



Virginia Department of Corrections

Offender Management and Programs

Operating Procedure 803.1

Inmate and Probationer/Parolee Correspondence

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REVIEW

The Content Owner will review this operating procedure annually and re-write it no later than three years after the effective date.

The content owner reviewed this operating procedure in March 2022 and determined that no changes are needed.

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COMPLIANCE

This operating procedure applies to all units operated by the Virginia Department of Corrections. Practices and procedures must comply with applicable State and Federal laws and regulations, ACA standards, PREA standards, and DOC directives and operating procedures.

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DEFINITIONS

Central Mail Distribution Center - A DOC unit under the office of the Director of Security and Correctional Enforcement that has the responsibility to receive and inspect inmate and CCAP probationer/parolee incoming legal correspondence, books, and publications before these items are forwarded to a facility for issuance to the inmate or CCAP probationer/parolee.

Commercially Distributed Photographs - Printed images that are produced for public distribution and are purchased through a vendor that provides mail order service to the public.

Community Corrections Alternative Program (CCAP) - A system of residential facilities operated by the Department of Corrections to provide evidence-based programming as a diversionary alternative to incarceration in accordance with COV §53.1-67.9, *Establishment of community corrections alternative program; supervision upon completion*.

Contraband - An item forbidden for entry, possession, or removal from a Department of Corrections facility; an item in the possession of, or accessible to, an inmate that has not been specifically issued to, or authorized for possession by the inmate; or has not been obtained by the inmate in accordance with operating procedures. Contraband items (for inmates) may include, but are not limited to, the following:

- State or personal property of any type not specifically authorized for possession or use by an inmate
- State or personal property in the possession of, or used by, an inmate that has not been properly received, acquired by, or issued to the inmate in accordance with operating procedures
- State or personal property, regardless of how acquired, that has been modified or altered without written authorization
- Any knife, tool, instrument, firearm, explosive, bodily fluid or waste, or other object that an inmate might make, possess, collect, hide, or have in their possession for the purpose of escaping, circumventing security procedures, or inflicting death or bodily injury
- Any drug, chemical compound, or controlled substance that has not been issued to an inmate by a proper authority; or if authorized, is accumulated beyond prescribed amounts or expiration dates
- Moneys or other negotiable instruments, whether cash, checks, money orders, lottery tickets, credit/debit/phone cards, etc., in the possession of an inmate except where specifically authorized
- Any correspondence, documents, drawings, jewelry, symbols, or property of any type that contains or indicates gang identifiers, language, or information
- Property of any type (including cassette tapes, compact disks, pictures, or written material of any type) regardless of how acquired that violates the criteria that govern inmate incoming publications
- Unauthorized electronic equipment including, but not limited to cell phones, palm pilots, pagers, electronic games, etc. and any enabling components such as chargers, power cords, batteries, connectors/adapters, etc.
- Tobacco and tobacco related products

Correspondence Course - Mail required for an educational or religious correspondence course or activity approved by the Facility Unit Head

Educational Documents - Diplomas, High School Equivalency or GED Certificates, Career and Technical Education Certificates, apprenticeship documentation, transcripts, and other such documentation of educational achievements

Facility - Any institution or Community Corrections Alternative Program

Gang/Security Threat Group - A group of individuals who: (a) possess common characteristics that distinguish them from other persons or groups of persons and who, as an entity, pose a threat to the safety and security of staff, the facility, inmates or the community; (b) have a common distinctive goal, symbolism or philosophy; (c) possess identifiable skills or resources, or engage in unauthorized/illegal activities. Criminal street gangs, neighborhood cliques, hate groups, cults, and domestic terrorists that meet these conditions are considered gangs. Terrorists (domestic and international) and radical extremists are considered security threat groups (STG), but the gang and STG terms are generally interchangeable.

General Correspondence - Mail of a general nature sent to or received from any addressee not meeting the definition of legal correspondence or special purpose correspondence



Identification Documents - Documents that satisfy the requirements of the U. S. Citizenship and Immigration Services *Employment Eligibility Verification* (Form I-9) or the identification requirements of the Virginia Department of Motor Vehicles for driver's license or identification card; examples include passport, residency card, visa, driver's license, photo ID card issued by a government agency, Social Security card, birth certificate, etc.

Immediate Family - Inmates' parents, step parents, grandparents, lawful spouse, biological, step or legally adopted children, and biological, half, step, or legally adopted siblings; appeals regarding an individual's status as immediate family will be decided by the Facility Unit Head

Indigent Inmate - An inmate with less than \$5.00 in their trust account for discretionary spending during the previous month and has no job or other source of income that provided as much as \$5.00 during the previous month or an inmate who is newly received into a facility and does not have available funds nor hygiene items

Inmate - People who are incarcerated in a Virginia Department of Corrections facility or are Virginia Department of Corrections responsible to serve a state sentence and located at a local or regional jail.

Institution - A prison facility operated by the Department of Corrections; includes major institutions, field units, and work centers

Legal Correspondence - Correspondence sent to or received from verified attorneys, officers of state, federal, and local courts, the Virginia State Bar, and tort claims filed with the Division of Risk Management; the sender must clearly identify outer envelopes and contents as legal correspondence

Mail Drop - An individual or organization that provides the service of receiving mail for further mailing to a third person or organization

Nudity - The showing (human or cartoon) of the male or female genitals, pubic area, female breast with less than a fully opaque covering of the areola, or male or female buttocks with less than a full opaque covering of the anus

Officers of State, Federal, and Local Courts - Attorneys, U. S. Attorney General or assistants, State Attorneys General or assistants, Commonwealth Attorneys or assistants, Judges, Clerks of the Court, Magistrates, and Court Reporters

Precautions - Level of care status which may include conditions under which an inmate who is considered by a Mental Health Clinician to be at significant risk for deterioration, suicide, self-injury, harm to others due to mental health reasons, is closely observed by an assigned Corrections Officer, or other designated person and whose access to potentially harmful items may be restricted while they are at risk.

Probationer/Parolee - People who are placed under or made subject to community supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of Courts, paroling authorities, the Virginia Department of Corrections, or other release authority; including Community Corrections Alternative Programs.

Property Envelope - A 6" by 9" brown envelope established at initial intake to store inmate identification documents and educational documents e.g., original certificates, diplomas, and certification cards, to be transferred with the inmate to each new institution and provided to the inmate upon release

Semi-nude - Partially clothed; covered by under clothes or minimal clothing so as to appear nude

Special Purpose Correspondence - Correspondence sent to or received from DOC Senior Management (Regional Administrator or above), Central Office Ombudsman Administrator, Central Office of Health Services, Virginia Parole Board, federal and state executive offices, federal and state legislative offices, and city/county chief administrative offices.

Vendor - Any entity i.e. publisher, organization, business, or governmental agency that as a usual and regular business provides mail order service to the public.



PURPOSE

This operating procedure provides for the efficient, safe, and secure handling and processing of correspondence for inmates and probationers/parolees housed in Department of Corrections (DOC) facilities.

PROCEDURE

I. Facility Mailroom Operations

- A. This operating procedure provides staff, inmates, probationers/parolees, and their correspondents with information related to the regulation and management of correspondence in DOC facilities. Due to the short duration and intense nature of Community Corrections Alternative Programs (CCAP), probationers/parolees may be subject to additional restrictions. (5-ACI-7D-01; 4-ACRS-6A-07; 2-CO-5D-01)
- B. Each facility provides an area(s) to serve as the mailroom(s) for searching, inspecting, and processing all correspondence, packages, and publications in accordance with this operating procedure, Operating Procedure 445.2, *Facility Searches* (Restricted), and Operating Procedure 803.2, *Incoming Publications*.
 1. The search of correspondence, packages, and publications may include visual as well as other available and appropriate technologies for detecting contraband including but not limited to X-ray and other electronic scanners and narcotic, cell phone, or other detector canines.
 2. Non-security staff may work in the mailroom under the general supervision of the Assistant Facility Unit Head, Chief of Security, or other comparable position as determined by the Facility Unit Head.
 - a. Staff will not assign inmates and probationers/parolees to work in a facility mailroom or other designated mail receiving area.
 - b. Staff will not permit inmates and probationers/parolees to handle mail, packages, or packaging materials going to or from the mailroom except to assist in loading and transporting packages under constant sight supervision of staff.
 3. Under normal conditions incoming and outgoing correspondence is held for no more than 48 hours and packages and publications that do not meet the criteria for publication disapproval are held for no more than 72 hours, excluding weekends, state holidays, federal holidays, or emergency situations. (5-ACI-7D-09)
 - a. Staff will process and deliver to the United States Postal Service (USPS) on the same working day, outgoing correspondence that was deposited before the posted pick-up time.
 - b. Staff will deliver to the inmate or probationer/parolee on the same working day as received from the USPS, all incoming correspondence that complies with DOC operating procedure.
 - c. Staff can hold incoming and outgoing correspondence for up to 48 hours during severe staff shortage and on days of extremely heavy mail flow, only; correspondence should be processed per the following priorities:
 - i. Outgoing legal correspondence
 - ii. Outgoing special purpose correspondence
 - iii. Outgoing general correspondence
 - iv. Incoming legal correspondence
 - v. Incoming special purpose and general correspondence
 - d. Staff can only hold incoming and outgoing correspondence in excess of 48 hours during an emergency, riot, escape, fire, natural disaster, employee action, or other serious incident, that causes significant disruption to normal facility procedure or activity. (5-ACI-7D-09)
 4. Staff must promptly notify inmates and probationers/parolees of any deviation from the normal correspondence and publication processing and delivery schedule and must record such delays, the reason for the delay as well as the time and method of notification in a logbook or other documentation.



5. Established time limits do not apply to correspondence, publications, or packages that do not appear to comply with DOC operating procedures and additional time is required to determine compliance.
- C. Mailroom staff must maintain a written record/log that documents the date the correspondence was received from or delivered to the inmate or probationer/parolee, the name of the sender, and the name of the addressee for the following correspondence:
1. Incoming and outgoing legal correspondence
 2. Incoming and outgoing registered mail of the type requiring return receipt
 3. Incoming and outgoing packages; packages not processed through the mailroom should be recorded by receiving staff.
- D. Facility staff will forward all first class letters, periodicals, and packages for sixty days after an inmate or probationer/parolee is transferred to another facility or released. (5-ACI-5F-05, 5-ACI-7D-10; 4-ACRS-6A-09)
1. First class mail and periodicals should be forwarded by adding the current address under the individual's name and returning the item to the Post Office.
 2. Packages that contain approved purchases delivered after the inmate or probationer/parolee is transferred or released may be forwarded at DOC expense. The DOC should not incur any other forwarding costs.
 3. The facility mailroom should coordinate with the local Post Office for guidance on items that can be forwarded at no cost.
 4. The following are examples of mail classes that cannot be forwarded without cost and should be returned to the Post Office or handled in accordance with Post Office instructions:
 - a. Standard Mail including Presorted Standard Mail
 - b. Mail from Nonprofit Organizations
 - c. Printed matter not sent first class or as a periodical; books should be handled in accordance with Operating Procedure 802.1, *Offender Property*
 5. Personal documents such as Birth Certificate, Social Security Card, Certificate of Release or Discharge from Active Duty (DD214), or DMV Identification Card, received after the inmate or probationer/parolees release will be forwarded to the Records Office for processing.
- E. Correspondence is encouraged so long as such correspondence does not pose a threat to the security of the facility, violate the requirements of this operating procedure, violate any state or federal law, or violate any USPS regulation.
1. Correspondence is considered mail and subject to USPS Regulations while it is in the possession of the USPS only. Correspondence in the possession of the DOC is subject to DOC operating procedures.
 2. When the inmate or probationer/parolee bears the mailing cost, there is no limit on the volume of correspondence they can send or receive or on the length, language, content, or source of correspondence or publications except when there is reasonable belief that a limitation is necessary to protect public safety or facility order and security. (5-ACI-7D-02)
- F. Inmates and probationers/parolees may use established complaint and grievance procedures to address issues regarding the handling or withholding of their correspondence; see Operating Procedure 866.1, *Offender Grievance Procedure* and Operating Procedure 866.2, *Offender Complaints, Community Corrections*.
1. Staff in institutions should maintain a photocopy, when appropriate, of the disputed correspondence until the expiration of the time allowed for the inmate to file a grievance.
 2. When staff disapproved the correspondence for exceeding, the number of photographs authorized or the inmate or probationer/parolee chose not to receive general correspondence in accordance with this

operating procedure, a photocopy is not required.

II. General Correspondence Management

- A. As a condition of receiving general and special purpose correspondence while housed in a DOC facility, every inmate and probationer/parolee must choose to receive general and special purpose correspondence subject to the requirements of this operating procedure.
1. During initial orientation to the DOC, inmates and probationers/parolees will read, or have read to them the *General and Special Purpose Correspondence Notification* 803_F1 and must document their decision on the *Notification*.
 2. Staff will ensure that the inmate or probationer/parolee signs the *Notification*, and will witness the signature, upload the *Notification* as an external document in the *Facility Notes* section of VACORIS identified as a *Special Entry*, and will forward the completed *Notification* to the facility mailroom.
 3. Inmates and probationers/parolees who do not authorize the opening, inspecting and reading of their general correspondence and the opening and inspecting of their special purpose correspondence will not receive any general or special purpose correspondence.
 4. A refusal to sign the *Notification* will be interpreted as an indication that the inmate or probationer/parolee does not want to receive general and special purpose correspondence.
 5. Staff must provide inmates and probationers/parolees the opportunity to change their preference at least once per year by completing a new *General and Special Purpose Correspondence Notification*.
- B. Inmates and probationers/parolees do not receive the envelopes containing their correspondence but do receive a copy of the envelope. Therefore, the sender should place their information and return address on the front of the envelope to ensure staff provide the information to the inmate or probationer/parolee on the copy.
- C. Facility staff must provide inmates and probationers/parolees with written information on the management of correspondence that includes but is not limited to the following requirements:
1. Inmate and probationers/parolees assume responsibility for notifying family members and friends of the requirements of this operating procedure to include but not limited to the following:
 - a. The restrictions on incoming cash, personal checks, certified/ cashier's checks, money orders, and prohibited photographs
 - b. Any requirements for inspecting, photocopying, and shredding the envelope and all enclosed contents of incoming general correspondence, when applicable
 - c. The notification that correspondence containing threats, extortion, or other illegal activity may result in prosecution for violation of state or federal laws
 2. Inmates and probationers/parolees must present their identification card to receive their correspondence.
 3. All facility specific information on mailroom operations, such as the following:
 - a. Location(s) for deposit of outgoing correspondence
 - b. Time(s) of pickup for outgoing correspondence
 - c. Time and location of incoming correspondence delivery
 4. The process for inmate and probationer/parolee access to facility notary services; see Operating Procedure 866.3, *Offender Legal Access*.
 5. Information on Indigent Inmate access
 - a. Facility staff must allow indigent inmates and probationers/parolees to send one free letter per week in order to maintain community ties. (5-ACI-7D-03; 4-ACRS-6A-06)
 - i. Unused postage allowance will not be carried over seven calendar days; see Operating



Procedure 802.2, *Offender Finances*, for procedures for indigent services.

- ii. Non-indigent inmates will not receive free postage for general correspondence, legal, or special purpose correspondence.
 - b. When an indigent inmate has transferred, the Institutional Ombudsman will forward, when applicable, the inmate's *Written Complaint* 866_F3 and subsequent *Regular Grievance* 866_F1 to the institution where the issue originated; see Operating Procedure 866.1, *Offender Grievance Procedure*.
 - c. When an indigent inmate has transferred, the Hearings Officer, when applicable, will forward the inmate's *Disciplinary Appeals* to the institution where the offense occurred for processing; see Operating Procedure 861.1, *Offender Discipline, Institutions*.
6. Information on postage allowances for correspondence courses and re-entry planning, as authorized by the Facility Unit Head.
- a. The Facility Unit Head may set eligibility requirements such as inmate indigence and approved subjects for correspondence courses.
 - b. Facility staff may provide reasonable free postage for educational correspondence incidental to inmate correspondence courses with approval of the Facility Unit Head or designee.
 - c. Facility staff may provide a reasonable number of postage free letters to inmates in order to seek employment or to initiate other valid release plans within three months of the inmate's release, with approval of the Facility Unit Head or designee.
- D. Staff will allow inmates and probationers/parolees to correspond with families, friends, attorneys, courts, and other public officials and organizations.
- E. There are no restrictions on personal correspondence in a foreign language, unless the contents of the correspondence otherwise violate this operating procedure.
1. Staff should deliver all incoming personal correspondence written in a foreign language that meets the same requirements as English language correspondence, unless there is reasonable belief that the correspondence violates this operating procedure.
 2. If there is reasonable suspicion to read an inmate or probationer/parolee's incoming foreign language correspondence, the correspondence may be translated and read as any other personal correspondence.
 3. The Facility Unit Head may approve translation and reading of outgoing foreign language personal correspondence using the same procedures as for reading any other outgoing personal correspondence.
 4. The Facility Unit Head is responsible for arranging for translation services for incoming and outgoing foreign language correspondence.
- F. Authorized staff will open and inspect all incoming general correspondence for contraband in the facility mailroom and may read incoming correspondence prior to delivery to the inmate or probationer/parolee in accordance with USPS regulations and this operating procedure.
- G. Confidentiality of Correspondence
1. In the course of reading correspondence, staff may incidentally learn of intimate information concerning the private lives of inmates, probationers/parolees, or their correspondents.
 2. Staff must be sensitive to the fact that most information in correspondence is of a private nature and must handle this information discretely.
 3. Unless there is a legitimate correctional concern relating to security, safety, orderly running of the facility or criminal activity, staff must not reveal the contents of the correspondence to any other person.

III. Inspection and Search of Incoming Correspondence

- A. This operating procedure and Operating Procedure 445.2, *Facility Searches (Restricted)* govern the



inspection for and disposition of contraband related to inmate and probationer/parolee correspondence. (5-ACI-7D-05; 4-ACRS-6A-08; 2-CO-5D-01)

1. All inmate and probationer/parolee correspondence, both incoming and outgoing, may be opened and inspected for contraband. (5-ACI-7D-08)
2. Staff must notify the inmate or probationer/parolee when their incoming and/or outgoing correspondence is withheld in part or in full; such notification may be delayed pending review of appropriate disposition of questionable items.
3. Staff will read, censor, and reject correspondence based on legitimate facility interests of order and security.
 - a. Legitimate facility interests of order and security means that the correspondence poses a specific threat to the safety and security of the facility, public officials, or the public, or the correspondence is being used to further illegal activities.
 - b. When staff censor or reject correspondence, the staff member should notify the inmate or probationer/parolee and the sender of the reasons for these actions so the individual has the opportunity to appeal the decision in accordance with this operating procedure.

B. Incoming Correspondence

1. Staff will inspect all incoming inmate and probationer/parolee correspondence to intercept cash, checks, postage stamps, money orders, or other items of monetary value. (5-ACI-7D-07)
 - a. Cash, money orders, certified/ cashier's checks, personal checks, gift cards, lottery tickets, postage stamps, or prepaid postage envelopes/postcards enclosed in incoming correspondence is prohibited.
 - i. Staff will remove unauthorized money orders and certified/cashier's checks enclosed in general correspondence and return these items to the sender.
 - ii. The contents of the correspondence will be delivered to the inmate or probationer/parolee if authorized; staff will process unauthorized items in accordance with this operating procedure.
 - b. Government, corporate, and other business checks, including checks from ex-employers, which are reasonably believed to be collectable, only, will be removed and credited to the inmate's or probationer's/parolee's account.
 - i. The Facility Unit Head should make an exception on a case-by-case basis for other checks in special situations, when appropriate i.e., estate settlement.
 - ii. If incoming correspondence contains an approved check, but also contains unauthorized items such as contraband, unauthorized picture or photograph, or exceeds the photocopy limitations, when applicable; the approved check may be credited to the inmate's or probationer's/parolee's account and the correspondence returned to the sender.
2. No one other than governmental agencies and vendors, refund checks, may send funds, Securepak packages, and other items of monetary value to more than one inmate or probationer/parolee without prior approval of the Facility Unit Head.
 - a. Facility Unit Head(s) may grant approval to documented family members of each inmate or probationer/parolee.
 - b. The Chief of Corrections Operations must approve for charitable or religious organizations to send funds to more than one inmate or probationer/parolee.
3. The DOC will assume no responsibility for unauthorized items mailed to inmates and probationers/parolees and staff will return these items to the sender whenever possible. (5-ACI-7D-08)
 - a. Facility staff will log all incoming correspondence that contains prohibited items and will return the correspondence and items to the sender only when it is safe and legal to do so.
 - i. If staff suspect that the correspondence or items are illegal, the staff member should contact the Institutional Investigator, or appropriate local, state, or federal law enforcement agency.



- ii. Staff will not return items that were illegal for the sender to place in the mail, to the sender but will document, send notification to the sender and receiver, and properly dispose of the items, if not used as evidence.
 - iii. Staff will not return correspondence that might pose a health or safety hazard to the sender but will document, send notification to the sender and receiver, and properly dispose of the items, if not used as evidence.
 - iv. Staff will handle all other contraband in accordance with Operating Procedure 445.2, *Facility Searches* (Restricted), and Operating Procedure 802.1, *Offender Property*.
- b. Unauthorized advertising items enclosed in commercial or non-profit correspondence to include but not limited to stickers, return address labels, decals, CD'S/CD Rom's, collector cards, make-up samples, calendars, etc., may be removed and disposed of so that the inmate or probationer/parolee may receive the correspondence. Staff should note the items removed on the photocopy of the envelope; no other notice is required.
- c. The inmate or probationer/parolee has no input on disposition of unsolicited, unauthorized items received in incoming correspondence. Unauthorized items purchased and paid for by the inmate or probationer/parolee will be disposed of in accordance with Operating Procedure 802.1, *Offender Property*.

C. Incoming Special Purpose and Legal Correspondence

1. Special purpose and legal correspondence does not include correspondence from representatives or employees of DOC Organizational Units, except as specifically identified in this operating procedure.
2. Staff will handle all incoming special purpose and legal correspondence in accordance with the requirements of this operating procedure except in circumstances which may indicate contamination. (5-ACI-7D-06)
3. Facility staff will open all incoming special purpose correspondence in the mailroom and inspect for contraband only as authorized by the inmate's or probationer's/parolee's signature on the *General and Special Purpose Correspondence Notification* 803_F1. (5-ACI-7D-06)
 - a. Inmates or probationers/parolees who chose not to receive special purpose correspondence will have the correspondence returned to the USPS as described in the *General and Special Purpose Correspondence Notification*.
 - b. Special purpose correspondence is correspondence from only the specific individuals or offices defined in this operating procedure.
 - c. Staff will not read legitimate special purpose correspondence for content.
 - d. Staff will photocopy the envelope in the facility mailroom; the copy of the envelope should include the inmate's mailing address as well as the return address.
 - e. If there is no contraband, staff will deliver the copy of the envelope, original correspondence, and all enclosed contents to the inmate or probationer/parolee.
4. All inmate and probationer/parolee legal correspondence must be mailed directly to the Central Mail Distribution Center at 3521 Woods Way, State Farm, Virginia 23160 for screening and inspection, prior to delivery to the facility and issuance to the inmate or probationer/parolee; see Operating Procedure 803.4, *Central Mail Distribution Center*.
 - a. Facility staff will open all incoming legal correspondence received from the Central Mail Distribution Center and search it for contraband in the presence of the inmate or probationer/parolee to whom the correspondence is addressed, only. (5-ACI-3D-02, 5-ACI-7D-06; 4-ACRS-6A-01, 4-ACRS-6A-02)
 - i. Facility staff will return all legal correspondence received at the facility that the Central Mail Distribution Center did not receive first to screen and inspect before delivery to the facility.
 - ii. For all returned correspondence, facility staff must notify the sender of the reason for return using the *Notice of Unauthorized Correspondence* 803_F2 and will provide a copy of the *Notice*

- of Unauthorized Correspondence* 803_F2 to the inmate or CCAAP probationer/parolee as notification that their correspondence was returned.
- iii. Facility staff must document all incoming legal correspondence received from the Central Mail Distribution Center on an *Incoming Legal Correspondence Log* 803_F5 to record all relevant information such as the inmate or probationer/parolee name and DOC number, sender's name and address, inmate or probationer/parolee signature and date received, and staff initials.
 - iv. Staff will photocopy the envelope and attach the copy to the unopened incoming legal correspondence for delivery to the inmate or probationer/parolee.
 - v. The inmate or probationer/parolee must sign the *Incoming Legal Correspondence Log* 803_F5 to receive their legal correspondence.
 - vi. Once staff opens and searches the correspondence in the presence of the inmate or probationer/parolee and there is no contraband, the staff member will deliver the envelope copy, correspondence, and all enclosed contents to the inmate or probationer/parolee and discard the original envelope in an area inaccessible to inmates or probationer/parolees.
 - vii. If the inmate or probationer/parolee refuses to sign the *Legal Correspondence Log*, staff will return the legal correspondence as refused.
- b. Staff must not read an inmate's or probationer's/parolee's incoming legal correspondence for content without first obtaining instructions from the appropriate Regional Administrator and the Attorney General's office. (5-ACI-3D-02; 4-ACRS-6A-01)
- i. Reading of most types of legal correspondence require court approval based upon specific probable cause to believe that a state or federal criminal statute is being violated, or that there exists a valid threat to the security of the facility.
 - ii. Where such probable cause exists, staff may temporarily hold the correspondence until they receive instructions or a Court order is approved.
5. Facility staff should turn over all suspicious items received in special purpose or legal correspondence to the appropriate investigative authority for evaluation.

D. Withholding Incoming Correspondence-Institution, only

1. Staff will withhold all incoming correspondence to include legal and special purpose correspondence, when ordered by a Mental Health Clinician for an inmate placed on precautions; see Operating Procedure 730.5, *Mental Health Services: Behavior Management*.
2. When the inmate is on precautions and their correspondence is withheld for 48 hours:
 - a. Staff, due to the possible time sensitive nature of legal correspondence, must contact the Mental Health Clinician to confirm the inmate's status when legal correspondence is received.
 - b. The Mental Health Clinician will determine and advise staff as to whether the inmate can receive their incoming legal correspondence.
 - c. Staff will record the contact and the decision in a logbook or other documentation.
3. When an inmate's correspondence is withheld for 72 hours due to precautions, the Facility Unit Head must be notified. If legal correspondence was withheld, the Facility Unit Head will send a letter similar to Attachment 1, *Notification of Withheld Correspondence* to the sender(s) of the correspondence.
4. Facility staff will deliver all withheld correspondence to the inmate on the same day that the Mental Health Clinician removes the inmate from precautions or otherwise approves for the inmate to receive their correspondence.
5. Facility staff will only return incoming legal correspondence to the sender, if the sender included a statement on the outer envelope to "please return legal correspondence if it cannot be delivered within a set time period", e.g., three days, one week, etc.

IV. Inspection and Search of Outgoing Correspondence

A. Outgoing Correspondence



1. Facility staff do not generally search inmate and probationer/parolee outgoing correspondence unless there is reasonable suspicion that the correspondence violates state or federal laws, threatens the security of the facility, or contains property items that should be disposed of in accordance with Operating Procedure 802.1, *Offender Property*.
2. The Facility Unit Head may approve for staff to open, examine, and read any outgoing inmate probationer/parolee correspondence; see Operating Procedure 445.2, *Facility Searches* (Restricted).
3. Facility staff will open, inspect, and verify the sender for all outgoing correspondence that is improperly marked, unstamped or has deliberate insufficient postage, and where applicable, is suspicious or appears to be addressed to a forwarding service or mail drop.
 - a. If the correspondence is determined legitimate and from the inmate or probationer/parolee identified as the sender, staff should return the correspondence to the individual to properly address or affix postage.
 - b. If the correspondence is not legitimate, staff should forward the envelope and contents to appropriate authorities for investigation.
4. Facility staff will open and inspect any outgoing correspondence that is not authorized to be sent out from a DOC facility for displaying text or graphics that violate the *Specific Criteria for Publication Disapproval*; see Operating Procedure 803.2, *Incoming Publications*.
 - a. The unauthorized outgoing correspondence should be returned to the inmate or probationer/parolee for disposition.
 - b. Staff will not return outgoing correspondence that displays text or graphics indicating gang involvement to the inmate or probationer/parolee, staff will forward such correspondence to the Institutional Investigator or Gang Specialist for review and proper disposition.

B. Outgoing Special Purpose and Legal Correspondence (5-ACI-7D-06)

1. Inmates and probationers/ parolees are permitted to send sealed letters in the form of special purpose and legal correspondence to those persons and organizations authorized in this operating procedure. (5-ACI-3D-02; 4-ACRS-6A-01, 4-ACRS-6A-02)
 - a. The Facility Unit Head may approve for staff to open and search for contraband any sealed outgoing correspondence claimed as legal or special purpose that is suspicious as to its origins, destination, or contents.
 - b. When approved by the Facility Unit Head, staff must open sealed outgoing correspondence addressed to a legal correspondent in the inmate's or probationer's/parolee's presence.
2. Staff, in the presence of the inmate or probationer/parolee, may inspect outgoing legal and special purpose correspondence for contraband before it is sealed.

V. Correspondence Restrictions and Prohibited Activities

- A. Inmates and probationers/parolees are prohibited from sending and receiving correspondence from persons housed in the Virginia Center for Behavioral Rehabilitation or in local, state, or federal, adult, or juvenile correctional facilities and jails without prior written approval of the Facility Unit Heads at both facilities involved.**
1. Facility Unit Heads should limit the approval of such correspondence privileges to the inmate's or probationer's/parolee's documented immediate family.
 2. Staff must upload a copy of all written approval(s) as an external document, identified in the *Facility Notes* section of VACORIS as a *Correspondence Contact Type*.
 3. When the inmate or probationer/parolee transfers to another facility, the Facility Unit Head at the receiving facility should review correspondence approval(s) and determine if correspondence privileges will be continued or withdrawn.
 - a. When correspondence privileges will be continued, written approval from the Facility Unit Head



- is not required. Facility staff will allow the inmate or probationer/parolee to continue to send and receive correspondence as initially approved.
- b. If correspondence privileges are withdrawn, staff must provide the inmate or probationer/parolee with written notification, staff must upload a copy of the notification as an external document in the *Facility Notes* section of VACORIS as a *Correspondence Contact Type*.
4. Either Facility Unit Head may withdraw this correspondence privilege at any time due to abuse of the privilege or a change in circumstances where the correspondence is no longer considered beneficial.
- B. Inmates and probationers/parolees are not permitted to send funds to nor receive funds from other inmates and probationers/parolees or the visitors and family members of other inmates and probationers/parolees, unless the visitor or family member is also a documented member of their immediate family and has received prior approval of the Facility Unit Head. Both Facility Unit Heads must approve if the transaction involves another correctional facility.
1. If an inmate or probationer/parolee requests a money order from their account to send to another inmate or probationer/parolee, or a visitor or family member of another inmate or probationer/parolee, staff must deny the request and return the correspondence and withdrawal slip to the inmate or probationer/parolee.
 2. When staff disapprove incoming funds, the staff member must return the envelope and all contents to the sender and notify both the sender and the inmate or probationer/parolee of the reason for return and their right to appeal the decision.
 3. The sender may appeal the decision to the Facility Unit Head.
 4. The inmate may appeal in accordance with and Operating Procedure 866.1, *Offender Grievance Procedure*.
 5. The probationer/parolee may appeal in accordance with Operating Procedure 866.2, *Offender Complaints, Community Corrections*
- C. Inmates and probationers/parolees may not actively participate in a business.
1. Inmates and probationers/parolees may correspond with business representatives in order to protect their personal resources or financial interests.
 2. If the volume or content of correspondence indicates that the inmate or probationer/parolee may be conducting a business, or if staff suspect criminal or illegal activity, the Institutional Investigator should be informed.
- D. Inmates and probationers/parolees are not permitted to send and/or receive personal correspondence or funds from a DOC staff member to include staff from other agencies, private contractors, and contract service providers within any DOC facility or from a DOC volunteer, without prior approval of the Facility Unit Head. Both Facility Unit Heads must approve if the transaction involves staff or a volunteer from another correctional facility.
- E. Incoming correspondence processed through a mail forwarding service is prohibited; this prohibition does not apply to mail forwarded due to the inmate's or probationer's/parolee's change of address.
- F. Incoming correspondence sent through businesses that convert electronic messages to paper mail is prohibited; this prohibition does not apply to services contracted or approved by DOC to deliver electronic messages to be printed at the facility for delivery to inmates or probationers/parolees.
- G. Correspondence forwarded through another sender to disguise the source is prohibited; this restriction does not apply to items enclosed such as a note from a child included with the parent's letter.
- H. Incoming and outgoing correspondence that includes the following are prohibited:
1. Coded or encrypted portions

2. DOC staff, contractor, or volunteer personal information, e.g., social security number, address, phone number, etc.
3. Correspondence, documents, drawings, or symbols that contain or indicate gang identifiers, language, or information
4. Powders, body fluids, or other foreign substances
 - a. Staff will not return any incoming or outgoing correspondence that might pose a health or safety hazard or might contain any illegal substance; the sender will be notified of the rejection and the reason for it.
 - b. Designated facility staff should destroy any correspondence that might pose a health or safety hazard or might contain an illegal substance, if not used as evidence.
5. Photographs that may be evidence of criminal activity, i.e., child pornography
 - a. Staff must deliver such photographs to the Institutional Investigator or Special Investigations Unit in a manner that preserves its value as evidence.
 - b. The original photograph must be provided as COV §18.2-374, *Production, publication, sale, possession, etc., of obscene items* and COV §18.2-374.1:1, *Possession, reproduction, distribution, solicitation, and facilitation of child pornography; penalty*, prohibit copying obscene materials and child pornography.
6. Blank cards, stationery, writing paper, etc.; these items must be purchased from the commissary and may not be received through the mail.

VI. Incoming Personal Photographs, Printed Material, and Photo books

- A. Inmates and probationers/parolees are prohibited from receiving and/or possessing photographs that violate this operating procedure.
 1. Incoming correspondence from any source to include family, friend, vendor, and commercial distributor are limited to no more than five photographs, personal or commercially distributed per envelope.
 2. Pictures and photographs whether personal or commercially distributed or contained in a photo book or an inmate's photo album, and other materials with gang related content is prohibited, facility staff will forward these items to the Institutional Investigator or Gang Specialist for review and proper disposition.
 3. Personal photographs or other printed materials that by the nature of content poses a threat to personal or facility safety and security, or meet the *Specific Criteria for Publication Disapproval* are prohibited; see Operating Procedure 803.2, *Incoming Publications*.
- B. Inmates and probationers/parolees can receive computer printed materials and photographs enclosed in incoming general correspondence.
 1. Printed materials may include but are not limited to newspaper and magazine articles, photocopies of publications and other printed matter, printed electronic messages, printed pages from the internet with or without pictures, etc.
 - a. Facility staff will review the content of all printed materials for compliance with Operating Procedure 803.2, *Incoming Publications*.
 - b. Inmates and probationers/parolees cannot receive materials printed off any DOC website from any source.
 2. Personal Photographs and Pictures
 - a. The receipt or possession of nude or semi-nude personal photographs and pictures of any person, to include pictures printed on standard weight printer paper is prohibited; semi-nude personal photographs and pictures includes but is not limited to individuals in diapers, underwear, lingerie,

or swimwear.

C. Photo Books and Personal Photographs from a Vendor

1. Inmates at all security levels and CCAP probationers/parolees may receive original personal photographs and photo books of their family and friends received from a vendor.
2. A third party must purchase all personal photographs and photo books and the vendor must ship these items directly to the inmate and probationer/parolee.
3. Photographs from a vendor are classified as personal and must comply with the criteria established in this operating procedure for personal photographs and pictures to include the prohibition of nude or semi-nude persons.
 - a. Personal photographs from a vendor must be printed on heavy photographic processing type paper and are limited to a maximum size of 4" x 6" with five photographs per envelope.
 - b. Staff will open and search vendor correspondence containing personal photographs in the same manner as incoming general correspondence.
 - i. Staff will photocopy the envelope and shred the original in the facility mailroom.
 - ii. Staff will deliver the copy of the envelope to the inmate or probationer/parolee with the original photographs.
 - iii. Inmates at all security levels may possess the original photographs without photocopying.
 - iv. Vendor identification and compliance statement requirements for commercially distributed photographs do not apply.
4. Photo books must have the photographs of family and friends printed on the pages, e.g., Shutterfly, Snapfish, etc. of the book and not attached.
 - a. Staff will return all photo books not received directly from a vendor to the sender unopened and will notify the inmate and probationer/parolee using the *Notice of Unauthorized Correspondence 803_F2*.
 - b. Limitations regarding the size and quantity of personal photographs authorized in incoming correspondence do not apply; photobooks are subject to the following limitations:
 - i. Must be no larger than 11 inches by 14 inches
 - ii. Wire binding is prohibited
 - iii. Removable photographs are prohibited
 - c. Staff will open and search all packages containing photo books in the facility mailroom in the same manner as incoming general correspondence.
 - i. Staff will photocopy the envelope and shred the original in the facility mailroom.
 - ii. The copy of the envelope will be delivered with the photo book.
 - d. All photographs printed in the photo book are classified as personal and must comply with the criteria established in this operating procedure for personal photographs.
 - i. All other content must comply with the *Specific Criteria for Publication Disapproval*; see Operating Procedure 803.2, *Incoming Publications*.
 - ii. When facility staff determine that the personal photographs or content violate operating procedure, the staff member will notify the inmate or probationer/parolee using the *Notice of Unauthorized Correspondence 803_F2* and provided a *Property Disposition 802_F4* to indicate the method of disposition.
 - e. photo books are included in the maximum number of books and/or magazines inmates and probationers/parolees can possess; see Operating Procedure 802.1, *Offender Property*.
 - i. Staff will inventory soft cover photo books as magazines and hard cover photo books as books.
 - ii. Staff must document photo books using the *Personal Property Request - Add/Drop 802_F1* for property inventory purposes.
5. Staff must not send disapproved personal photographs from a vendor and photo books to the



Publication Review Committee.

- a. Inmates may appeal the disapproval through the *Grievance Procedure*
 - b. Probationers/parolees may appeal to the CCAP Facility Unit Head
6. photo books altered by the inmate or probationer/parolee are contraband and must be disposed of in accordance with Operating Procedure 802.1, *Offender Property*. The inmate or probationer/parolee may retain any clippings removed from the photo book but the book is unauthorized.
 7. Staff will process photographs and photo books not received directly from a vendor or that violate the contents of this procedure in the same manner as all other unauthorized photographs and property enclosed in incoming general correspondence.

VII. Commercially Distributed Photographs

- A. Inmates and CCAP probationers/parolees can receive up to five commercially distributed photographs with a maximum size of 8"x10" each month.
 1. Once the inmate or CCAP probationer/parolee has met the five commercial photograph per month limit, staff will require the inmate or CCAP probationer/parolee to properly dispose of all commercially distributed photographs received at the facility that exceed the limit.
 2. Staff will notify the inmate and CCAP probationer/parolee using the *Notice of Unauthorized Correspondence* 803_F2 and will provide them with the opportunity to determine the method of disposition using the *Property Disposition* 802_F4.
- B. Commercially distributed photographs that by the nature of their content poses a threat to personal or facility safety and security, or that meet the *Specific Criteria for Publication Disapproval* are prohibited; see Operating Procedure 803.2, *Incoming Publications*.
- C. Staff will open and search all commercial distributor correspondence containing commercially distributed photographs in the same manner as incoming general correspondence.
 1. Staff will photocopy the envelope and shred the original envelope in the facility mailroom.
 2. Staff will deliver the copy of the envelope to the inmate and probationer/parolee with the commercially distributed photographs provided the inmate has not met the limit of five commercially distributed photographs per month.
- D. Commercially distributed photographs of any individual with a known personal association with an inmate or probationer/parolee are considered a personal photograph for that individual and are subject to the criteria established in this operating procedure for personal photographs.
- E. Facility staff must review all commercially distributed photographs individually to determine if the content poses a threat to personal or facility safety and security, or meets the *Specific Criteria for Publication Disapproval*; see Operating Procedure 803.2, *Incoming Publications*.
 1. When staff determine that a commercially distributed photograph is disapproved for inmate and probationer/parolee possession, the staff member must notify the inmate and probationer/parolee using the *Notice of Unauthorized Correspondence* 803_F2 and provide the individual with the opportunity to determine the method of disposition using the *Property Disposition* 802_F4.
 2. Staff must not send disapproved commercially distributed photographs to the Publication Review Committee.
 - a. Inmates may appeal the disapproval through the *Grievance Procedure*
 - b. Probationers/parolees may appeal to the CCAP Facility Unit Head
 3. All commercially distributed photographs are required to have the vendor's identification information affixed to each individual photograph.
 - a. The vendor identification information must include the vendor's name and address.



- b. If there is a reasonable suspicion that the vendor is not legitimate or that the vendor's identification information is not legitimate, the Facility Unit Head will inform the Regional Operations Chief who will notify the Chief of Corrections Operations and request that the distributor be disapproved statewide.
 4. Commercially distributed photographs depicting sexually explicit content must also have 18 U.S.C. §2257, *Record keeping requirements* compliance statement affixed to each individual photograph.
 - a. The statement must certify compliance with the provisions of 18 U.S.C. §2257, *Record keeping requirements* which requires vendors to verify that the models depicted in the photographs are 18 years of age or older.
 - b. Sexually explicit content means actual or simulated sexual: (i) intercourse, including genital-genital, oral-genital, anal-genital, whether between persons of the same or opposite sex; (ii) bestiality; (iii) masturbation; (iv) sadistic or masochistic abuse; or (v) lascivious exhibition of the genitals or pubic area of any person; see 18 U.S.C. §2256(2)(A), *Definitions for chapter*.
 - c. Sexually explicit content that violates the *Specific Criteria for Publication Disapproval* is prohibited; see Operating Procedure 803.2, *Incoming Publications*.
 5. Staff must disapprove commercially distributed photographs on content, only.
 - a. The Chief of Corrections Operations will decide when a specific commercial distributor is not to conduct business in a DOC facility.
 - b. Once disapproved, the distributor is placed on the *Disapproved Vendors - Publications and Commercially Distributed Photographs* list.
 6. The Facility Unit Head will forward their concerns regarding a specific commercial distributor i.e. photographs containing gang related content, evidence of criminal activity, or other security concerns with all supporting information and documentation to the Regional Operations Chief.
 7. The Regional Operations Chief will notify the Chief of Corrections Operations and request the distributor be disapproved statewide.
- F. Incoming commercially distributed photographs that do not comply with these requirements are prohibited for possession and must be disposed of at inmate and probationer/parolee expense in accordance with Operating Procedure 802.1, *Offender Property*.
- G. Printed catalog sheets containing multiple thumbnail prints of commercially distributed photographs will be reviewed for content and are not subject to review by the Publication Review Committee.
1. Each thumbnail print on a catalog sheet of commercially distributed photographs must be at least 1 ½" x 1 ½" so staff can review the content of each print for compliance with the *Specific Criteria for Publication Disapproval*.
 2. Catalogs sheets containing sexually explicit content must also include a statement certifying that they are in compliance with the provisions of 18 USC §2257, *Record keeping requirements*.
 3. When staff determine that a catalog sheet is disapproved for inmate and probationer/parolee possession, the staff member must notify the inmate and probationer/parolee using the *Notice of Unauthorized Correspondence* 803_F2 and provide the individual with the opportunity to determine the method of disposition using the *Property Disposition* 802_F4.

VIII. Processing Incoming General Correspondence

A. At all institutions and CCAP facilities

1. Facility staff will photocopy, remove, and shred the outer envelope for all incoming general correspondence in the facility mailroom.
 - a. The copy of the envelope should include the inmate's or probationer's/parolee's mailing address as well as the return address.



- b. Staff must attach the copy of the envelope to the correspondence for delivery to the inmate or probationer/parolee.
2. For incoming general correspondence from DOC offices, facility staff will photocopy and shred the envelope in the facility mailroom.
 - a. The copy of the envelope should include the inmate's or probationer's/parolee's mailing address as well as the return address.
 - b. Staff will attach the copy of the envelope to the original correspondence, and the copy of the envelope, original correspondence, and all enclosed contents will be delivered to the inmate or probationer/parolee.
3. For incoming religious, educational, and organizational/business general correspondence, facility staff will screen the correspondence in the mailroom for compliance with operating procedures and will inspect the correspondence for contraband prior to delivery to the inmate or probationer/parolee.
 - a. Staff will photocopy and shred the envelope in the facility mailroom.
 - b. Staff will attach the copy of the envelope to the original correspondence, and the copy of the envelope, original correspondence and all enclosed contents will be delivered to the inmate or probationer/parolee provided the correspondence does not otherwise violate the content requirements of this operating procedure or Operating Procedure 803.2, *Incoming Publications*, when applicable.
 - c. Staff may consult with Correctional Education Staff or the facility Chaplain for guidance in processing educational and religious general correspondence.
 - d. Inmates and probationers/parolees may receive one stamped self-addressed return envelope from an attorney, court, business, or school when needed for return correspondence.
4. Staff will open, screen for compliance, and inspect for contraband all educational and religious correspondence course material in the facility mailroom.
 - a. Facility Educational staff must screen all incoming educational course material and the Chaplain must screen all religious course material prior to delivery to the inmate or probationer/parolee.
 - b. After screening and approval by Educational staff or the facility Chaplain, the staff member will return the correspondence course material to the facility mailroom for delivery to the inmate or probationer/parolee.
 - c. Educational staff and the facility Chaplain should consult with the Institutional Investigator for questionable materials.
 - d. Inmates and probationers/parolees may to receive one stamped self-addressed return envelope when needed for returning correspondence.
5. Institution staff will forward identification and education documents to the Records Office for storage in the inmate's *Property Envelope*; see Operating Procedure 050.1, *Offender Records Management*.
 - a. Staff should notify the inmate that the institution received these documents and staff should notify Correctional Education upon receipt of education documents.
 - b. Inmates can receive and possess their own other personal documents such as military discharge (DD214) and medical documents.
 - c. Inmates can receive their own financial account statements and credit reports; financial account statements and credit reports for others, debit cards, credit cards, gift cards, checkbooks, savings passbooks, and other such items are prohibited.
6. Staff should deliver incoming inmate and probationer/parolee correspondence with an incomplete address, such as no DOC number, if it can be determined which inmate or probationer/parolee is the intended recipient.
7. Staff will permit inmates and probationers/parolees who legally changed their name to receive correspondence in their new name as well as their old name if the inmate or probationer/parolee

provided proper notification the facility Records Office; see Operating Procedure 050.6, *Offender Access to Record Information*.

8. Facility staff should not accept postage due incoming correspondence; staff should return any such item received at the facility to the Post Office unopened.
9. Incoming priority or express general correspondence should be discouraged, however if urgency of a circumstance requires expedited delivery, the inmate or probationer/parolee must obtain prior written approval from the Facility Unit Head or designee.
10. Staff should allow incoming general correspondence that does not exceed the maximum photocopy limitation and does not require staff manipulation of the items to photocopy.
 - a. The maximum photocopy and size limitation does not apply to legal or special purpose correspondence, religious, educational, and organizational/business correspondence, correspondence from DOC offices, correspondence from a vendor, or correspondence from a federal, state, or local government agency.
 - b. When staff disapprove incoming general correspondence for exceeding the photocopy or size limitation, staff will return the correspondence and all enclosed contents to the sender.
 - c. Staff will notify the sender of the reason for the return and their option to appeal the return to the Facility Unit Head using letter similar to the *Notice of Unauthorized Correspondence 803_F2*.
11. Staff will photocopy the envelope, letter and all enclosed contents including but not limited to photographs, greeting cards, drawings, printed material, and publication clippings, and will deliver the copies to the inmate or probationer/parolee.
 - a. The original envelope, letter and all enclosed contents are shredded in the facility mailroom and will not be returned to the sender.
 - b. Inmates and probationers/parolee are limited to receiving a maximum of three 8 ½" X 11", black and white photocopied pages front and back to include the photocopy of the envelope, letter, and enclosed contents.
 - i. Each item in the envelope, e.g., letter, photograph, greeting card, drawing, printed material, and newspaper clipping, is one photocopy.
 - ii. When both sides require photocopying, e.g., photographs with writing on the back, not to include the trademark, each side will be one photocopy.
 - iii. Staff will not manipulate enclosed items to photocopy multiple items on a single page. Items that exceed 8 ½" X 11" will not be manipulated to fit on a single or multiple pages.
 - iv. General correspondence that exceeds the maximum of three 8 ½" X 11", photocopied pages front and back or requires staff manipulation to photocopy will be returned to the sender.
12. Official legal, government and court ordered documents such as military records (i.e. DD214), Court documents, e.g., divorce decrees, name change orders, etc. enclosed in incoming personal correspondence will not be photocopied and shredded.
 - a. Before staff take any action on these documents, the staff member must consult with the Facility Unit Head or designee.
 - b. Staff must forward inmate identification documents to the Records Office for processing.

IX. Unauthorized Incoming Correspondence

- A. When staff disapprove or return incoming correspondence to the sender, the staff member must notify the sender of the reasons for the return and their right to appeal to the Facility Unit Head.
 1. Staff should return unauthorized incoming general correspondence to the sender unopened if possible.
 2. Staff will return unauthorized correspondence that is opened directly and immediately to the sender, if known, using a letter similar to *Notice of Unauthorized Correspondence 803_F2* as notification.
 - a. The Facility Unit Head should not send this letter because the sender may appeal this decision to



the Facility Unit Head.

- b. The facility is responsible for postage costs of sending the *Notice* and the enclosed unauthorized correspondence.
- c. If necessary to document the reason the correspondence is unauthorized, staff should retain a copy of the correspondence and/or enclosed contents at the facility pending a possible inmate grievance.
- d. Staff must provide the inmate or probationer/parolee with a copy of the letter as notification of the return and reason the correspondence was unauthorized.

B. Handling unauthorized funds when the sender cannot be determined or the sender is unauthorized:

1. If the sender cannot be determined, unauthorized funds should be confiscated and routed to the facility commissary fund for the benefit of the population; see the *Inmate Trust Manual* and COV §53.1-26, *Confiscation of prohibited articles*.
2. If the sender is unauthorized, staff should return the unauthorized funds should to the sender. If there is evidence of efforts to circumvent operating procedure, the Facility Unit Head or designee may approve for the unauthorized funds to be confiscated and routed to the facility commissary fund for the benefit of the population; see *Inmate Trust Manual* and COV §53.1-26, *Confiscation of prohibited articles*.

C. Handling of unauthorized correspondence when the sender cannot be determined or the sender is unauthorized:

1. If the sender cannot be determined, staff should destroy the unauthorized correspondence s after any items of value are handled in accordance with unclaimed property procedures; see Operating Procedure 802.1, *Offender Property*.
2. If the sender is unauthorized, staff should return the unauthorized correspondence to the sender. If there is evidence of efforts to circumvent operating procedures, the Facility Unit Head or designee may approve for unauthorized correspondence to be destroyed after any items of value are handled in accordance with unclaimed property procedures.

X. Outgoing Correspondence and Returned Correspondence

A. Inmates and probationers/parolees must pay for regular postage, all costs of certification, and/or all costs of return receipt of correspondence.

1. Inmates and probationers/parolees can purchase postage, at cost, from the facility.
2. The USPS prohibits reuse of stamps.
3. Inmates should mail their disciplinary appeals to Headquarters through “bulk” mail or if the inmate chooses, through postal service mail at the inmate’s expense.
4. Inmates should mail their grievance appeals to Headquarters or the Regional Office, as appropriate, either through “bulk” mail or if the inmate chooses, through postal service mail at the inmate’s expense.

B. Outgoing correspondence must include the inmate’s or probationer’s/parolee’s return address with the individual’s name spelled out and the DOC number written on the same line with the facility name spelled out and address listed below. There should be no attempt to hide that the correspondence came from a correctional facility.

1. Staff will permit inmates and probationers/parolees who have legally changed their name to send correspondence using their new name if they have provided proper notification to the facility of their name change.
2. Outgoing general, special purpose, and legal correspondence from inmates and probationers/parolees will be stamped with the following:



**THE VIRGINIA DEPARTMENT OF CORRECTIONS HAS
NEITHER CENSORED NOR INSPECTED THIS ITEM.
THEREFORE THE DEPARTMENT DOES NOT ASSUME
RESPONSIBILITY FOR ITS CONTENT.**

C. Inmates and probationers/parolee must clearly mark their outgoing legal correspondence on the lower left portion of the front of the envelope as “**LEGAL MAIL**”.

1. Facility staff will maintain an *Outgoing Legal Correspondence Log* 803_F7 for all outgoing legal correspondence recording all relevant information, e.g., inmate or probationer/parolee name, DOC number, addressee’s name and address, state postage expenditure, staff initials.
2. Staff must date stamp and log all outgoing legal correspondence with the date staff received the correspondence in the facility mailroom.
3. The Facility Unit Head or designee will ensure that notice is posted in areas where inmate or probationer/parolee correspondence is deposited for pick-up, informing the population that deposits after a given time will be stamped and logged as deposited on the next business day.
4. Staff may open, inspect, and verify the sender of outgoing correspondence that is improperly identified legal before the staff member returns the correspondence for mailing as general or special purpose correspondence.

D. Facilities should make accommodations for the collection and bulk delivery of inmate and probationer/parolee correspondence addressed to DOC Headquarters or Regional Offices.

1. Correspondence containing documents such as disciplinary appeals or grievance appeals may be collected, batched and sent, at facility expense, via the USPS or where applicable, through inter-departmental mail or runners.
2. Inmates and probationers/parolees will place outgoing correspondence in a regular envelope and write the addressee and the inmate’s or probationer’s/parolee’s return address on the front of the envelope.
3. The inmate or probationer/parolee should write the word “BULK” in the upper right hand corner instead of affixing a stamp as per the sample below:

Return Address	<i>Bulk</i>
Name of Addressee <address>	

- a. Facility staff will sort “bulk” correspondence according to destination, and place the inmate or probationer/parolee envelopes in a larger mailing envelope addressed to Headquarters or the respective Regional Office to be sent out at least each Tuesday and Thursday.
 - b. Inmates and probationers/parolees, if they choose, may send this type of outgoing correspondence through the USPS at their own expense
- E. Any time the DOC receives a complaint regarding obscene, harassing, threatening, or possibly illegal correspondence sent by an inmate or probationer/parolee, staff will forward such complaint with a copy of the correspondence, if possible, to the appropriate Facility Unit Head.
1. The Facility Unit Head or designee will contact the complainant and notify proper authorities as necessary.
 2. Staff must report any illegal activity to the appropriate USPS authorities, DOC Special Investigations Unit, and/or the appropriate local, state, or federal law enforcement agency.
 3. When an inmate or probationer/parolee continues to send threatening, obscene, or harassing

correspondence, after notification not to do so, the Facility Unit Head may grant approval for staff to screen all outgoing correspondence from that individual and to intercept and return any correspondence addressed to the complainant.

- F. Staff will not deliver to the inmate or probationer/parolee any general, special purpose and legal correspondence returned from the Post Office to an inmate or probationer/parolee for insufficient postage, incorrect or incomplete address, or undeliverable, etc.
1. Facility staff will notify the inmate or probationer/parolee that their mail was returned on the *Returned Correspondence Notice 803_F9*.
 2. Facility staff will hold returned correspondence in the facility mailroom for seven working days to allow the inmate or probationer/parolee the opportunity to correct the reason for the return; e.g., provide additional postage or an alternate address.
 3. If the inmate or probationer/parolee does not correct the reason for the return within seven working days, staff will shred the original correspondence and all enclosed contents to include pictures, artwork, greeting cards, etc.
 4. Staff will complete the bottom section of the *Returned Correspondence Notice 803_F9* documenting date and method of disposition.

XI. Legal Correspondence

- A. Staff will process correspondence that meets the definition of legal correspondence established in this operating procedure as legal correspondence.
1. If an inmate or probationer/parolee wishes to receive representation from an attorney at a legal organization or law school but does not have an attorney's name, the inmate or probationer/parolee should write a general correspondence letter to the organization asking for referral to a specific attorney. Staff will process correspondence with that specific attorney as legal correspondence.
 2. Staff will process correspondence to an attorney's home as general correspondence unless that address is documented as the official address of the attorney's law office.
 3. Inmates and probationer/parolees must address their correspondence to legislators and other individuals, who are also attorneys, to the law office address to be considered legal correspondence. Correspondence to a legislator's office is special purpose correspondence, which is mailed at the inmate's or probationer's/parolee's expense.
 4. Law enforcement agencies are not officers of the court.
- B. Staff must not refuse an inmate or probationer/parolee access to the courts because of insufficient funds to cover the cost of legal correspondence. Inmates and probationers/parolees that do not have adequate funds in their trust account may be provided loans to cover the cost of postage for the following types of correspondence only. (4-ACRS-6A-02)
1. When postage charges are posted to the inmate's or probationer's/parolee's account, any balance in the spend account will be used to pay the postage.
 - a. Any amount in excess of the spend account balance will be set up as a postage loan.
 - b. When an inmate or probationer/parolee who has a loan debt receives additional funds or pay, staff may use the funds to satisfy the debt.
 2. For legal correspondence, as defined in this operating procedure, loans will be provided up to the equivalent value of 40 first class postage stamps per month to cover the cost of first class postage only. Loans will not be provided to pay costs of special purpose correspondence.
 3. Tort claims addressed to the Director of the Division of Risk Management or the Office of the Attorney General may be sent as regular legal correspondence; certified mail is not required; COV §8.01-195.6, *Notice of claim*.



- a. The inmate or probationer/parolee may send tort claims by certified mail only at their expense.
 - b. The envelope should be clearly marked as "Tort Claim".
4. Inmates and probationer/parolees must submit their Petitions for Writs of Actual Innocence to the Commonwealth's Attorney of the jurisdiction where the conviction occurred and to the Attorney General of Virginia; see COV §19.2-327.3, *Contents and form of the petition based on previously unknown or untested human biological evidence of actual innocence*, and §19.2-327.11, *Contents and form of the petition based on previously unknown or unavailable evidence of actual innocence*.
- a. The Petitions for Writs of Actual Innocence are required by law to be sent certified mail, return receipt requested.
 - b. For purposes of filing a Petition for Writ of Actual Innocence only, an inmate's or probationer's/parolee's postage loan allowance will be the cost to send by certified mail, return receipt requested, one copy each to the Commonwealth's Attorney and the Attorney General.
 - c. The Court only allows one Petition for Writ of Actual Innocence per felony conviction.
 - d. The outer envelopes must be clearly marked "Petition for Writ of Actual Innocence."
 - e. Facility staff may inspect the documents, but not read for content, in the presence of the inmate or probationer/parolee to confirm that it is a Petition for Writ of Actual Innocence before providing the postage loan allowance.
5. Staff may open, inspect, and verify the sender of outgoing correspondence that is improperly identified as legal before returning the correspondence to the inmate or probationer/parolee for mailing as general or special purpose correspondence.

XII. Incoming and Outgoing Packages

- A. Inmates and probationers/parolees may receive packages in accordance with this operating procedure, Operating Procedure 802.1, *Offender Property*, Operating Procedure 803.2, *Incoming Publications*, and other applicable operating procedures.
- B. Facility staff will maintain an *Incoming Package Log* 803_F6 for incoming packages that records all relevant information, e.g., sender name and address, inmate or probationer/parolee name, DOC number, date received in mailroom, date delivered.
 1. Staff will search all incoming packages, except legal packages, outside the facility security perimeter prior to delivery.
 - a. Boxes and packing materials should be disposed of outside the perimeter and not allowed to enter.
 - b. Packages received by mail or delivery service that contain personal property items must be received directly from the vendor.
 2. Staff will return all unauthorized packages at the expense of the inmate or probationer/parolee or the sender.
- C. Facility staff will maintain an *Outgoing Package Log* 803_F8 of outgoing packages that records all relevant information, e.g., inmate or probationer/parolee name, DOC number, addressee's name and address, date received from inmate or probationer/parolee, date sent from facility.
 1. Staff will search outgoing packages prior to the package being sealed.
 2. The inmate's or probationer's/parolee's name and facility's return address must be clearly marked on the package.
 3. The inmate or probationer/parolee is responsible for all postage and shipping expenses; shipping charges will be determined and assessed in accordance with Operating Procedure 802.1, *Offender Property*.



XIII. Secure Messaging - Institutions

- A. Secure messaging is a web-based program operating on the DOC Contract Vendor's server.
1. Secure messaging allows inmates and outside users to communicate through the inmate's media device.
 - a. Inmates can utilize this system to communicate personally with family and friends, to communicate with attorneys, courts, and other public officials and organizations, and to maintain personal relationships in the community.
 - b. Attorneys and their authorized representatives are not restricted from utilizing this system to communicate with an inmate about their legal affairs, but they should note secure messages sent and received through this system are not confidential.
 - c. Inmates are not to utilize the secure messaging system to operate a business.
 2. All pictures and photographs sent to an inmate through the secure messaging system are considered personal and must comply with the requirements governing personal photographs to include the prohibition of nude or semi-nude, persons in diapers, underwear, lingerie, or swimwear, photographs or pictures of any person.
 3. Institutional staff may monitor incoming and outgoing secure messages through the contractor management system and will isolate incoming and outgoing message for investigative purposes.
 4. The inmate must send their secure messages through the secure messaging system within 30 days, or the message is deleted from the media device.
 5. Secure messages are stored on the inmate and probationer/parolee's media device and facility staff should not print secure messages unless specifically authorized in this operating procedure. When the inmate or probationer/parolee will need a paper copy of the secure message or any of the content and/or attachments, these items should be mailed through the USPS.
- B. The inmate or a third party must purchase the media devices from the DOC Contract Vendor; see Operating Procedure 802.1, *Offender Property*.
- C. Kiosks are available in designated areas of the institution; the Facility Unit Head will establish the days and hours for inmate access.
1. Access to the kiosks will be restricted during periods of institution lockdown and any emergency situation causing significant disruption of normal institution procedure or activity caused by riot, escape, fire, natural disaster, employee action, or other serious incident
 2. Secure messaging is a privilege, staff will not provide inmates assigned to General Detention and RHU status with access to the kiosk to retrieve or send their secure messages.
 3. Inmates assigned to SD-1 and SD-2 status will not have access to kiosks but may access secure messaging through the process established in Operating Procedure 841.4, *Restorative Housing Units*.
- D. Staff will screen all incoming and outgoing messages and attachments for compliance with the requirements governing written incoming and outgoing correspondence as provided in this operating procedure.
1. Inmates must not send or receive messages with other inmates or persons housed in the Virginia Center for Behavioral Rehabilitation or in local, state, or federal, adult, or juvenile correctional facilities and jails.
 2. Inmates are prohibited from sending or receiving messages on behalf of another inmate to include sharing their password with another inmate and allowing any inmate to use their account to send or receive secure messages
 3. The forwarding of secure messages is not permitted.
 4. There are no provisions for direct messaging with commercial or civilian email accounts or local, state



or federal agencies

- E. Institutional staff should review and process within two working days all secure messages and attachments that staff are required to review prior to inmate receipt.
1. The Facility Unit Head or designee may extend the time limits for processing when additional time is required to determine compliance or when there is an exceptionally high volume of items to be reviewed.
 2. Institutional staff will return secure messages and attachments that do not comply with the content requirements of this operating procedure to the sender.
 3. Notification that staff censored and returned a secure message and/or attachment to the sender as well as the reason for the return is provided electronically to the inmate on their media device.
- F. Inmates may appeal the return of their secure messages and/or attachment by submitting a *Written Complaint* 866_F3; see Operating Procedure 866.1, *Offender Grievance Procedure*.
1. The inmate must include in their *Written Complaint* the date that staff censored and returned the secure message and/or attachment as provided on the media device.
 2. Institutional staff designated to screen and when appropriate, censor incoming secure messages and attachments must respond to the *Written Complaint* and provide the inmate with specific identifying information to include the letter ID, date of return and customer ID.
 3. Inmate can appeal the return of their secure message and/ or attachment by submitting a *Regular Grievance* 866_F1 with the identifying information provided for investigation by the Institutional Ombudsman.
 4. The Institutional Ombudsman upon receipt of a *Regular Grievance* will consult with staff in order to review the contents of the secure message and prepare an appropriate response.
- G. Offender Misuse of Secure Messaging
1. Misuse of secure messaging may result in disciplinary action as well as criminal charges, when applicable; see Operating Procedure 861.1, *Offender Discipline, Institutions*.
 2. With approval of the Security Operations Manager or the Corrections Operations Administrator, an inmate's access to secure messaging may be restricted, suspended, or terminated after completion of an investigation into the inmate's misuse by the Special Investigations Unit or the Operations and Logistics Unit.

REFERENCES

18 U.S.C. §2256, *Definitions for chapter*

18 U.S.C. §2257, *Record keeping requirements*

COV §8.01-195.6, *Notice of claim*

COV §18.2-374, *Production, publication, sale, possession, etc., of obscene items*

COV §18.2-374.1:1, *Possession, reproduction, distribution, solicitation, and facilitation of child pornography; penalty*

COV §19.2-327.3, *Contents and form of the petition based on previously unknown or untested human biological evidence of actual innocence*

COV §19.2-327.11, *Contents and form of the petition based on previously unknown or unavailable evidence of actual innocence*

COV §53.1-26, *Confiscation of prohibited articles*

COV §53.1-67.9, *Establishment of community corrections alternative program; supervision upon completion*

Operating Procedure 050.1, *Offender Records Management*



Operating Procedure 050.6, *Offender Access to Record Information*
Operating Procedure 445.2, *Facility Searches (Restricted)*
Operating Procedure 730.5, *Mental Health Services: Behavior Management.*
Operating Procedure 802.1, *Offender Property*
Operating Procedure 802.2, *Offender Finances*
Operating Procedure 803.2, *Incoming Publications*
Operating Procedure 803.4, *Central Mail Distribution Center*
Operating Procedure 841.4, *Restorative Housing Units*
Operating Procedure 861.1, *Offender Discipline, Institutions*
Operating Procedure 866.1, *Offender Grievance Procedure*
Operating Procedure 866.2, *Offender Complaints, Community Corrections*
Operating Procedure 866.3, *Offender Legal Access*

ATTACHMENTS

Attachment 1, *Notification of Withheld Correspondence*

FORM CITATIONS

Personal Property Request - Add/Drop 802_F1
Property Disposition 802_F4
General and Special Purpose Correspondence Notification 803_F1
Notice of Unauthorized Correspondence 803_F2
Incoming Legal Correspondence Log 803_F5
Incoming Package Log 803_F6
Outgoing Legal Correspondence Log 803_F7
Outgoing Package Log 803_F8
Returned Correspondence Notice 803_F9
Regular Grievance 866_F1
Written Complaint 866_F3

