

POLICY OF STATE OF DELAWARE DEPARTMENT OF CORRECTION	POLICY NUMBER 4.0	PAGE NUMBER 1 of 5
	RELATED ACA STANDARDS: 2-CO-5D-01; 4-4487, 4-4488, 4-4489, 4-4491, 4-4492, 4-4493, 4-4494, 4-4495, 4-4496; 4-ACRS-6A-06, 4-ACRS-6A-07, 4-ACRS-6A-08, 4-ACRS-6A-09	
CHAPTER: 4 DECISION-MAKING RELATED TO OFFENDERS	SUBJECT: OFFENDER MAIL	
APPROVED BY THE COMMISSIONER AND EFFECTIVE THIS DATE:		
		
APPROVED FOR PUBLIC RELEASE		

I. AUTHORITY: 10 *Del. C.* §8804; 11 *Del. C.* §6517, 6504, 6556, 6537; 29 *Del. C.* §8903; Department of Correction Policy 8.32

II. PURPOSE: To establish a policy for the Department of Correction (DOC) regarding all incoming and outgoing mail for offenders.

II. APPLICABILITY: All DOC employees, volunteers, persons and organizations conducting business with the DOC and all offenders under the custody and supervision of the DOC.

IV. DEFINITIONS:

Mail supplies: Postage-paid envelopes, postage-paid postcards, stationery and stamps

Legal/Privileged Mail: Mail to or from an attorney, court (State or Federal), elected official (County, State or Federal), Attorney General, U.S. Attorney, or legal aid or legal assistance service. This mail will be recorded and only opened in the presence of the offender to whom it is addressed.

General Mail: Includes all mail not qualified as Legal/Privileged Mail to include, but not limited to mail from family, friends, relatives and media.

Indigent offender: An offender who has established a pattern of insufficient funds with which to pay for mail postage and mail supplies.

Contraband: Under Section 1258 shall be any intoxicating liquor or drug prohibited under Chapter 47 of Title 16, except as prescribed by a physician for medical treatment, tobacco, nicotine products, any money, without the knowledge or consent of the Department of Health and Social Services or the Department of Correction, any deadly weapon or part thereof or any instrument or article which may be used to effect an escape. Items include, but are not limited to:

- Items not authorized by law or DOC policy to be in a facility, the grounds of a facility, a vehicle, a contract program area or in an inmate's possession;
- Items that are authorized by law or DOC policy, but used in an unauthorized or prohibited manner;
- Items that are authorized by law or DOC policy, but altered;
- Items that ownership cannot be established; or
- Any mobile phone, cellular telephone or other prohibited electronic device of any kind

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IV. POLICY: The DOC recognizes the importance of the use of mail by offenders to maintain appropriate contact with family, friends and the community that is directed to socially useful goals. It is the policy of the DOC that Bureau of Prisons and Bureau of Community Corrections facilities provide a systematic process for the collection, inspection and distribution of offender mail. Correspondence sent by or to an offender that is determined detrimental to the security, good order or discipline of a facility, or harmful to the public, or that might facilitate criminal activity may be rejected. Each facility shall develop procedures for adhering to the standards in this policy. The procedures should be provided or otherwise made available to employees and offenders.

A. Collection

Each facility should establish a secure mail depository system for offenders to place outgoing correspondence.

B. Distribution

1. Excluding weekends or holidays, or emergency situations, incoming and outgoing letters are held no more than 48 hours and packages (if allowed) will be held no more than 72 hours.
2. Incoming general mail will be distributed if appropriately addressed.
3. Incoming general mail not appropriately addressed will be returned to the Post Office or other mail distributor. An appropriate address is defined as legibly containing all the necessary contents of a postal address including the mail recipient's name, institution name, street address, and/or P.O. Box, Town or City, State and ZIP Code. The DOC website lists all institution addresses to assist the public.
4. Outgoing general mail should be appropriately addresses as defined in the paragraph above, have the appropriate postage and be marked to indicate:
 - a. The letter was sent by an inmate in a State Prison.
 - b. The State is not responsible for debts incurred, or for the contents of the letter.

C. Inspection

1. All incoming general mail may be required to successfully pass a fluoroscope examination for contraband materials, and shall be opened and inspected before delivery to the offender.
2. Undelivered or undeliverable mail returned to a facility by the Post Office or other mail handler should be closely inspected to determine if the content originated with the identified sender.
3. Items of contraband recovered through inspection should be handled in accordance with DOC Policy 8.32.

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D. Legal/Privileged Mail

1. Offenders and persons with whom offenders may correspond by way of legal/privileged mail shall not use or permit others to use legal/privileged mail for personal non-legal or non-official correspondence, or to transmit contraband. Offenders and persons with whom offenders may correspond by way of legal/privileged mail shall not use or permit others to use legal/privileged mail for the purpose of communicating, directly or indirectly, with a person who is not eligible to send or receive such communications as legal/privileged mail under this policy.
2. Outgoing legal/privileged mail will be recorded and shall not be opened for inspection or any other purpose or otherwise impeded in its transmission if it:
 - a. Is addressed to a person eligible to receive legal/privileged mail under this policy;
 - b. Includes the offender's name and return address on the outside of the envelope;
 - c. Has been marked by the institution to indicate to the addressee that:
 - 1) The letter was sent by an inmate in a State Prison
 - 2) The State is not responsible for debts incurred, or for the contents of the letter
 - d. Successfully passes a fluoroscope examination for contraband.
3. Outgoing legal/privileged mail that does not meet the requirements listed above shall be handled as follows:
 - a. Non-addressed items may be returned to the sender unless there is reason to believe that an item was not sent by the offender identified on the envelope, in which event the item shall be handled as provided herein;
 - b. Items without an offender name or bearing a suspected false offender name, having no return address, or that do not pass the fluoroscope examination will be retained, remain sealed and handled as contraband in accordance with DOC Policy 8.32 Contraband: Search, Seizure and Disposition;
 - c. The Warden or his/her designee shall attempt to cross reference the mail with any identification available on the envelope to determine the owner of the mail if possible;
 - d. If the offender acknowledges being, or is determined by the Warden or his/her designee to be, the sender of a retained item, the item may be opened in the sender's presence for further investigation into contents;

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- e. If an offender is not identified, the item shall be retained for 90 days from the date of receipt, during which period an investigation to determine ownership may continue. Retained items may be destroyed in a commercially reasonable manner after the expiration of the 90-day retention period. Notwithstanding the foregoing, any retained item may be forwarded or referred to other law enforcement officials or agencies for further inspection or investigation.
- 4. Incoming legal/privileged mail will be recorded and may be required to successfully pass a fluoroscope examination for contraband but shall not be opened or scanned except in the presence of the addressee offender, unless waived in writing, for the sole purpose of ascertaining that its contents are free of contraband
 - a. Scanned legal/privileged mail that, on its face does not appear to be legal/privileged mail, may be considered contraband.

E. Amount of mail

- 1. When the offender bears the mailing cost, there should be no limit on the volume of letters sent or received, or on the length, language, or content except when there is reasonable belief that limitation is necessary to protect public safety or facility order and security.
- 2. Offenders are still bound to housing rules and guidelines on how much property they are allowed to store.
- 3. Procedures should be established at each facility to provide indigent offenders with necessary mail supplies for legal/privileged mail, and with a set amount of mail supplies to maintain community ties.

F. Prohibited mail

- 1. Mail correspondence may be rejected based on legitimate correctional interests when it poses or reasonably could pose a threat to the safety or security of a DOC facility or any person or structure.
- 2. Offenders should be notified when incoming or outgoing mail is held.
- 3. Examples of materials that may be rejected may include, but are not limited to:
 - a. Unused postage stamps;
 - b. Collect-on-Delivery (COD) mail;
 - c. Lottery tickets or games of chance;

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- d. Tax forms;
- e. Battery operated cards;
- f. Maps;
- g. Sexually explicit photographs/pictures;
- h. Items containing gang symbols;
- i. Cash;
- j. Oversized books
- k. Items written in code; and
- l. Unauthorized offender-to-offender communications.

G. Forwarding mail

- 1. Procedures should address the forwarding of mail within the DOC for internal transfers and allow for returning items to the sender when an offender has been released.

H. Money Orders/Checks/Cash

- 1. Mail should be inspected to intercept cash, checks and money orders
- 2. Procedures for the processing of cash, checks and money orders shall be established by each facility and shall include:
 - a. Documenting the type and source of the funds received
 - b. Crediting funds to the offender accounts

I. Violations

- 1. Offenders found in violation of applicable state and federal laws and regulations or DOC policies may be subject to internal DOC disciplinary action, including loss of good time, and may be referred to appropriate law enforcement agencies or other authorities for investigation and action.
- 2. Suspected violations of applicable state and federal laws and regulations or DOC policies by individuals who are not in the custody of the DOC maybe referred appropriate law enforcement or other authorities for investigation and action.

