliation of the sender to the inmate. This includes inmate messaging with their counsel and/or any member of their defense team.

**Immediate Family:** An inmate’s spouse, domestic partner, son or daughter of any age, parent, grandparent, grandchild, or sibling.

**Inmate Tablet:** A handheld computerized electronic device used by inmates to stream music, movies, games, submit inmate forms electronically, and communicate with members of the public and legal representatives. The inmate tablet is provided and maintained by a contracted vendor. Inmate tablets are battery operated and must be returned to the charging station on a regular basis in order to be charged.

**Jail File:** The file containing the inmate’s custodial records pertaining only to jail-related information, exclusive of any judicial records, with the exception of any protective orders.

**Legal Mail:** Mail that inmates send to, or receive from, their attorney of record or with whom an attorney-client relationship has been established, including court approved or appointed defense team members, private investigators, and mitigation specialists. For the purpose of this Office Policy, the term legal mail is synonymous with privileged mail. Whenever an inmate receives mail from an attorney, it shall be presumed that an attorney-client relationship exists.

**Non-Legal Mail:** Mail that inmates send to, or receive from, family; friends; federal, state, county and municipal government agencies and officials; federal, state, county, and municipal courts and officials; witnesses in *pro per* cases; members of the print and television media; and private organizations. This includes newspapers or periodicals received from publishers.

**Nudity:** The showing of the human male or female genitals, pubic area, or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state, as specified in ARS 13-3501(4).

**Periodical:** A publication that is issues at weekly or monthly intervals; does not include newspapers.

**Sexual Conduct:** Acts of masturbation, sexual intercourse, or physical contact with a person’s clothed or unclothed genitals, pubic area, buttocks or, if such person is a female, breast.

**PROCEDURES**

1. **Incoming Mail:** All incoming and outgoing mail is subject to being opened and inspected, as specified in this Office Policy. All incoming mail shall be processed as follows:
  - A. Postcards and Letters: All incoming non-legal mail from an inmate’s family or friends, unless specifically approved, must be in postcard form. Exceptions to postcard form include government agency mail or *pro per* witness mail, which may be in letter form. All adhesive postage on postcards and envelopes shall be removed by designated Office personnel.
    1. Postcard maximum allowable size is 4.25 inches by 6 inches.
    2. Postcards shall not be accepted if:
      - a. Defaced or altered;
      - b. In plastic or any other wrapping;

- c. Marked with paint, crayons, or markers;
  - d. Contains returned address labels or stickers of any kind;
  - e. Watermarked or stained;
  - f. Has any obvious or unknown material or contaminants, including perfume or lipstick;
  - g. They depict nudity, sexual conduct, weapons, or gang references, or any other content deemed to be a safety or security risk;
  - h. Covered with glitter;
  - i. Appears to be handcrafted; or
  - j. Contains any correctional fluid or similar substance.
- B. Religious Material: Religious correspondence directly related to religious study courses shall be accepted. These items are subject to being opened and inspected. Personal correspondence is not permitted within these items and may result in the rejection of the entire correspondence.
- C. Subscriptions: Newspapers or periodicals, such as magazines, and other subscription renewal correspondence from the publisher shall be accepted if it directly relates to the status of the inmate's current subscription, unless otherwise specified in this Office Policy.
- D. Photographs: Up to five photographs may be accepted in a single envelope at one time by mail; the envelope must be clearly marked PHOTOGRAPHS or similar. Photographs shall meet the requirements, as specified in Office Policy DD-1, *Authorized Inmate Possessions*.
- 1. An inmate may possess an unlimited number of photographs as cell property, unless possession creates a safety or security risk due to volume. If so, the inmate shall be asked to release or destroy the photographs, or the photographs may be impounded by detention personnel for Safekeeping, as specified in Office Policy GE-3, *Property Management and Evidence Control*.
  - 2. Digital photographs may also be sent to inmate tablets through the tablet vendor's website. There is no limit on the number of photographs an inmate may possess on their tablet profile.
- E. Packages: Unless specifically authorized and pre-approved by the jail facility commander or designee, packages containing unauthorized items are not permitted. Office personnel shall return all unauthorized packages to the sender, as specified in this Office Policy.
- F. Books: All physical books and periodicals must be purchased directly through a publisher or the publisher's authorized distributor, or an on-line only retailer. Physical books and publications that could interfere with legitimate penological objectives, to include deterrence of crime, an environment free of sexual harassment, and/or the orderly, safety, and secure operations of a jail facility are not permitted.
- 1. Restricted subject matter includes, but is not limited to, the following:
    - a. Sending and receiving of contraband;

- b. The manufacture and use of illegal drugs, narcotics or poisons, or the brewing of alcoholic beverages;
  - c. The manufacture and use of explosives;
  - d. Escape or disturbance techniques;
  - e. Drawings, photographs, or computer-generated images depicting nudity or sexual conduct;
  - f. Gang information or activity;
  - g. Functionality of locks and security devices, such as cameras, alarms, or how to bypass or defeat these devices' security functions;
  - h. Use of hands, feet, or head as weapons; fighting weapons and techniques; self-defense; and martial arts;
  - i. Discrimination against protected characteristics and/or classes including; age, nationality/national origin, immigration status, religious beliefs/religion, race, color, gender, culture/cultural group, sexual orientation, gender identity/expression, veteran status, ancestry, physical or mental disability, ethnic background, socioeconomic status, or any other identifiable group characteristic; and
  - j. Sabotage or disruption of computers, communications, or electronics.
2. Restricted items include, but are not limited to, the following:
- a. Hardcover;
  - b. Leather or simulated leather covers;
  - c. Cloth binding;
  - d. Spiral binding;
  - e. Having any obvious or unknown material or contaminant, including perfume or lipstick; and
  - f. Periodical inserts that contain unauthorized items.
- G. Possession Limits for Books, Periodicals, and Newspapers: Inmates may only possess three books, five newspapers, and five periodicals. Excess books and/or periodicals received shall be rejected and returned to the sender, as specified in this Office Policy. Inmates may donate privately purchased books or periodicals already in their possession to the Inmate Library in order to receive additional books and periodicals, as specified in Office Policy DP-3, *Inmate Library Services*.
- H. Mail Rejection: All incoming non-legal mail, books, and periodicals are reviewed on an individual, case-by-case basis. Office Central Mailroom personnel shall notify the sender of rejected items by returning the rejected items with a *Mail Rejection Notification* form based on the criteria specified in this Office Policy.

1. If non-legal mail is rejected, the senders may appeal a mail rejection through an e-mail to: [mcsocentralmailroom@mcs.maricopa.gov](mailto:mcsocentralmailroom@mcs.maricopa.gov) or through correspondence addressed to: Ancillary Services Division Commander, 3250 W. Lower Buckeye Road, Phoenix, AZ 85009. An appeal by the sender of a rejected item shall be reviewed and addressed by the Ancillary Services Division Commander or designee, as specified in this Office Policy.
  2. If any non-legal mail item is rejected, the intended inmate recipient shall receive a *Mail Rejection Notification* form and may appeal through the inmate grievance procedure if dissatisfied with the rejection. If a timely inmate grievance is filed by the inmate to appeal the rejection, the item of mail in question shall be reviewed by designated Central Mailroom personnel other than the employee who issued the initial rejection, and whenever possible, a supervisor. If the item is deemed unsuitable for the inmate based on this Office Policy, the item shall be returned to sender, and the inmate may follow the normal inmate grievance protocol.
    - a. All rejected non-legal mail shall be held for 14 business days, or until the end of the inmate grievance process, whichever is longer, pending the outcome of any appeal through the inmate grievance procedure.
    - b. After 14 business days or the inmate grievance procedure has concluded, all non-legal mail without overturned rejections shall be returned to the sender.
- I. Inspecting Incoming Mail: Incoming non-legal mail shall be opened and inspected for contraband. Legal mail shall only be opened and inspected for contraband in the inmate's presence. All incoming inmate mail is subject to search with the assistance an Office Canine Unit handler. If the handler's K-9 indicates a positive hit for drugs or explosives on a piece of incoming inmate mail, the Central Mailroom shall initiate an *Incident Report* (IR) and contact the MCSO Jail Crimes Unit for further investigation.
1. Criminal contraband shall be impounded as evidence, as specified in Office Policy GE-3, *Property Management and Evidence Control*, ensuring the chain of custody is maintained. An IR shall be completed and the Custody Bureau Intelligence Unit notified for further disposition, as appropriate.
  2. If a suspicious item or package is found, employees shall follow procedures, as specified in Office Policy GJ-22, *Bomb Threats and Explosive Incidents*.
- J. Inmate mail received for inmates who are on inactive status, shall have their mail returned to the Central Mailroom for processing:
1. Housing unit officers shall return mail for inactive inmates to the mailroom for processing and document the return in a Shift Log entry in the Sheriff's Inmate Electronic Data System (SHIELD).
  2. Central Mailroom personnel shall process all inactive mail for return to the US Post Office as specified in the Central Mailroom Operations Manual and document the return in the Shift Log.
2. **Mail Distribution:** Incoming mail shall be delivered within 48 hours of receipt, excluding weekends and holidays, with the exception of mail that is held for violating the law or jail rule violations.
- A. Legal mail shall only be opened and inspected for contraband in the inmate's presence.

- B. All incoming non-legal mail shall be opened and inspected for contraband but shall not be censored.
- C. Incoming mail addressed to an inmate no longer in Office custody shall be routed to the Central Mailroom. Central Mailroom personnel shall be responsible for returning the mail for an inmate no longer in custody to the US Post Office.
- D. Employees shall distribute mail only to the inmate to whom it is addressed. Inmates shall not handle or distribute another inmate's mail.
- E. Incoming non-legal, registered, or certified mail shall be receipted and delivered to the inmate after inspection, if it does not violate any other aspect of this Office Policy.
- F. Generally, inmates in Office custody shall not correspond with other inmates in Office custody through the mail. Inmates who wish to correspond with immediate family members who are incarcerated in a jail facility may submit an *Inmate Request Form* to the jail facility commander or designee for approval. The request shall list the family member and the familial relationship of the individual with whom the inmate wishes to correspond. Unauthorized mail addressed to an inmate that has a return address of any Office jail facility shall be returned to the sender.
  - 1. The jail facility commander or designee shall verify the relationship of the requesting inmate and the intended recipient.
  - 2. If the two inmate family members are housed at different facilities, both jail facility commanders' or designees' approval is required to correspond. A copy of the approved *Inmate Request Form* shall be forwarded to all affected jail facilities, the Central Mailroom, and to the correspondents. An approved copy of the *Inmate Request Form* shall be placed in each inmate's Jail File.
  - 3. Each jail facility shall retain copies of currently approved *Inmate Request Forms* which affect the handling of mail at a jail facility. Copies must include the names and booking numbers of the immediate family members with whom each inmate is authorized to correspond.
  - 4. The jail facility commander or designee of either jail facility may suspend correspondence privileges with other inmates for the following reasons:
    - a. One or both inmates violated jail rules and regulations;
    - b. The reason for the original approval no longer applies, or has been determined to be erroneous, or deceptive;
    - c. The safety, security, or order of the jail facility is jeopardized; or
    - d. The safety or well-being of any individual is jeopardized.
  - 5. A SHIELD entry shall be made by the approving division personnel indicating the approving commander(s) or designee(s), the duration of the correspondence, and what inmates are authorized to correspond with each other.
- G. Inmates may correspond with inmates whose return address is an out-of-agency detention or correctional facility without the jail facility commander's or designee's authorization. This correspondence must meet all other requirements as specified in this Office Policy.

3. **Outgoing Mail:** Detention personnel shall collect outgoing inmate mail during each shift.
  - A. All outgoing mail shall include on the envelope or postcard the inmate's complete first and last name (the name under which they are incarcerated), booking number, full return address, correct postage, and in all other ways, comply with US Postal regulations before being delivered to a US Post Office.
  - B. Incorrectly addressed outgoing mail shall be returned to the inmate for correction if the inmate's identity is known. If the inmate (sender) is not known, non-legal correspondence shall be opened or read to make a reasonable attempt to determine the identity of the inmate. If the identity cannot be determined, the mail shall be held in a Dead Letter repository for 90 calendar days at the Central Mailroom, pending claim. If no claim is made, the mail shall be impounded as Found Property as specified in Office Policy GE-3, *Property Management and Evidence Control*.
  - C. Outgoing non-legal mail may be opened and inspected, but shall not be censored. Subject to the exceptions set forth in this Office Policy, outgoing non-legal mail shall not be read.
  - D. Outgoing legal mail shall be opened only in the presence of the inmate when evidence of conditions detrimental to the safe and orderly operation of a jail facility exist, or for cause.
  
4. **Volume of Mail:** There is no limitation on the volume of mail, including postcards and legal mail which an inmate may send or receive, or in the length, language, or text of the mail, except where there is clear evidence to justify the limitations for reasons of public safety or for the security and order of the jail facility. Inmates who receive large volumes of mail shall keep their cells in a neat and orderly condition. In case of excessive mail, newspapers, or periodicals, an inmate shall either:
  - A. Release the excessive mail or periodicals to their designee; or
  - B. With the approval of a shift commander, request the excessive mail or periodicals be impounded for Safekeeping for 30 calendar days, as specified in Office Policy GE-3, *Property Management and Evidence Control*.
  - C. Newspapers in excess of five shall be cycled out and discarded.
  - D. Books in excess of three shall be released or donated as specified in this Office Policy.
  
5. **Authorized Reading of Inmate Mail:**
  - A. Employees may only read an inmate's legal mail after obtaining a search warrant. Employees shall place a copy of the warrant in the inmate's Custody and Jail File.
  - B. MCSO personnel may open and inspect non-legal inmate mail without a search warrant, and may read inmate mail when one or more of the following conditions apply:
    1. The recipient of correspondence from an inmate files a complaint;
    2. Incoming or outgoing correspondence displays gang related paraphernalia or drawings; or
    3. An inmate's current or past behavior indicates they are communicating any of the following:
      - a. Information that would cause violence or physical harm to a person;
      - b. Threats of blackmail or extortion;

- c. Plans for sending or receiving contraband;
  - d. Plans of escape, or assisting an escape from lawful custody;
  - e. Plans or plots to disrupt the operational order or security of the jail facility; or
  - f. Plans for illegal activities.
- C. Employees shall document the reading of legal and non-legal mail and the termination of a publication subscription in SHIELD. Details shall include, but not be limited to, the following:
- 1. The inmate's name and booking number;
  - 2. A description of the mail which was read or the subscription that was terminated;
  - 3. The date the mail was read, or the subscription was terminated;
  - 4. The names and serial numbers of personnel involved;
  - 5. Any other actions taken by the jail commander or designee; and
  - 6. For legal mail only, search warrant information.
- D. Inmates in restrictive housing shall receive the same opportunities and privileges for sending and receiving mail as inmates in general population.
- E. Communication of Procedures: *The Rules and Regulations for Inmates* shall include information regarding jail facility correspondence procedures and at a minimum include the following:
- 1. Notification that legal mail shall only be opened and inspected in the presence of the inmate;
  - 2. Notification that all mail must be mailed to the Lower Buckeye Jail;
  - 3. Procedures for obtaining supplies and postage;
  - 4. Instructions on how to address envelopes;
  - 5. Notification that general correspondence may be opened and inspected for security reasons;
  - 6. Notification regarding mail rejection and the opportunity to appeal through the inmate grievance process; and
  - 7. Notification that there is no limit on the volume of correspondence an inmate may send or receive; or on the length, language, content, or source of correspondence or periodicals; except when it violates any Office Policy.
6. **Mishandling of Inmate Mail:** The procedures for employees handling inmate mail shall be followed, as specified in this Office Policy. Deviation from these procedures may be considered misconduct. Any employee who becomes aware of a complaint or an allegation of employee misconduct shall follow the procedures, as specified in Office Policy GH-2, *Internal Investigations*.