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COMMISSIONER

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ADMINISTRATIVE REGULATION
NUMBER 448

OPR: OPERATIONS

INMATE MAIL

I. GENERAL

This Alabama Department of Corrections (ADOC) Administrative Regulation (AR) establishes responsibilities, policies, and procedures for inmate mail.

II. POLICY

It is the policy of the ADOC to allow inmate mail in accordance with the U. S. Postal Service regulations and the guidelines set forth in this regulation.

III. DEFINITION(S) AND ACRONYM(S)

- A. **Contraband**: Any item that is not permitted by law or is either prohibited or not specifically authorized by ADOC or institutional policy. Items not issued by the ADOC, not sold on the institutional canteen, or not specifically authorized by the Warden.
- B. **Correspondence**: Written communications to or from inmates (e.g. letters, post cards, greeting cards) delivered by a postal service.
- C. **Inmate Personal Property**: The items and amounts of clothing, equipment, mail, or supplies, which an inmate is allowed to have in his / her immediate possession.
- D. **Internet Materials**: Downloaded copy from a web site.
- E. **Immediate Family**: For the purpose of this regulation, mother, father, stepparents, foster parents, husband, wife, children, stepchildren, grandchildren, brother, sister, grandmother, grandfather, half-siblings, son-in-law, daughter-in-law, mother-in-law, and father-in-law as documented in

the institutional file of the inmate.

- F. **Kitting**: Sending / receiving mail with contents addressed to another party for forwarding.
- G. **Legal Mail**: Letters to and from attorneys, courts, judges, clerks, and other officials of the courts and government agencies.
- H. **Mail**: For the purpose of this regulation, the term “mail” includes, but is not limited to: items delivered by the U. S. Postal Service, inter-institutional mail, and any private carrier servicing the ADOC.
- I. **Mail Clerk**: Staff member(s) assigned to handle the institutional mail.
- J. **Nudity**: A pictorial depiction where genitalia or female breasts are exposed. Publications containing nudity illustrative of medical, educational, or anthropological content may be excluded from this definition.
- K. **Printed Materials**: Books, publications, magazines, newspapers, periodicals, circulars, and catalogues delivered by the postal services.
- L. **Reasonable Suspicion**: Rational inference that a reasonably prudent person could make from specific objective facts.
- M. **Religious Materials**: Books, pamphlets, brochures, and religious study courses.
- N. **Sexually Explicit**: A picture / illustration of actual or simulated sexual intercourse, and / or oral sex, masturbation, or materials depicting sex.

IV. **RESPONSIBILITIES**

- A. The Warden shall be responsible for developing their institutional Standard Operating Procedures (SOPs), as necessary, for the implementation of AR 448, *Inmate Mail*.
- B. The Mail Clerk is responsible for the collection, inspection, and distribution of incoming / outgoing mail and for the maintenance of the mail records.
- C. The Chaplain, or the Warden’s designee, is responsible for reviewing all mail entering the institution for an inmate that is presumed to be religious materials.

V. PROCEDURES

A. General Guidelines:

1. The inmates shall be permitted to send and receive correspondence unless there is reasonable suspicion that such correspondence may present a threat to the safety and security of the facility, public, staff, or inmates.
2. There is no limit on the volume of letters that the inmate can send or receive. However, AR 338, *Inmate Property* prescribes the number of items that inmates may have in his / her possession at one time.
3. The Warden shall designate a mail area and secure drop box(es) for outgoing mail that is accessible to all inmates.
4. Mail between inmates and incarcerated immediate family members, whether state, county, city, out-of-state or federal, may be allowed with the written permission of the Wardens involved.
5. Approved mail and packages addressed to an inmate, who has been transferred or released to another known address, should be forwarded to the inmate within 48 hours, excluding weekends and holidays.
 - a. If a forwarding address is not available, such mail and packages shall be returned to the sender.
 - b. If neither a forwarding nor return address is available, the mail and packages shall be refused and returned to the post office.
6. All inmate mail shall remain under the supervision of staff until it is distributed. Inmates are not allowed in the mail area without supervision.
7. At no time shall mail be distributed or handled by an inmate or be accessible to any inmate other than the addressee.
8. A staff person shall deliver incoming mail to the inmate(s) to whom it is addressed.

B. Incoming Mail:

1. All incoming mail must be addressed with the inmate's name, AIS number, institutional name and housing unit / bed assignment.
Ralph Jones
AIS# 123456
Institutional Name
Housing Unit / bed assignment
Institutional Address
2. An inmate, who has legally changed his / her name, must use the dual name format: Commitment Name, AIS #XXXXXXX, Legal Name. (See AR 450, *Legal Name Changes*)
Ralph Jones
AIS# 123456
Sam Cloud
Institutional Name
Housing Unit / bed assignment
Institutional Address
3. Promotional checks will not be accepted through the mail for deposit to inmate accounts.
4. Correspondence, printed material, inmate personal property, or money will not be delivered to inmates by visitors. The Warden / designee may allow attorneys to hand deliver "Legal Mail" directly to the inmate, subject to being searched for contraband.
5. Inmates will not receive mail stamped "Collect on Delivery (COD)".
6. Inmates are allowed to receive up to two (2) books of stamps per week in the mail.
7. Inmates are allowed to receive up to four (4) pages of internet material per letter. Excessive letters with consistent content shall be rejected.
8. Inmates are not allowed to receive any form of writing pads or tablets, torn out magazine pages, news clippings, or writing instruments in the mail.
9. Inmates are allowed to receive no more than four sheets of loose leaf paper and four envelopes per week in the mail.

10. Inmates are allowed to receive cashier checks and personal money orders from those individuals identified on the inmates approved funds list.
 - a. Personal money orders shall only be accepted from companies licensed by the Alabama Securities Commission as identified in the ADOC Accounting Manual.
 - b. Cashier checks and personal money orders received from unauthorized individuals or unapproved companies shall be rejected in accordance with paragraph above.

C. Outgoing Mail:

1. All mail being sent from the institution must have a return address which will include: inmate's full name, inmate AIS number, name of institution, housing unit / bed number, street address, or P.O. Box number, as appropriate, city, state and zip code. Additionally, the following stamped disclaimer shall be included on every piece of outgoing mail sent by inmates.

“This correspondence is forwarded from an Alabama State Prison. The contents have not been evaluated, and the ADOC is not responsible for the substance or content of the enclosed communication.”

2. An inmate, who has legally changed his / her name, must use the dual name format: Commitment Name, AIS #XXXXXXX, Legal Name. (See AR 450, *Legal Name Changes*)
3. Designated staff should collect outgoing mail once each business day.

D. Legal Mail:

1. Outgoing:
 - a. Inmates shall be provided two (2) free stamps per week for **legal mail** only.
 - i. The names of inmates receiving the free stamps shall be maintained in a log.
 - ii. The log shall reflect the name of the inmate, the recipient's name and address, and the date.

b. Each Warden shall designate a box for “Legal Mail.”

2. Incoming:

a. A log shall be maintained by mail staff members that lists each piece of legal mail received, the date inspected, delivered, sender’s name and recipient’s signature.

b. The inmate shall sign for all “Legal Mail” prior to receipt.

c. All “Legal Mail” shall be opened and inspected for contraband in the presence of the inmate.

d. Improperly addressed “Legal Mail” (to include, but not limited to, incorrect or missing bed / housing assignment and / or AIS number) shall be forwarded to the Warden / designee for verification and delivery, if appropriate.

E. Limitations:

1. When abuses are found, the Warden may prohibit further correspondence by the inmate with the person to whom the offending material was directed.

2. When the Warden receives a request to terminate correspondence with an inmate, the Warden shall notify the inmate of the request and inform the inmate that further correspondence with the individual shall cease.

3. The Warden / designee shall provide documentation that will be placed in the mail area and in the inmate’s institutional file of persons with whom the inmate may no longer correspond.

F. Inspection:

1. Incoming mail, including “Legal Mail”, shall be inspected for contraband and / or for abuse of the mail privilege. Outgoing mail shall be randomly inspected for contraband. “Legal Mail” must not be opened to inspect for contraband except in the presences of the inmate.

2. All contraband shall be disposed of in accordance with AR 306, *Contraband and Evidence Management*.

3. Every effort should be made to ensure that all incoming letters and packages are delivered to the inmate within 72 hours after receipt at the institution, excluding weekends and holidays. Inmates shall be notified of rejected mail in accordance with the procedures contained in V. G.

G. Rejection:

1. In the event that any incoming mail is rejected, the mail clerk shall cite the policy violation and complete an ADOC Form 448, *Notification of Rejected Mail*, then forward to the inmate in a timely manner.
2. An inmate may appeal the rejection to the Warden / designee for review and final determination using ADOC Form 448.
3. If the appeal is denied, the inmate shall have the option of returning the mail to the sender at his / her own expense within thirty (30) days; or, the mail shall be destroyed at the end of the thirty (30) day period in accordance with AR 306.
4. Incoming mail may be considered as a threat to institutional security if it includes, but is not limited to, the following:
 - a. Inciting violence based on race, religion, sex, creed, or nationality, or disobedience toward law enforcement officials or correctional staff.
 - b. Providing instructions for the manufacturing or use of intoxicants, weapons, explosives, drugs, drug paraphernalia, smuggling or other unlawful items or substances.
 - c. Containing obscene photographs, pictures, or drawings, including publications and advertisements from distributors.
 - d. Containing plans to escape, unauthorized entry into the institution, or information or maps.
 - e. Containing information relating to security threat group activity or use of codes and / or symbols associated with security threat groups.
5. Before delivery of a publication may be denied, the Warden / designee must review the particular publication in question and

make a specific, factual determination that the publication is detrimental to prisoner rehabilitation.

6. Abuse of mail privileges by inmates may result in rejection and possible disciplinary action. Abuses include, but are not limited to the following:
 - a. The writing of letters containing obscene, profane, or indecent language.
 - b. Writings that contain threats, derogatory or personal attacks against any person.
 - c. Writings that contain an escape plot or any other clear threats to the institution.
 - d. Receipt of mail, identified as "Legal Mail", from an individual or agency not meeting the "Legal Mail" definition.
 - e. Writings which contain language purporting to solicit claim, or demand money, goods, or services by false statements, threats, intimidation or extortion from another person or firm.
 - f. Kiting.

H. Publications and Books:

1. Inmates may receive no more than two (2) books and four (4) magazines or newspapers or combination thereof per month. AR 338, *Inmate Property* prescribes the number of items that inmates may have in his / her possession at one time.
2. The publications should be received directly from the publisher or a recognized commercial distributor; and, must be pre-paid by a family member, friend, or from the inmate's Prisoners Money on Deposit Account (PMOD).
3. Receipt of publications by inmates in segregation shall be determined by the provisions indicated in AR 433, *Administrative Segregation and Housing for Close or Maximum Custody*, and AR 434, *Disciplinary Segregation*.
4. The Warden / designee shall personally inspect each issue of a publication when a reasonable expectation that the particular issue

violates the standards of this regulation. If it is determined that the issue of the publication violates these standards, then they will temporarily exclude the publication.

5. The Warden / designee shall notify the inmate to whom the publication was addressed of the temporary ban.
6. If the inmate appeals the temporary ban (using ADOC Form 448), the ban shall remain in effect pending a final resolution. Upon notice of the appeal, the Warden shall furnish a copy of the documentation on the matter to the Commissioner / designee. This documentation will include copies of pages of the excluded issue that contain material that has been identified as violating the restrictions.
7. The Commissioner / designee shall review the appeal and documentation and render a decision.
 - a. If the temporary ban is upheld, the inmate, the Warden, and all other institutions shall be notified that this publication is permanently banned, and the matter closed. The documentation supporting the ban shall be retained by the Legal Division and at the institution.
 - b. If the temporary ban is denied, the publication shall be given to the inmate and the entire matter dropped and all documentation destroyed.
8. The permanent ban of an issue of a publication may not be relied upon to support an exclusion of a subsequent issue. For example, if the January issue of XYZ magazine is permanently banned, this ban may not be used to justify an exclusion of the February issue of XYZ magazine. Each separate issue must be evaluated independently in accordance with this regulation.
9. Inmates shall not be allowed to be members of, enter into contractual agreements with, or participate in book clubs.

I. Packages:

1. All religious materials, such as books, pamphlets, brochures, and religious study courses, shall be sent to the inmate in care of the Chaplain, or institutional designee. The Chaplain, or designee, shall distribute the materials after approval and limits have been obtained from the Warden.

2. The Commissioner / designee shall publish instructions concerning the receipt of incentive packages for inmates. Incentive packages will be provided through contracted vendors during the months of May, September, and December.
3. The criteria for an inmate to receive incentive packages are as follows:
 - a. Inmates must have a six (6) month clear record prior to the designated month of each particular incentive package – no disciplinaries nor behavior citations.
 - b. An inmate found guilty of rules violations for indecent exposure / exhibitionism, unauthorized possession of a phone(s) / accessories, assaults on staff, or other acts of violence of a serious nature shall be restricted from receiving packages for one (1) year from the incident.
 - c. An inmate in segregation shall not receive nor be eligible to receive incentive packages.
4. An inmate may mail outgoing packages as outlined in the institutional SOP. However, the packages shall be inspected for unauthorized items prior to mailing. The inmate must provide postage.
5. The Commissioner / designee may allow other packages as deemed appropriate.

VI. DISPOSITION

Any forms used will be disposed of and retained according to the Departmental Records Disposition Authority (RDA).

VII. FORMS

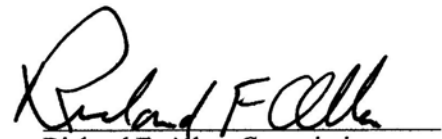
ADOC Form 448, *Notification of Rejected Mail*.

VIII. SUPERCEDES

This Administrative Regulation supersedes, AR 448, *Inmate Mail*, dated December 19, 2005, and any changes.

IX. PERFORMANCE

- A. U. S. Postal Service Regulations.
- B. AR 306, *Contraband and Evidence Management*.
- C. AR 433, *Administrative Segregation and Housing for Close or Maximum Custody*.
- D. AR 434, *Disciplinary Segregation*.
- E. AR 450, *Legal Name Changes*.
- F. American Correctional Association (ACA), *Standards for Adult Correctional Institutions*, 4th Edition, 4-4487, 4-4490, 4-4491, 4-4492, 4-4494, 4-4496.
- G. ADOC Accounting Manual.


Richard F. Allen, Commissioner

ALABAMA DEPARTMENT OF CORRECTIONS

NOTIFICATION OF REJECTED MAIL

From: _____ Date: _____
Institutional Mail Room

To: Inmate _____ AIS #: _____
Cell/Dorm: _____ Bed#: _____

Correspondence From: _____

Date received at this Institution: _____

Is being returned to sender due to the following reason(s): _____

The inmate has the option to return mail to the sender at his / her own expense within thirty (30) days; or, the mail shall be destroyed.

The inmate has seventy-two (72) hours from the above date to appeal this return. State your reason(s) for appealing in writing below and return this form to the Warden / designee.

Inmate's Signature AIS #

Date

Appeal: Denied

Appeal: Upheld

Printed Name

Printed Name

Authorized Signature

Authorized Signature

Date returned to sender

Date returned to sender

ADOC Form 448 – October 20, 2008
Previous edition is obsolete