

	CORRECTIONS MANUAL Ref. 210-IAC 3-1-16		Reference Number MCSO CM-016
	Subject Mail and Telephone Communication		
	Ruben Martí, Sheriff <i>Ruben Martí</i>	<input checked="" type="checkbox"/> Reviewed <input checked="" type="checkbox"/> Approved	Effective Date December 1, 2023

POLICY

To ensure the maintenance of important ties with families, friends, attorneys, and the community; inmates are allowed to send and/or receive mail from any non-incarcerated person, organization, or agency.

PROCEDURES

A. Inmate Mail - General

1. An inmate may send and receive an unlimited amount of correspondence to or from any person outside the jail in any language. However, inmates shall be prohibited from corresponding with other inmates within the jail or other correctional institutions without the prior written approval of the Sheriff, designee, and the proper authority of the other institution.
2. If an inmate is proven indigent, they will be provided with materials required to allow them to write and mail three (3) letters per week. These materials will include three (3) envelopes and, if needed, paper and pencil.
3. Indigent inmates shall be afforded sufficient postage, envelopes, and writing material for approved legal mailings.

B. Incoming Mail

1. Mail to or from government officials, courts, and attorneys shall be mailed as provided in Section E, Legal Mail.
2. To limit the potential introduction of drugs and other forms of contraband into the facility and ensure the safety and security of inmates, staff and visitors, all non-commercial, non-legal U.S. Postal service mail addressed to inmates will be sent in the following format to:

[Inmate Name – Inmate ID]
 Monroe County Indiana Jail
 PO Box 76550
 Highland Heights, KY 41076

3. All mail meeting proper guidelines, except for that mail described in Section D, Magazines, Newspapers or Periodicals and Section E, Legal Mail, shall be scanned and delivered to the inmate via email.

4. The Monroe County Jail will not accept cash, personal checks, money orders, certified checks or gift cards mailed to an inmate in the facility. Any cash, checks, money orders, certified checks or gift cards sent to PO Box 76550, Highland Heights, KY will be returned to sender.

5. Any mail not meeting the guidelines as described below shall be destroyed.

a. All incoming mail must be addressed with the Inmate name and Inmate ID.

b. All incoming mail must have a return address on the envelope.

c. All incoming mail must be no larger than 8 ½ x 11 inches (letter size), no thicker than light card stock and able to be fed through a sheet fed scanner and/or mail items that are not able to be scanned (i.e., pop-up cards, etc.)

d. All incoming mail shall be opened and inspected or read to determine if contraband is enclosed or any violation of jail rules has occurred. If such is found, mail will be destroyed and not returned.

6. Any of the below items may not be attached to or included in any mailing to inmates at the facility.

a. Address labels

b. Stickers

c. Homemade cards

d. Musical cards

e. Non-white envelopes or paper

f. Paintings

g. Tracing paper

h. Pages from coloring books

i. Drawings in colored ink, marker, crayon or glitter

j. Raised decorations

k. Paint or the use of white-out, glue or any other liquid form

7. In addition, friends and family can attach pictures to email messages sent, via the kiosk, to inmates in the facility. The contents of email attachments may be reviewed by jail staff for inappropriate material and, if found, could result in the attachment not being delivered and/or disciplinary action.

8. Incoming mail is scanned and sent to the Textbehind platform same day. Once in Textbehind, jail staff will select send all approved mail to be delivered to the kiosks. Whenever jail officials delay incoming or outgoing mail for more than forty-eight (48) hours or censor, copy, or

withhold correspondence, the inmate shall be given prompt written notice except as provided immediately below in Section 9. If correspondence is not approved for delivery in accordance with applicable policy, the reviewing jail staff will indicate the mail was withheld in the Textbehind platform which will prompt a denial explanation email to be sent to the inmate. Jail staff will provide proper justification of the mail denial in this communication.

9. Jail staff shall maintain a record of each decision to withhold, copy, censor, delay, or otherwise interfere with the prompt transmission of correspondence. Notice to the inmate of action taken on correspondence is not required based on reasonable suspicion or upon receipt of a written request from a supervising authority of any federal, state, or county agency stating the agency has reasonable grounds to believe that a crime is being committed or has been committed by the inmate and requesting the jail monitor the confined person's correspondence. Records of decisions to withhold, copy, censor, delay the transmission of correspondence to inmates shall be documented in the email communications as described in Section 8 above and will be stored in Textbehind platform for 7 years. Textbehind staff will not withhold mail without the consent of the jail (example inmate to inmate correspondence).

10. Incoming correspondence may be inspected to remove funds, contraband, or prohibited property. If contraband or prohibited property is removed from correspondence, the inmate must be notified in writing. Textbehind will destroy contraband discovered during the inspection process and notify jail staff of information received for investigatory purposes. Any funds or prohibited items (as agreed upon by jail) will be returned to sender by Textbehind if enough information is available to do so. In such an event, Textbehind will notify jail staff in writing of actions taken which shall be forwarded to the affected inmate if the inmate can be identified by the information on the correspondence.

11. Jail staff may inspect all printed matter and exclude any material that is contraband or prohibited property. A periodical may be excluded only on a case-by-case basis. Jail officials who withhold printed matter must notify the inmate of this action in writing. Textbehind cannot scan magazines, books, etc. Textbehind will destroy contraband discovered during the inspection process and notify jail staff of information received for investigatory purposes. Any funds or Any funds or prohibited items (as agreed upon by jail) will be returned to sender by Textbehind if enough information is available to do so. In such an event, Textbehind will notify jail staff in writing of actions taken which shall be forwarded to the affected inmate if the inmate can be identified by the information on the correspondence.

12. In the event the entire mail or package contains nothing but prohibited items, prohibited items (as agreed upon by jail) will be returned to sender by Textbehind if enough information is available to do so. In such an event, Textbehind will notify jail staff in writing of actions taken

which shall be forwarded to the affected inmate if the inmate can be identified by the information on the correspondence.

C. Prohibited Mail/Email/Email Attachments

1. Inmates shall not be permitted to mail, receive, or possess the following:

a. Matter tending to incite:

(1) Murder;

(2) Arson;

(3) A riot; or

(4) Any form of violence or physical harm toward any person or:

(a) ethnic;

(b) gender;

(c) racial;

(d) religious; or other group.

2. Any matter pertaining to blackmail or extortion.

3. Sending, receiving, or possessing contraband or prohibited property.

4. Plans to escape or assist an escape.

5. Plans to disrupt the order or breach the security of any facility.

6. Plans for any activity that violates the law, jail policy, or procedure.

7. Coded messages and/or gang related material.

8. A description or recipe for any:

a. Weapon;

b. Explosive;

c. Poison; or

d. Destructive device.

9. Illustrations, explanations, or descriptions of how to sabotage or disrupt:

a. Computers;

b. Communications; or

c. Electronics.

10. Recordable media.

11. Catalogs, advertisements, brochures, and material whose primary purpose is to sell a product or products or service or services, when taken as a whole, that lack serious literary, artistic, political, educational, or scientific value.

12. Maps.

13. Any matter pertaining to gambling or a lottery.
14. Markings on an envelope or wrapper that are obscene materials as defined in this handbook.
15. Obscene material and information concerning where, how, or from whom obscene material may be obtained.

D. Magazines, Newspapers or Periodicals

1. For magazines, newspapers, or periodicals the “Publisher Only Rule” applies and will be accepted if they are sent directly from the publisher and approved by the Jail Commander. Material determined to be obscene will be denied.
2. Books and subscriptions to magazines or newspapers addressed to inmates’ mail will be sent in the following format to:

[Inmate Name – Inmate ID]
Monroe County Jail
301 North College Avenue
Bloomington, IN 47404

3. Subscriptions to magazines and newspapers must be sent directly by the publisher and delivered via the US Postal Service. All books must ship directly to the jail from one of the following sources (limit of 5 books per shipment):

- Harper Collins Publishers
 - <https://www.harpercollins.com>
- Hamilton Books
 - <https://www.hamiltonbook.com>
- Book Outlet.com
 - <https://bookoutlet.com>
- Simon and Schuster
 - <https://www.simonandschuster.com>
- Christian Book.com
 - <https://www.christianbook.com>
- Sureshot Books
 - www.sureshotbooks.com

4. Anything in the possession of an inmate which is not defined as contraband but will, if retained in possession of the inmate, present a threat to facility security or the safety of inmates and staff, shall be controlled by staff to the degree necessary to eliminate the threat.

E. Legal Mail

1. Privileged correspondence, mail from lawyers or other legal representation addressed to inmates' mail will be sent in the following format to:

[Inmate Name – Inmate ID]
Monroe County Jail
301 North College Avenue
Bloomington, IN 47404

2. Correspondence to or from government officials, courts, or attorneys shall be considered privileged correspondence. To limit the potential introduction of drugs and other forms of contraband into the facility and ensure the safety and security of inmates, staff and visitors, all privileged correspondence mail addressed to inmates will be processed as described in this section.

3. Staff may receive hand delivered privileged correspondence from attorneys and/or attorney's staff. In such cases, jail staff will confirm the identity of the attorneys/attorney's staff to ensure the mail is legitimate privileged correspondence. After confirming the legitimacy of the correspondence, the receiving staff member shall clearly mark the envelope indicating the mail has been accepted as legitimate privileged correspondence and forward the correspondence for delivery. If unable to satisfactorily determine the legitimacy of hand delivered privileged correspondence, jail staff will not accept such correspondence from the delivering individual.

4. Jail staff shall confirm each inmate's identity and they are the intended recipient of the legal mail. Inmates will be asked the following questions by Staff:

- a. Who is your lawyer/attorney?
- b. Do you wish to receive your legal mail?

5. Jail staff shall open and inspect privileged correspondence in the presence of the inmate for the purpose of examining the contents for contraband or prohibited property. Upon completion of the inspection, the item of correspondence will be promptly delivered or transmitted as describe below, without:

- a. Reading;
- b. Censoring;
- c. Further interfering with its delivery or transmission.

6. If the inmate refuses the correspondence, it shall be documented on a Legal Mail Receipt, as refused. The inmate shall then sign that they are refusing the mail. If the inmate refuses to do so, a second staff member shall witness the inmate's refusal. The legal mail will then be returned to the sender.
7. If the inmate states they will accept the correspondence, jail staff will inform the inmate they must sign a Legal Mail Receipt acknowledging that they are receiving legal mail and that it will be opened and checked for contraband in their presence.
8. The legal mail will be opened in the presence of the inmate by the jail staff, documenting the number of pages in the correspondence.
9. If anything is found to be suspicious, or in need of further investigation, the entire document and the envelope will be confiscated. A Notice of Delayed/Confiscated Legal Mail will be completed and provided to the inmate. The suspicious legal mail will be submitted to the Jail Investigator within 24 hours of the confiscation for further investigation. The jail staff member will complete an Incident Report documenting the confiscation.
10. If the legal mail does not appear suspicious, or in need of further investigation, the jail staff will copy the document in the presence of the inmate utilizing the copier on the mail cart and allow the inmate to review the copy to ensure it contains the same number of pages as the original document.
11. If the inmate acknowledges that the copy contains the correct number of pages and is legible, the inmate shall sign the Legal Mail Receipt acknowledging they took possession of the copy. No additional copies will be made.
12. If the inmate disputes the copy matches the original, jail staff will check to see if a mistake was made, and if so, correct it.
13. If the inmate accepts the copy, the original document will be shredded in the presence of the inmate using the paper shredder on the mail cart.
14. If the inmate refuses to sign accepting the copy of their legal mail after all corrections have been made, the copy shall be shredded, and the original legal mail will be confiscated. The confiscated correspondence shall be maintained by the assigned mail officer for seventy-two (72) hours. The proper chain of custody shall also be maintained.
15. If after seventy-two (72) hours a grievance has not been filed, the legal mail will be returned to the sender with "refused to accept delivery" placed on the outside of the envelope.
16. If the inmate files a grievance, the assigned mail officer shall retain the correspondence until the grievance process is complete.

17. Upon daily distribution of legal mail, the original legal mail that was shredded will be taken to the outside waste receptacles by a staff member. Other inmates shall not be allowed access to the shredded documents. Shredded legal mail will not remain in the facility overnight or be recycled.

E. Outgoing Mail

1. Jail staff will pick up outgoing mail daily and ensure all mail is sealed by the inmate and has a return address.
2. Jail staff may open all outgoing packages to inspect for and remove funds, contraband, or prohibited property. If contraband or prohibited property is removed from a package, the inmate must be notified in writing.
3. The jail staff will mail outgoing correspondence from inmates daily, excluding weekends and holidays.
4. All outgoing mail shall be stamped with Monroe County Jail information on the envelope, and then placed in the outgoing mailbox.

F. Obscene Material

1. Obscene material means material taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest; and is material which taken as a whole, depicts or describes sexual conduct; and which, taken as a whole, lacks serious literary, artistic, political, or scientific value.
2. When it appears from the nature of the matter or the circumstances of its dissemination, distribution, or exhibition that it appeals to deviant sexual groups.
3. Material subject to the tests in Obscene Material, Sections 1 and 2, includes, but is not limited to material that:
 - a. Depicts, displays, or describes penetration of the vagina or anus, or contact between the mouth and the genitals.
 - b. Depicts, displays, or describes bestiality, sadomasochism, or an excretory function including urination, defecation, or semen.
 - c. Displays the nudity of a minor, or person who appears to be under 18 years old.
 - d. Portrays conduct which appears to be non-consensual behavior.
 - e. Portrays conduct that is or appears to be forceful, threatening, or violent.
 - f. Portrays conduct where one of the participants is a minor or appears to be under 18 years old.
 - g. Displays nudity of the human body and otherwise sexually explicit materials which impair the orderly administration of this facility, impair jail security and/or promote the possible sexual harassment of female security personnel working in the facility.

- h. Any material not previously described herein that is reasonably deemed to be a threat to legitimate pedagogical interests and/or security.

G. Mail Policy Matrix

INCOMING	INSPECT	READ	CENSOR	COPY	REJECT	MISC.
Personal	May, at random.	May, at random.	No	May, with probable cause.	May, with reasonable cause to believe contents are in violation of policy and procedures.	Books, magazines, and newspapers: "Publishers only rule" applies. Legally obscene material may be denied.
Privileged/ Legal	Yes, in presence of inmate	No	No	No	With reasonable cause. Author has right to protest.	Public and government officials mail has privileged status.
Religious	Yes	May, at random.	No	Yes, with reasonable cause.	Yes, if clear and present danger.	"Publishers only rule" applies.

OUTGOING	INSPECT	READ	CENSOR	COPY	REJECT	MISC.
Personal	Yes, may at random.	Yes, may at random.	No	May, with probable cause.	May, with reasonable cause to.	
Privileged/ Legal	Yes, in presence of inmate	No	No	No	Yes, with reasonable cause. In presence of inmate.	Public and government officials mail has privileged status.
Religious	Yes	May, at random	No	Yes, with reasonable cause.	Yes, if clear and present danger.	