

**STATE OF MARYLAND**

**Department of Public Safety  
and Correctional Services**



**PATUXENT INSTITUTION**

**Directive**

**PID # 250-1**

**DATE: 7/1/2002**

**SUBJECT: Inmate Mail**

**TITLE: General Mail Policy**

- I. REFERENCE: COMAR 12.12.  
Maryland Commission on Correctional Standards:  
.05 Inmate Rights E. Mail Practices.
- II. PURPOSE: To establish mail standards for inmates.
- III. DEFINITIONS:
- A. Contraband - means an article which an inmate is not permitted to trade, loan, give away, or possess by the Institution, or material which poses a threat to the safety and security of a person, persons, or the Institution, or may be used to effect an escape from the Institution. Contraband articles include matter containing nudity and military or martial art themes.
- B. General Mail - means correspondence, written materials, publications including but not limited to letters, books, newspapers, magazines, and other publications, addressed to or from an inmate and leaving or entering the Institution by the United States Postal Service or by a recognized courier system.
- General Mail does not mean written communication among inmates within the Institution.
- C. Indigent Inmate - means an inmate who, within the previous two weeks, has not received pay for an assignment in work or school, and who has less than \$3 in the inmate's spending account, or an inmate received within the previous two weeks who has not had \$3 in the inmate spending account.
- Indigent Inmate does not mean an inmate who establishes a pattern of receiving and spending funds within a 30 day period thereby manipulating his or her account balance in order to be eligible for benefits.
- D. Legal Mail - mail from a Court, Judge, Clerk of Court, Attorney, The American Civil Liberties Union, the Legal Aid Bureau, elected or appointed official such as the Governor, Attorney General, member of Congress, or the Maryland General Assembly, or the Secretary of the Department of Public Safety and Correctional Services, Director of Patuxent Institution, Parole Commission, Commissioner of the Division of Correction, or Inmate Grievance Office, when received on official stationery of that individual or agency; or mail addressed from an inmate to any of the above individuals or agencies.

## IV. POLICY

- A. An inmate is allowed to send or receive mail consistent with the United States Constitution, federal law and regulations, and Maryland law and regulations.
- B. Mail handlers will wear gloves when handling mail.
- C. Mail may not be handled by an inmate other than the inmate to whom the mail is addressed.
- D. There will be no limit on the volume of mail an inmate may send or receive unless there is official justification. Restrictions on an inmate's mail for disciplinary reasons may only be justified by the inmate's abuse of mailing privileges.
- E. The mail room attendants shall check the traffic/housing report to determine if an inmate is a current resident of the Institution before mail addressed to an inmate is opened.
- F. Inmate mail, both incoming and outgoing, is not read or censored unless clear evidence exists to warrant inspection.
- G. Inmates housed at the Patuxent Institution shall not be permitted to use the regular postal system to send mail/letters to each other while they are confined to this facility.
- H. The Institution's policy on packages is outlined in the Inmate Handbook (PID 185-5) and the PID concerning Packages (PID 220-2).

## V. PROCEDURE:

- A. Indigent Inmate's Mail
  - 1. Indigent inmate mail should be clearly marked with the phrase "NO FUNDS" and the inmate's DOC number at the top of the letter. An indigent inmate is permitted to send three (3) letters per day. Indigent inmate mail is sent through the Institutional mailing system with the Mail Room clerk keeping an accurate count of all indigent mail that is posted.
  - 2. If an inmate requires additional materials or postage for legal correspondence, the inmate may request these through his/her treatment unit. The unit member shall grant the request unless it is determined that the postage provision is being abused, in which case the unit member shall refer the request and findings to the Assistant Warden for disposition.
  - 3. The treatment unit shall encourage the indigent inmate to set mail priorities within the seven letter allowance.

## B. Outgoing Mail

1. Inmates shall affix proper postage on all outgoing mail. The only exception is an inmate who is indigent.
2. All incoming and outgoing mail shall not be held by the mail clerk for more than 24 hours, excluding weekends and holidays.
3. The inmate shall include his or her name, commitment number, and the return address of the Institution on outgoing mail.
4. All outgoing inmate mail will be collected from Tunnel #2 and the Women's Facility by a Utility Officer and delivered to the Mail Room before 10 a.m., Monday through Friday, excluding holidays.
5. The mail will be processed and date stamped when received in the Mail Room.
6. If an inmate desires to mail money from his or her account with a letter, the inmate shall forward the letter and unsealed envelope, together with the proper withdrawal slips, to the Accounting Department. The Accounting Department will review the request and follow the procedure outlined in PID 245-5.
7. Mail Inspection
  - a. Outgoing mail may not be opened unless clear evidence exists to warrant inspection.
  - b. The Warden shall make the decision to open and inspect outgoing mail and shall ensure that the reasons for and results of the inspection are documented.
  - c. The Warden shall withhold outgoing mail only when:
    - 1) It is found to contain contraband;
    - 2) Evidence of violation of a rule or regulation exists; or,
    - 3) There is a basis for requesting an investigation by the Department Investigation Unit or a law enforcement agency.

## D. Incoming Mail

1. A person sending mail to an inmate shall include the inmate's name and identification number.
2. Inspection of Incoming Mail.
  - a. The Mail Clerk shall check the traffic/housing report to determine if an inmate is a current resident of the Institution before mail addressed to an inmate is opened.
  - b. Mail observed to have any of the following traits shall not be opened but placed in a sealed plastic bag and reported to the Jessup Post Office 410-799-8140 who will pick up the mail in question.
    - 1) More than the required postage;
    - 2) No return address;
    - 3) Irregular handwriting;
    - 4) Contain an unknown substance such as sand, dirt, or powder;
    - 5) Torn or tattered.
  - c. The Mail Clerk shall open incoming mail before delivery to the inmate and inspect it for money orders, cash, stamps, checks, drug paraphernalia, weapons, and/or other contraband. Presence of any of the above is handled individually as follows:
    - 1) Because no cash and personal checks are permitted, they shall be removed and returned to the sender with a cover letter explaining that it is the policy of the Institution not to accept funds in this manner.
    - 2) Money orders, payroll checks, certified checks, government checks, and cashier's checks are removed from the mail and a form (P.I. Form 25, Appendix A) is inserted advising the inmate of this action.

The Mail Room Clerk shall record all money orders and certified checks directly to the numerically controlled "M" Receipt Book. Entries in to this book shall be made in print form only. The white colored receipt slip will be removed from the "M" book and paper clipped to the money order, payroll, certified, government, or cashier's check and all will be placed in the safe located at the Front Desk for pick up and verification by a Finance Office employee. The yellow copy of the "M" receipt will be forwarded to the inmate along with Enclosure Form 25; the pink copy is retained in the "M" book for fiscal audit purposes.

Unemployment and welfare checks shall be returned to the sender noting that the addressee is incarcerated.

- 3) Contraband items, listed in COMAR 12.12. which appear to violate any of the provisions of Article 27 and are, therefore, against the law, will be turned over to the Maryland State Police, along with the name and address of the sender, for disposition with regard to possible prosecution. These would include such items as weapons, escape plans, or drugs.

Some contraband items, which are not illegal, can not be accepted because they do not conform to Institution policy regarding security. For example, such items are driver's license, identification cards, or matter containing nudity and military or martial art themes. These items shall be removed from the mail and, if possible, placed in the inmate's personal property folder. The inmate and the sender will be notified of this action. The inmate will receive a copy of the enclosure form from the Mail Clerk. If the items are too large to be placed in the personal property folder, the inmate must make arrangements, at his/her expense, to remove the item by mail or UPS service, or have it picked up by a visitor. In the latter case, he/she must make arrangements with the Property Room Officer and the appropriate visitor. Forms are available in the Property Room for this purpose (P.I. Form 212, Appendix B). This form is to be completed in triplicate. A copy is given to the inmate as a receipt, a copy stays with the property, and a copy is kept in the inmate's file located in the Captain's Office until the property is picked up by the designated individual.

3. Incoming mail with United States Postage stamp sheets and/or full government sealed booklets shall be permitted within incoming inmate mail. Individual stamps shall remain prohibited and subject to destruction or usage as part of the inmate welfare issuance. The decision regarding which option is most appropriate shall be made at the discretion of the Mail Room Supervisor. Inmates may purchase postage stamps from the Institutional Commissary Office.
  4. **Legal mail will be opened and inspected only in the presence of the inmate to whom it is addressed.** Where there is reason to believe the mail is not bona fide legal mail the Chief of Security shall be contacted. The Chief of Security shall pick up the suspected mail and shall open it in the presence of the inmate. If contraband is discovered, the appropriate procedure shall be followed.
- E. Inmates shall be permitted to store mail and publications in their cell provided the amount and type does not violate health, fire, or safety regulations. Periodic inspections of cells should be done by the correctional force to determine if these precautions are met.
  - F. Removing cancellation marks from postal stamps to reuse them is a violation of Institutional Disciplinary Rules and State and Federal laws. Activity of this nature will not be tolerated and guilty inmate(s) will face disciplinary charges and could be

charged under State and Federal laws. In an effort to assure the abatement of this violation, each inmate must include his/her name, identification number, and return address of the Institution on all outgoing mail. Failure to comply will prompt the withholding of each item.

G. Undeliverable Mail

Mail received for inmates who have been transferred to another facility should be forwarded unopened to the facility where the inmate was transferred.

Mail received for inmates who have been released should be returned unopened to the sender. The Mail Clerk shall maintain a log to record the date, addresser, addressee, and reason for non-delivery before returning the unopened mail to the Post Office.

- VI. APPENDIX: A - Enclosure Form #25  
B - Inmate Property Inventory Form #212

- VII. RESCIND: PID 250-1 dated 2/2/1998



Randall S. Nero, Ph.D.  
Director

Distribution: A  
L - Inmate Library  
S - Mail Room Supervisor and Clerks