



**;Cole County Sheriff's Department
Standard Operational Guidelines**

INMATE MAIL			
Unit	Chapter	Guideline Number	
JAIL	3		
Issue Date	Effective Date	Review Date	Rescinds
		When Needed	N/A

1. PURPOSE

The Cole County Sheriff's Department understands and respects the fundamental rights to free speech expressed in the Constitution of the United States and State of Missouri. The inmate's rights to free speech are not lost because of their pre-trial or commitment to the custody of the Cole County Jail. The Cole County Sheriff's Department also has a statutory responsibility to keep and maintain prisoners presented to the Cole County Jail and a responsibility to maintain the security and welfare of the Cole County Jail, jail employees, and inmates. The purpose of this document is to provide policies, procedures, and guidelines necessary to maintain the careful balance between ensuring the Cole County Jail's need to maintain security, control, and welfare of the institution with the inmate's rights to free speech.

2. AUTHORITY

- Constitution of the United States, First Amendment
- Constitution of the State of Missouri, Article I, Section 8
- RSMo 221.020 Sheriff to be jailers
- RSMo 221.040 Sheriff to receive prisoners
- RSMo 221.060 Prisoners to have certain privileges

3. POLICY

Employees of the Cole County Jail shall perform their duties when processing inmate mail in a manner that respects and upholds the inmate's and their correspondent's rights to free speech. The Cole County Sheriff Department is charged with housing inmates in a safe and secure manner and to maintain a reasonable standard of living while incarcerated. It is important for inmates to correspond with family, friends and other outside entities to maintain contact and keep a support system. Inmate mail should be handled with care and delivered promptly to ensure the mail is received and sent in a timely manner. Jail employees shall follow the procedures and guidelines detailed in this document when searching, inspecting, reading, and documenting all incoming and outgoing mail. Jail employees shall respect the inmate's and their correspondent's rights to privacy in their written communication, and shall only reveal the contents of their mail as necessary to maintain the security and welfare of the Cole County Jail and prevent violations of the law.

4. DEFINITIONS

Mail log: In the current booking system (Enterpol), there is a module for logging incoming and outgoing mail.

Legal mail is defined as:

- a. Mail to and from municipal, county, state and federal courts
- b. Mail to and from state attorneys
- c. Mail to and from private attorneys
- d. Mail to and from public defenders
- e. Mail to and from legal aid organizations
- f. Mail to and from Agency Clerks
- g. Mail to and from government attorneys

5. PROCEDURE

A. Mail General Guidelines

- (1) Inmates shall be allowed to correspond in writing with people outside the Cole County Jail, attorneys, and public officials

- (2) An inmate's right to send and receive mail shall only be limited as necessary to maintain the welfare and security of the Cole County Jail, and prevent violations of the law

- (3) An inmate's right to send and receive mail shall never be completely denied as a disciplinary tool.
 - a. An inmate's right to receive periodicals, books, and other similar mail may be denied if the inmate has used the materials in a manner that presents a danger or disruption to the facility.
 - b. An inmate's right to keep mail or other papers in their possession may be denied if the inmate has used the materials in a manner that presents a danger or disruption to the facility.

- (4) There will be no limit to the number of mail items an inmate may send or receive in the mail. However, a large number of mail items may create a delay in processing the mail.

- (5) An inmate may not send or receive mail;
 - a. To or from an individual listed as a petitioner or respondent on an order of protection, or would promote contact between a petitioner or respondent on an order of protection, or otherwise violate a court order.
 - b. Containing language implying or directly threatening a violation of the law
 - c. Containing nudity; or obscene material which implies, promotes, or depicts illegal activity.
 - d. Containing any gang related signs or depictions.
 - e. Containing anything determined to be contraband by the Cole County Jail.
 - f. Attempting to contact the victim of a crime or any other person who has notified the Cole County Jail they do not want to be contacted by the inmate.

- (6) Excessive paper in cells creates a fire hazard, and provides an environment that promotes vermin infestations. Inmates will be limited to the amount of mail kept in their cells that can fit into their designated property shelf within the cell. Inmates may choose to place excessive mail in their stored property.

- (7) Paper clips, binder clips, staples and other similar metal items contained in incoming mail shall be removed and disposed of prior to the mail being distributed to any inmate.
- (8) Outgoing mail will be filled out with the inmate's full name and the address of the Cole County Jail as the return address; and the full name and address of the person to receive the mail. If the envelope is not properly filled out it will be returned to the inmate for completion.
- (9) Mail processed by the United States Postal Service is required to have a return address. Incoming mail does not become the property of the inmate until it has been searched, inspected, and approved by the Cole County Jail. Mail that contains anything not authorized to be in the possession of an inmate cannot be returned to the sender owner without a return address. Therefore any incoming mail without a complete return address shall be marked "rejected" and re-deposited to the United States Postal Service for appropriate disposition.
- (10) Mail received for inmates that may temporarily be housed at other facilities may be forwarded to the other facility or held in the inmate's property until the inmate returns as appropriate.
- (11) Mail received for inmates that are no longer in the custody of the Cole County Jail shall be marked "no longer at this address: return to sender" and re-deposited in the United State Postal Service for appropriate disposition.
 - a. Jail staff must make sure to black out the Cole County address and all bar codes on the letter to prevent a perpetual loop in the mails return.
- (12) Inmate funds sent through the mail shall only be accepted as a money order made payable to the inmate's name.
 - a. Inmate money orders shall be deposited in accordance with the Inmate Funds Policy and Procedures.
 - b. Inmate funds sent to the Cole County Jail in any other form other than a money order shall be marked "Return to Sender" and re-deposited into the United State Postal Service for further disposition.

- c. The officer logging mail that contains cash will count the money and log in the inmate mail log the amount of money received and that it was returned to the sender.
- d. The envelope for returning the cash will be securely closed before returning to the mail.
- e. The inmate whom the funds were directed to should be advised to notify the sender that only money orders are authorized to be sent.

(13) Inmates deemed as indigent will be given 2 envelopes and 2 stamps with pen and paper to write letters after being in the jail for 30 days with no inmate funds available.

B. Mail Inspection

1. All incoming and outgoing mail will be inspected for contraband, prohibited content, or threats that might have been missed by the mail room staff to ensure the safety and security of the facility.
 - a. Inmates sending letters out should not seal the envelopes so it can be easily inspected.
2. All non-legal mail shall be inspected and read to determine if there is any content:
 - a. That violates the provisions detailed in Section 5-A above.
 - b. Items considered contraband by jail policy and procedure
 - c. Items that is illegal to possess.
 - d. Content that would violate a court order of protection
 - e. Content that would violate any victim or witness tampering laws.
 - f. Content that indicates a possible threat to the jail facility.
3. All legal mail shall be opened in the presence of the inmate it is directed to, and visually inspected but not read to determine if there is any content:
 - a. That violates the provisions detailed in Section 5-A above.
 - b. Items considered contraband by jail policy and procedure.
 - c. Items that is illegal to possess because of security reasons.
 - d. Legal mail shall not be read for content during the inspection.
4. Outgoing mail shall be picked up and mailed to an inmate's legal counsel and other legal authorities:

- a. Inmate's wishing to send out legal mail will notify the officer that they picking up legal mail to go out.
 - b. Inmates will not seal the envelope prior to mailing.
 - c. The officer, in the inmate's presence will inspect but not read the contents of the mail for contraband.
 - d. The envelope must be addressed to a law office, attorney or other legal entity and the inmate must mark legal mail on the envelope.
 - e. If the officer accepting the mail has suspicion that the mail is not of legal nature or is not addressed to a legitimate legal entity, he/she should attempt to verify the validity of the addressee. If this cannot be verified the letter will be returned to the inmate.
5. Any mail found to be in violation of this policy and procedures shall be directed to the Shift Supervisor who shall determine how the mail shall be further processed.
- a. Mail with minor violations may be returned to the inmate or returned to sender to have the violation corrected before being placed in the United State Postal Service.
 - b. Mail with all other non-criminal violation may be:
 - 1. Stopped from being further processed.
 - 2. Secured in the inmate file for record.
 - 3. Used to initiate inmate disciplinary procedures if necessary.
 - c. Mail containing illegal content or contraband may be:
 - 1. Stopped from being further processed.
 - 2. Secured as evidence in accordance with department policy,
 - 3. Used as evidence to initiate an investigative report and forwarded for prosecution.

C. Mail Processing

- 1. All incoming and out going mail should be processed within 24 hours, however, all attempts should be made to deliver mail on the shift it is received.
- 2. All incoming mail and outgoing mail shall be entered into the inmate's computer record in the contacts section.

3. All incoming mail authorized to be provided to inmates shall be accepted in the form of postcards. This practice provides a safer, contraband-free environment for both inmates and detention staff.
 - a. Postcard requirements are as follows:
 1. Postcards may be no larger than 4.25 inches by 6 inches and must be properly addressed; must contain the sender's name/return address and the inmate's name in addition to the Cole County Jail address listed above.
 2. Metered post cards only, stamped postcards will be returned to sender.
 3. Postcards containing stickers, adhesive labels, watermarks, stains, lipstick, and/or any other suspect alteration/adulteration will be returned to sender.
 - b. Exceptions to the postcard requirement must be made by submission of a Mail Exception request and include the sender's full name and address and specify the exception and facts for consideration. All exceptions require prior approval of the Jail Administrator or designee. You may have only one pending photograph/money order request at a time. You may receive up to six (6) family photographs per request. Mail received under an exception will have stamps, labels, staples, paperclips and clasps removed prior to delivery to the inmate. Outgoing mail is not similarly restricted.
 - c. Inmates housed in separate dayrooms/pods are not allowed to correspond/communicate by any means.
 - d. Mail containing letters from a third party will be returned to the sender. No mail will be allowed to be sent to or received from the person or address sending the third-party letter.
 - e. Due to limited storage area, packages will not be accepted into the Jail. Instead the packages will be refused and returned to the sender. No Christmas or birthday packages will be accepted.
 - f. Books received through the mail from the publisher or distributor will be refused and returned to the supplier. Books including crossword puzzles type publications cannot contain any staples. Educational books must be authorized by the Assistant Jail Administrator.
 - g. Distributed to the Booking or Pod Rover for delivery to the inmate.
 - h. Inmates in administrative segregation who are not authorized to have any items in their cell shall be provided with the mail and given the opportunity to read the mail in a reasonable amount of time under the direct supervision of a jail employee. The mail shall then be secured

in the inmate's property until such time that the inmate is authorized to be in possession of property in his or her cell again.

4. Outgoing mail shall be picked up, as long as the mail has the proper postage, throughout the day and placed in the designated area to be processed.
 1. 2nd Shift will log and inspect all the outgoing mail and read all non-legal mail that is sent out. Other shifts should assist the 2nd shift with this responsibility whenever time permits.
 2. Mail approved to be sent out shall be placed in an outgoing mail box for distribution to the Administrative Jail Clerk who will ensure the mail is submitted to the United States Postal Service.

6. REFERENCES

American Correctional Association, Standards for Adult Local Detention Facilities 3rd Edition; Section 1B-06; 1B-18, 3A-18; 3E-01; 3E-02; 3E-07; 5D-01; 5D-02; 5D-03; 5D-04; 5D-05; 5D-06; 5D-07; 5D-08;

Bell v Wolfish 441 U.S. 520 (1979)

Procunier v Martinez 416 U.S. 396 (1974)

United States Postal Service Domestic Mail Manual Section 602.1.5..3

So Ordered on _____

By: _____

Sheriff John P. Wheeler
Cole County Missouri Sheriff