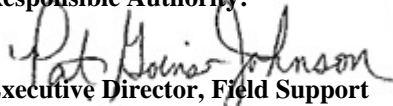
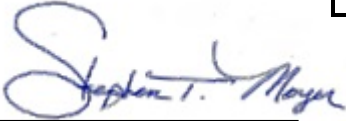


Executive Directive



Title: Inmate Mail — Mail Room Procedures	Executive Directive Number: OPS.250.0001 Revised
Related Md. Statute/Regulations: Correctional Services Article, §2-103, Annotated Code of Maryland; COMAR 12.02.20 Inmate Mail	Supersedes: OPS.250.0001 dated May 15, 2016
Related ACA Standards: N/A	Responsible Authority:  Executive Director, Field Support Services
Related MCCS Standards: N/A	Effective Date: July 17, 2017 Number of Pages: 12



Stephen T. Moyer
Secretary



J. Michael Zeigler
Deputy Secretary
for Operations

.01 Purpose.

This directive updates internal mail room procedures for processing incoming and outgoing inmate mail for the Department of Public Safety and Correctional Services (Department).

.02 Scope.

This directive applies to all units responsible for processing incoming or outgoing inmate mail.

.03 Policy.

- A. The Department shall permit an inmate to correspond with family, friends, officials, and other significant community contacts with a minimum of interference and consistent with the legitimate security needs of a correctional or detention facility.
- B. The Department permits an inmate to receive mail reading materials and publications consistent with the United States Constitution, federal law and regulations, Maryland law and regulations, and Department policy and procedures.

.04 Definitions.

A. In this directive, the following terms have the meanings indicated.

B. Terms Defined.

- (1) “Correctional facility” has the meaning stated under Correctional Services Article, §1-101, Annotated Code of Maryland and includes a detention facility.
- (2) Indigent Inmate.

- (a) “Indigent inmate” means an inmate who:
 - (i) At intake, has less than a total of \$4 in the inmate’s account;
 - (ii) In the previous 30-days has not received pay for an assignment, and has less than a total of \$4 in the inmate’s account; and
 - (iii) For the sole purpose, of acquiring a birth certificate, at intake, has less than a total of \$12 in the inmate’s account.
 - (b) “Indigent inmate” for the purpose of funeral and burial expenses, has the meaning stated under Correctional Services Article, §9-604, Annotated Code of Maryland.
 - (c) “Indigent inmate” does not include an inmate who meets requirements under §B(2) of this directive, which is based on a pattern of spending funds in a 30-day period intending to qualify as indigent.
- (3) Inmate.
- (a) “Inmate” means an individual in the custody of the Department housed in a Department correctional facility.
 - (b) “Inmate” includes individuals referred to as:
 - (i) Detainee;
 - (ii) Resident; or
 - (iii) Offender.
- (4) “Legal mail” has the meaning stated under COMAR 12.02.20.01.
- (5) “Mail” has the meaning stated under COMAR 12.02.20.01.
- (6) “Managing official” has the meaning stated under Correctional Services Article, §1-101, Annotated Code of Maryland.
- (7) “May not” means an absolute prohibition.
- (8) “Postcard or post card” means a rectangular piece of paper used for writing and mailing without an envelope.
- (9) “Sexually explicit material” means mail that graphically depicts or communicates:
- (a) Sexual intercourse (whether between individuals of the same or opposite sex) including:
 - (i) Genital to genital;
 - (ii) Oral to genital;

- (iii) Anal to genital; or
- (iv) Oral to anal;
- (b) Bestiality;
- (c) Masturbation;
- (d) Sadistic or masochistic abuse;
- (e) Sexually stimulated exhibition of the genitals or pubic area;
- (f) Depicts nudity of a minor child; or
- (g) Any act listed under §§.04(8)(a) — (e) of this directive that involves a minor child.

.05 Responsibility/Procedures.

- A. A managing official shall ensure that mail received at the facility for an inmate or sent by an inmate is processed in accordance with provisions established under this directive.
- B. Inmate to Inmate Mail.
 - (1) An inmate may send and receive mail to and from another inmate confined in another federal, state, or local correctional or detention facility if the inmate to be contacted is:
 - (a) A family member; or
 - (b) A co-defendant in an active legal action.
 - (2) Sending or receiving mail between inmates other than that specified under §.05B(1) of this directive requires authorization by a managing official considering:
 - (a) Security issues for the facilities involved;
 - (b) Nature of the relationship between the inmates;
 - (c) Other correspondence sent or received by the inmate; and
 - (d) Other exceptional circumstance deemed relevant by the managing official.
- C. Incoming Inmate Mail.
 - (1) Except for legal mail, mail room staff shall open and inspect incoming inmate mail in preparation for delivery by mail room staff or other authorized staff to the inmate to whom the mail is addressed.
 - (2) Mail room staff receiving what is known to be or what may be legal mail for an inmate shall:

- (a) Only open and inspect the known to be or what may be legal mail in the presence of the inmate to whom the legal mail is addressed;
 - (b) If other than mail room staff deliver known to be or what may be legal mail to an inmate, instruct the non-mail room staff to only open and inspect the known to be or what may be legal mail in the presence of the inmate to whom the mail is addressed.
- (3) Mail room staff shall inspect all incoming inmate mail, regardless of form to ensure the mail:
- (a) Displays:
 - (i) The name and identification number of the inmate for the purpose of delivery; and
 - (ii) The name and return address of the sender, which only affects how undeliverable mail is to be handled.
 - (b) Does not:
 - (i) Have an item glued, taped or otherwise attached;
 - (ii) Have aftermarket alterations, such as paint, crayon, marker ink, glitter, cloth, or string;
 - (iii) Have a label or sticker (including address labels), except for a postage that is to be removed;
 - (iv) Contain a biohazard substance, scent, or lipstick;
 - (v) Have a liquid stain;
 - (vi) Depict or contain sexually explicit material, nudity, or obscenities;
 - (vii) Suggest acts of criminal or illegal gang activity;
 - (viii) Depict writing, images, or references that may incite violence, riots, racism, or threaten the security of the facility;
 - (ix) Contain a message that appears to be written in code;
 - (x) Describe plans or implements that may be used to escape;
 - (xi) Describe construction or use of weapons or other devices to be used to inflict illness or injury;
 - (xii) Provide information for making illegal substances such as alcohol or drugs;
 - (xiii) Contain information about theory, design, or manufacturing of correctional facility security systems, communication systems, or security equipment;
 - (xiv) Instruct how to violate correctional facility rules or encourage a breach of security;

- (xv) Advocate for or provide instruction in the formation of inmate unions;
 - (xvi) Contain contraband; or
 - (xvii) Contain cash, money orders, checks, or stamps.
- (4) If the mail is in the form of a postcard, mail room staff shall, in addition to requirements under §.05C(3) of this directive, ensure that the postcard is:
- (a) Plain or if the postcard contains an image, the image was part of the original printing;
 - (b) Rectangular in shape;
 - (c) A minimum size of 3.5 inches high by 5 inches long by 0.007 of an inch thick and a maximum size of 4.25 inches high by 6 inches long by 0.016 of an inch thick;
 - (d) Other than postage markings and a written message, not intentionally altered or defaced; and
 - (e) Not wrapped or coated with plastic.
- (5) Greeting Cards.
- (a) Mail room staff shall ensure that a professionally manufactured, computer generated, or “homemade” greeting card is not processed for delivery to an inmate.
 - (b) Mail room staff shall mark a professionally manufactured, computer generated, or “homemade” greeting card that has a return address “return to sender” and place in the outgoing mail.
 - (c) Mail room staff shall place a professionally manufactured, computer generated, or “homemade” greeting card that does not have a return address in the facility’s “dead letter file” and after 30 calendar days, if a return address cannot be determined, destroyed.
- (6) If legal mail is to be delivered to the inmate:
- (a) The legal mail shall be delivered to the inmate to whom it is addressed by:
 - (i) Mail room staff; or
 - (ii) Non-mail room staff authorized to deliver mail to an inmate;
 - (b) Mail room staff shall log receipt and disposition of the legal mail in accordance with facility procedures for logging inmate legal mail which, at a minimum, records the:
 - (i) Date received by the mail room;
 - (ii) Inmate’s name, identification number and housing assignment verified by the facility’s traffic and housing assignment report;

- (iii) The number of legal mail items being delivered to the inmate;
 - (iv) The inmate's receipt of acceptance or refusal of the legal mail; and
 - (v) If appropriate, the disposition of legal mail refused by the inmate;
- (c) Mail room staff shall make a photocopy of the envelope containing the legal mail;
- (d) The staff delivering the legal mail to the respective inmate shall:
- (i) Properly identify the inmate against information from the traffic and housing assignment reports and the inmate's facility identification card;
 - (ii) Open the legal mail in the presence of the inmate to whom it is addressed;
 - (iii) Inspect (without specifically reading) the contents for contraband only;
 - (iv) Deliver the contents and the photocopy of the envelope used to send the legal mail;
 - (v) Have the inmate sign the receipt for the legal mail or, if appropriate refusal to accept the legal mail; and
 - (vi) Return the original envelope, receipt and, if appropriate refused legal mail, to the mail room for disposition according to facility procedures; and
- (e) If there is reason to doubt that mail is in fact legal mail the mail believed to legal mail shall be delivered in the same manner as that for bona fide legal mail.
- (7) Before delivering incoming inmate mail to an inmate, except for legal mail, mail room staff, in addition to inspecting for content specified under §.05C(3) of this directive, shall ensure that:
- (1) Postage stamps, postage meter labels, address labels, or other items affixed to the mail:
 - (a) Are removed before being delivered to an inmate; or
 - (b) If removal of the postage stamps, postage meter labels, address labels, or other items affixed to the mail cannot be effectively performed, the:
 - (i) Envelope is photocopied; and
 - (ii) Content to be delivered to the inmate is wrapped in the photocopy of the envelope.
 - (2) If the mail contains items or information that may be cause for rejection under §.05C(3) of this directive and the items or information could be excised, the inmate to whom the mail is addressed is given the opportunity to decide to:
 - (a) Receive only acceptable portions of the mail; or
 - (b) Have the mail destroyed.

- (8) If the facility does not use a drop box system for an inmate to receive funds from outside the facility, mail room staff shall:
 - (a) Process money orders found in incoming inmate mail in accordance with current procedures for inmate finances.
 - (b) Mark an envelope containing cash or a check "Return to Sender", seal the envelope with the cash or check inside, and place the item in the outgoing mail.
- (9) Mail room staff finding contraband in incoming inmate mail shall process the contraband in accordance with procedures for handling contraband and, if appropriate, inmate disciplinary procedures.
- (10) Except under §.05F of this directive, incoming inmate mail determined to be undeliverable that:
 - (a) Displays a return address, shall be marked "Return to Sender" for return to the address provided on the document.
 - (b) Does not display a return address as required, shall be held in the facility's "dead letter" file and after 30 calendar days, if a return address cannot be determined, destroyed.

D. Outgoing Inmate Mail.

- (1) Mail room staff may process outgoing sealed inmate mail if the mail:
 - (a) Is properly addressed to the intended receiver;
 - (b) Displays the inmate's name, identification number, and the inmate's facility address as the return address; and
 - (c) Has the proper postage.
- (2) Mail room staff may process inmate mail that contains money from the inmate's account in accordance with procedure related to inmate finances.
- (3) Mail room staff shall date-stamp outgoing mail with the date that the mail was received by mail room staff for forwarding to the appropriate carrier.

E. Indigent Inmate Mail.

- (1) Upon a request made by an indigent inmate, the indigent inmate shall be provided with an approved writing implement, paper, envelopes, and first class postage for at least seven letters each week (Sunday — Saturday).
- (2) If an indigent inmate requires additional materials or postage for legal correspondence during the same period established under §.05E(1) of this directive, the indigent inmate may request the materials for legal mail and postage through the mail room supervisor or a designee.

- (3) The mail room supervisor shall grant a request made in accordance with §.05E(2) of this directive, except if the mail room supervisor, or a designee, determines that the indigent inmate's request for additional materials and postage is an abuse of the provision for additional legal mail.
- (4) If the mail room supervisor, or a designee, determines that the indigent inmate's request for additional legal mail related materials and postage is an abuse of the provision in accordance with §.05E(3) of this directive, the mail room supervisor, or a designee, shall refer the request and findings to the Assistant Warden, or a designee, for disposition.
- (5) Each indigent inmate is to set mail priorities in accordance with the seven-letter allowance and first class postage established under §.05E(1) of this directive and under COMAR 12,02.20.03.

F. Return of Incoming or Outgoing Mail.

- (1) Incoming or outgoing mail determined to be undeliverable under this directive shall be returned to the sender except if the mail contains:
 - (a) Contraband;
 - (b) Plans for or discussion of committing a crime; or
 - (c) Evidence related to a crime or criminal activity.
- (2) Mail that is not to be returned to the sender under §.05F(1) of this directive shall be:
 - (a) Considered and handled as evidence in an inmate rule violation, administrative, or criminal investigation; and
 - (b) Reported to the Department's Internal Investigative Division in accordance with established procedures.

G. Money Orders.

- (1) If a correctional facility does not utilize a "drop box" system for an inmate to receive funds from outside the Department, an inmate may receive a money order sent via the U.S. Postal Service or a recognized courier system.
- (2) A money order may be sent to the facility for delivery to an inmate in an envelope according to the following:
 - (a) The inmate's name and identification number and purchaser's printed name or signature shall be written on the money order;
 - (b) The outside of the envelope shall display the:
 - (i) Name and identification number of the inmate; and
 - (ii) Contain the name and return address of the sender;

- (c) The envelope shall be opened by mail room staff, who shall:
 - (i) Log receipt of the money order according to procedures for logging legal mail;
 - (ii) Prepare a receipt for the money order and the receipt shall be delivered to the inmate; and
 - (iii) Process the money order according to procedures for processing inmate finances.

H. Withholding Inmate Mail.

- (1) Except in accordance with §.05H(2) of this directive, mail room staff may not hold an inmate's incoming mail for more than 24 hours, not including weekends and holidays.
- (2) If mail room staff determines that inmate mail contains contraband or is in whole or partly undeliverable because the inmate mail contains items or information prohibited by policy or procedure, mail room staff shall hold and safely store the inmate mail until the issue is resolved according to the following:
 - (a) Mail room staff with reason to hold an inmate's mail shall obtain written authorization from the facility's managing official, or a designee.
 - (b) Once approval to hold an inmate's mail is received, mail room staff shall complete a Notice of Decision to Withhold Mail (DC Form 250-1a) and provide a copy of the notice to the inmate and the sender (at the return address on the mail), which:
 - (i) Serves as the official record of the decision to withhold mail;
 - (ii) Includes a summary of the evidence, explains the justification for withholding the mail, and the facts upon which the decision is based;
 - (iii) Shall be served on the inmate and sent to the sender within 48 hours after the managing official, or a designee, approves withholding the mail;
 - (iv) Advises that the inmate and sender that each individual has 10 work days from the date the notice is served on the inmate to respond (using the back of the notice) to the managing official's decision;
 - (v) Advises that the managing official, or a designee, is required to respond within 5 work days of the date the first notice is received either from the inmate or sender objecting to the decision under §.05H(2)(b)(iv) of this directive; and
 - (vi) Advises the inmate and sender that if after a managing official, or a designee, responds to objections received under §.05H(2)(b)(v) of this directive and the inmate or sender continues to disagree; or the managing official, or a designee, fails to respond in the required period, that the inmate or sender may appeal the managing official's, or a designee's, action or lack of action to the Executive Director, Field Support Services, or a designee.
- (c) If an appeal is to be filed, the inmate or sender shall file the appeal:

- (i) Within 5 work days of the date the managing official, or a designee, responds to the objections or the date that the managing official, or a designee, was required to respond but did not;
 - (ii) In writing to the Executive Director, Field Support Services, or a designee;
 - (iii) Use the Appeal of Managing Official's Decision to Withhold Mail (DC Form 250-1b) provided by the mail room staff at the time of notification; and
 - (iv) Provide justification for the appeal.
- (d) The Executive Director, Field Support Services, or a designee, shall make a decision within 5 work days of the date the appeal of the decision was received by the Executive Director, Field Support Services, or a designee that:
- (i) Affirms the decision;
 - (ii) Modifies the decision; or
 - (iii) Reverses the decision.
- (e) An inmate with mail being withheld may appeal a decision by the Executive Director, Field Support Services, or a designee, under §.05H(2)(d) of this directive in accordance with the Inmate Grievance Office procedures, which is required to be filed within 30 days of the date the Executive Director, Field Support Services, or a designee:
- (i) Responds to the appeal; or
 - (ii) Was required to respond, but did not.
- (3) When all processes under §.05H(2) for withholding inmate mail are exhausted and the decision is to:
- (a) Withhold the mail as a whole, mail room staff shall:
 - (i) Have the inmate decide to send the mail, at the inmate's expense, to the sender or another recipient designated by the inmate; or
 - (ii) Dispose of the mail in a manner approved by the inmate and the managing official, or a designee.
 - (b) Withhold only a portion of the mail, mail room staff shall:
 - (i) Excise the unacceptable portions and deliver the remaining portion of the mail to the inmate within 5 work days of the date of the final decision; and
 - (ii) Dispose of the excised portions in accordance with provisions under §.05H(3)(a) of this directive.

- (c) Not to withhold the mail, mail room staff shall deliver the mail to the inmate within 5 work days of the final decision.

I. Inmate Transfer, Release, Escape, or Death.

(1) First Class Mail. — Mail room staff shall:

- (a) Forward first class mail to an inmate who has been transferred to another Department correctional or detention facility;
- (b) Forward first class mail to an inmate who has been released from custody and has a forwarding address; or
- (c) Return first class mail to the sender when an inmate has:
 - (i) Been released and there is no known forwarding address;
 - (ii) Escaped; or
 - (iii) Died.

(2) Mail Other Than First Class. — Mail room staff shall destroy the mail unless the postal endorsement printed below the return address specifies forwarding or return to sender with requested information, such as address change, or forwarding address.

J. Handling Inmate Mail.

- (1) Only an employee trained and authorized in handling inmate mail may handle, open, inspect, or distribute inmate mail.
- (2) Only a volunteer trained, authorized and supervised by an employee trained and authorized to handle inmate mail may handle, open, inspect, or distribute inmate mail.
- (3) An inmate may only handle mail that is addressed to and authorized for delivery to the inmate.

.06 Attachment(s)/Links.

- A. Notice of a Decision to Withhold Mail
- B. Appeal of a Managing Official's Decision to Withhold Mail

.07 History.

- A. This directive replaces OPS.250.0001 dated 05/15/2016.
- B. This directive supersedes provisions of any other prior existing Department or unit communication with which it may be in conflict.

.08 Correctional Facility Distribution Code.

A

C

L

S Staff responsible for inmate mail

Property room staff

NOTICE OF DECISION TO WITHHOLD MAIL

Name Inmate ID Number Facility

The following mail was received on the above date:

This mail is being withheld because it contains material which:

- creates an excess of property;
- is contraband;
- describes escape plans, devices or paraphernalia;
- describes the construction or use of weapons, ammunition, bombs, incendiary devices, or other means of inflicting bodily harm;
- describes procedures for brewing alcoholic beverages or the manufacture of drugs;
- advocates or instructs in the formation of inmate unions;
- is sexually explicit
- describes theory, design or manufacture of prison security systems or equipment, including prison communication systems or equipment;
- instructs in the commission of violations of policy or procedures or Regulations that will produce a breach of security or order in the facility;
- is written in code;
- poses a direct and immediate danger of violence or physical harm to person based upon the current circumstances within the facility (The withholding officer's report must be attached)

I. The facts which show the material violates OPS.250.0001:

The reasons which support withholding the material:

If the rejected portion cannot be reasonably severed, you may choose to return the mail as a whole or dispose of it. If the rejected portion can be removed, you may choose to receive the acceptable portion. Use Part A on the back of this form to indicate your choice.

You may appeal the decision to withhold your mail. The sender may also appeal. You both have 10 working days from the above date to appeal to the managing official. Use Part B on the back of this form to file an appeal. You may not file a Request for Administrative Remedy. If you do not respond within 30 days after you received this notice, the mail will be considered abandoned property and will be disposed of in accordance with procedures for handling and disposition of property.

The managing official must respond within 5 working days after receiving your appeal. To appeal the managing official's response (or failure to respond), write an appeal within 5 days to the Executive Director, Field Support Services. Give your reason for the appeal and enclose a copy of the managing official's response. Mail your appeal to:

Executive Director, Field Support Services
6776 Reisterstown Road
Baltimore, Maryland 21215

The Executive Director may affirm, reverse, or modify the managing official's decision within 5 working days after receiving your appeal.

If the final decision is to withhold mail, the acceptable portion will be sent to you if the rejected portion can be removed, and you will be asked how you wish to dispose of the rejected portion.

The rejected portion can/cannot be removed.

Inmate Date Time Withholding Officer Date Time

PART A

I want to receive the acceptable portion of the mail. You may dispose of the rejected portion in the way I have checked below. I do not want to appeal.

I want to dispose of the mail as a whole in the manner I have checked below. I do not want to appeal:

_____ **Destroy it.**

_____ **Send it to the addressee below. You may take from my account \$_____ to pay for postage.**

_____ **Donate it to a charity.**

_____ **I want it to be picked up by my visitor. I will notify the property officer 48 hours before the date my visitor will come, and I will tell my visitor to ask for the mail at the end of the visit.**

Witness Signature

Date

Inmate Signature

Date

I. PART B – REASON FOR APPEAL

Date

Signature of Inmate

II. PART C – RESPONSE

Date

Signature of Managing Official

APPEAL OF MANAGING OFFICIAL'S DECISION TO WITHHOLD MAIL

(Instructions for completing this form are on the back)

Name

Inmate ID Number

Facility

PART A - REASON FOR APPEAL

DATE

SIGNATURE OF INMATE

PART B - RESPONSE

DATE

SIGNATURE OF Executive Director, Field Support Services

Instructions to Inmates for Completing Appeal of Managing Official's Decision to Withhold

Mail

1. Use a typewriter, black ink pen, or pencil.
2. Type or print the specifics for the appeal in the space provided in Part A. Use one form for each appeal. Be sure to include the date of the incident, the names of the people involved, and a description of the incident. Keep the specifics as brief as possible. If you need more space, attach another sheet.
3. Date and sign the appeal in the spaces provided in Part A.
4. Mail the appeal and one copy of the completed DC Form 250-1aR you received showing the managing official's response to:

Executive Director, Field Support Services
6776 Reisterstown Road
Baltimore, Maryland 21215