

KERN COUNTY SHERIFF'S OFFICE

Detentions Bureau Policies and Procedures

TITLE: CORRESPONDENCE

F-100

EFFECTIVE DATE: 06-30-90

REVISED: 06-25-14

APPROVED BY: Detentions Bureau Chief Deputy Francis Moore

REFERENCE: Title 15, Section 1063, C.C.R., Wolff v. McDonnell, 418 U.S. 539 (1989), Procnier v. Martinez, 416 U.S. 396, 408 (1974) Turner v. Safley, 482 U.S. 78 (1987), Thornburgh v. Abbott, 490 U.S. 401 (1989), Montcalm Publishing v. Beck, 80 F.3d 105 (CA4 1996), Mauro v. Arpaio, 97-16021, PREA § 115.401 (n)

POLICY

It is the policy of the Kern County Sheriff's Office to allow all persons in custody to send and receive mail by way of the United States Postal Service. Personal mail may be subject to limitation and regulation as detailed below for facility security, safety, order, discipline, and for any other legitimate governmental / penological interests.

DEFINITION(S):

Personal Mail: Any mail except legal mail

Legal Mail: Any correspondence between an inmate and one of the following: State and Federal Courts, members of the State Bar, the State Board of Corrections, holders of public office, the designated Prison Rape Elimination Act (PREA) auditor, the facility administrator, or the facility manager. Legal mail shall be processed as described in Section F-300 of this manual.

Gang Related Mail: Any mail that exhibits language, signs, drawings, or symbols that are consistent with criminal gang activity.

DIRECTIVE #1

The following provisions shall apply to all processing and handling of inmates' personal mail:

- Inmates may send or receive an unlimited amount of mail. The volume of mail that an inmate has in their possession at any one time may be restricted by sectional policies based on safety or security concerns.
- Indigent inmates will be provided with two postage-free envelopes per week for general correspondence and an unlimited number of postage free envelopes for legal mail correspondence.
- Staff may inspect inmates' personal mail to prevent contraband from entering or leaving the facilities. Staff who discover contraband in personal mail will process the mail in accordance with Section F-200 of this manual.
- Staff may read inmates' personal mail at random to detect and prevent criminal activities (e.g. escapes, assaults, smuggling of contraband, etc.) and other activities that violate inmate rules or threaten the security or safe operation of the facilities.
- Staff must obtain the Section Manager's written approval in order to intercept and read the mail of a specific inmate.
- Unless a valid reason exists, staff will not discuss personal business of the inmates within the hearing of others, including other inmates.
- Any inmate having their mail restricted in any way, or the sender of such mail, may appeal the decision directly to the facility manager.

Procedure A: Withholding Inmates' Personal Mail

Staff will not withhold or censor any inmate mail unless there is reasonable evidence that the correspondence poses a clear threat to safety or security of the facility, or appears to contain other information concerning criminal activity.

Mail may be initially withheld from an inmate with the approval of the shift supervisor. The determination to continue withholding mail will be made by the Section Manager or their designee.

Note: This procedure refers to circumstances in which personal mail is deemed to pose a security risk because of what is written, drawn, or otherwise depicted in the correspondence. Mail that is deemed to pose a risk because of included contraband will be processed according to Section F-200 of this manual.

Any staff that has reason to believe that a piece of inmate mail should be withheld shall:

- Deliver the mail to their supervisor and describe to him/her the justification(s) for withholding the mail.

The Shift Supervisor will:

- Evaluate the mail.
- Approve or deny the request to withhold the mail.
 - If the request is denied, return the mail to the requesting staff for delivery to the inmate to whom it is addressed.
 - If the request is approved, instruct the requesting staff member to prepare a CJIS Incident detailing the justification for withholding the mail. The shift supervisor will forward the mail to the Section Manager with a notation referencing the CJIS Incident number.

The Section Manager will:

- Evaluate the mail and documentation for justification.
- Approve or deny the request to withhold the mail.
 - If the request is denied, return the mail to the requesting staff for delivery to the inmate to whom it is addressed.
 - If the request is approved, determine an appropriate disposition for the mail, including,
 - a) Booking the mail as evidence of a crime or;
 - b) Returning the mail to the sender or;
 - c) Placing the mail in the inmate's property.
- If the mail is to be withheld, cause the inmate to be notified in writing of the disposition of the mail. This notification must also inform the inmate of his/her right to appeal the decision to the Section Manager within ten days of notification.

This notification may be delayed if the disclosure would compromise a criminal investigation.

- After the inmate has signed the notification, ensure that a copy of the signed notification is placed in the inmate's file.
- Ten days after the inmate has been notified of the withholding of the mail, delegate the appropriate staff to carry out the decision and generate a supplemental report in CJIS indicating the disposition of the mail.

Procedure B: Gang Related Mail

Staff who discover mail that is deemed to be gang related, as defined above, will:

- Give the mail to the Shift Supervisor.

The Shift Supervisor will:

- Evaluate the mail.
- If the shift supervisor reasonably believes the correspondence poses a clear threat to safety or security of the facility, or contains other information concerning criminal activity, the shift supervisor will cause the letter to be withheld and will follow Procedure A of this section.
- If the letter appears to be gang related, make copies of the outside of the envelope and forward the copies to:
 - The Section Manager.
 - The Population Management Gang Suppression Unit.

Procedure C: Processing Inappropriate Books and Publications

The Sheriff's Office reserves the right to reject incoming publications which are determined to be detrimental to the penological interests of security, order, and rehabilitation, or otherwise pose a threat to facility operations.

DIRECTIVE C-1

All incoming books and publications will be reviewed by staff, and may be withheld from the inmate or returned to the publisher if incoming publications are reasonably believed

to be obscene, disruptive to the security of the jail, or otherwise encourage criminal activity.

Any staff having reason to believe that an incoming book or publication should be withheld from an inmate due to inappropriate content shall:

- Complete a Book/Publication Review form (Attachment A) and deliver it with the book/publication to the facility Administrative Sergeant.

The facility Administrative Sergeant will:

- Read the Book/Publication Review form and evaluate the book or publication;
- Complete Part 1 of Attachment A.
 - If the book/publication does not contain inappropriate content as outlined in directive C-1, mark the 'Approved' box and return the book/publication to the requesting staff for delivery to the addressed inmate.
 - If the book/publication contains inappropriate content, mark the 'Recommended for denial' and forward the Book/Publication review form and the book/publication to the Section Manager.
 - Check the appropriate box(es) supporting their recommendation for denial;

The Section Manager shall:

- Evaluate the book/publication and review the Book/Publication review form.
- Approve or deny the book/publication, noting the decision on the form, and return it and the book/publication to the Administrative Sergeant.

The facility Administrative Sergeant will:

- Complete Part 2 of Attachment A.

If the book/publication has been approved;

- Return the book/publication to the requesting staff for delivery to the addressed inmate and ensure that a copy of the Book/Publication review form is placed in the inmate's file.

If the book/publication has been denied:

- Ensure that Notice of Denied Book/Publication (Attachment B) is completed.
- Direct staff to provide a copy of the completed Notice of Denied Book/Publication to the inmate and the publisher of the rejected book/publication.

Note: The notice informs the inmate and the publisher of their ability to appeal the decision to the Section Manager within fourteen calendar days of notification.

- Ensure that copies of the Book/Publication review and the Notice of Denied Book/Publication are placed in the inmate's file.
- Ensure that the rejected book or publication is 'returned to sender' if possible.

Note: If it is not possible to return the item without incurring an additional postage cost, direct staff to place the book/publication in the inmate's property.

- If the item rejected is a book, ensure that the book title, rationale for rejection, and specific page numbers are logged in the Rejected Book Log (Attachment C).
- Retain all original Notice of Denied Book/Publication forms and Rejected Book Logs for 5 years.

Procedure D: Processing Appeals of Rejected Books and Publications

Upon receiving an appeal of a rejected book or publication staff will immediately forward it to the facility Administrative Sergeant.

The Administrative Sergeant will:

- Forward the appeal to Section Manager.

The Section Manager will:

- Review and respond to the appeal.

The Administrative Sergeant will:

- Notify the inmate and the publisher of the Section Manager's response to the appeal.
 - If the Section Manager reverses the decision to reject the book/publication, direct the Administrative Sergeant to provide the book/publication to the addressed inmate.
 - If the previously rejected item is a book, ensure that the facility Rejected Book Log (Attachment C) is updated to reflect that the correct status of the item.
- Ensure that a copy of the appeal and the response to the appeal are placed in the inmate's file.

KERN COUNTY SHERIFF'S OFFICE

Detentions Bureau Policies and Procedures

TITLE: MAILING FREE MATTER FOR SIGHT IMPAIRED INMATES F-150

EFFECTIVE DATE: 1-20-15

REVISED:

APPROVED BY: Detentions Bureau Chief Deputy Shelly Castaneda

REFERENCE: United States Postal Service Publication 347;
Title 36 CFR 701.10(b)(2)(i); Title 39 USC 3403;
Title 2 USC 135a; Title 2 USC 135a-1; Title 2 USC 135b, DBPPM
H-1200

POLICY

It is the policy of the Kern County Sheriff's Office to allow all persons in custody to use the United States Postal Service. This includes inmates who are blind or who cannot read or use conventionally printed matter due to a visual or other physical impairment, as certified by a competent authority. All personal mail may be subject to limitation and regulation as detailed in Detentions Bureau policy F-100 for facility security, safety, order, discipline, and for any other necessary penological interest.

DEFINITION(S):

Competent Authority: Includes doctors of medicine; doctors of osteopathy; ophthalmologists; optometrists; registered nurses; therapists; and professional staff of hospitals, institutions, and public or private welfare agencies (e.g., social workers, caseworkers, counselors, rehabilitation teachers, and superintendents). In the absence of any of these, certification may be made by professional librarians or by any person whose competence under specific circumstances is acceptable to the Library of Congress (see 36 CFR 701.10(b)(2)(i)). For the purposes of this policy, Correctional Medical Staff nurses and doctors shall function as the Competent Authority of the Sheriff's Office.

DIRECTIVE #1

The following provisions shall be adhered to in relation to sending and receiving mail pursuant to this policy:

- Persons who are blind or who cannot read or use conventionally printed matter due to a physical impairment, as documented by a competent authority, are eligible to

mail certain items, as stipulated below in Procedure B, free of postage.

- Staff will not withhold or censor any inmate mail unless it is deemed inappropriate in accordance with Detentions Bureau Policy and Procedure F-100 (Correspondence).

Procedure A: Inmate Sight Impairment Certification

Inmates requesting to mail free matter for the blind or visually impaired must be certified by a competent authority as unable to read normal reading material. As such, inmates seeking visual impairment certification must submit a sick call slip in order to receive a sight impairment evaluation and certification from Correctional Medical staff.

DIRECTIVE A-1

Security staff shall assist any inmate who asserts they are blind or visually impaired in the completion and submission of a sick call slip.

Upon receiving a request for sight impairment evaluation, Correctional Medical staff will:

- Schedule the inmate for a sight impairment evaluation (nurse/doctor sick call).
- Determine if the inmate is blind or visually impaired (i.e: unable to read normal reading material).
- Document the visual impairment, or lack of, in the inmate's medical file.
- Provide the results of the evaluation, specifically whether or not the inmate is blind or visually impaired to the point of being unable to read normal reading material, to the Facility Administrative Sergeant.
- If required by the US Post Office, provide a written verification of the inmate's visual impairment.

The Administrative Sergeant will:

- Notify classification of the inmate's visual impairment.
- Advise the dress-out or laundry deputy to give the inmate a "visually impaired" identification vest as described in DBPPM H-1200.

Procedure B: Sending Free of Postage Mail from a Sight Impaired Inmate

Staff receiving such mail from a sight impaired inmate will:

- Verify with the Facility Administrative Sergeant that the inmate has been designated as sight impaired.
- Assist in the addressing and packaging the items to be mailed as necessary;
- Ensure that the outgoing free of postage mail complies with **Directive B-1** below;
- Forward the mail (unsealed) to the facility clerical staff for processing.

Clerical staff receiving such mail will:

- Ensure that the letter or parcel is unsealed and remains unsealed until it is provided to the Post Office for processing.
- Ensure that the words "FREE MATTER FOR THE BLIND OR HANDICAPPED" are placed in the upper right corner of the address side of the envelope or parcel where the postage would normally be placed. The words may be printed, rubber stamped, or handwritten.
- Transport the letter or parcel to the Post Office with all other outgoing mail.
- If requested, provide a written certification of the inmate's visual impairment to the Post Office.

DIRECTIVE B-1

The following matter is eligible to be mailed free of postage by sight impaired inmates:

- Reading matter in Braille or 14-point or larger sightsaving type and musical scores.
- Paper, recorded media, and other matter for the production of reading matter, musical scores, or sound reproductions for eligible persons.

Note: Any mail being sent in this manner is subject to postal inspection and must be mailed **unsealed**.

The following are **NOT** eligible to be mailed free of postage by sight impaired inmates:

- Matter containing any advertising.
- Musical or other sound recordings not specifically designed for use by visually impaired persons.
- Matter having a required charge, rental, subscription, or other fee - unless the fee does not exceed the cost of the item.
- Empty shipping materials for mailing eligible matter.
- Handwritten, printed, or typed letters that are in a type size smaller than 14-point.

KERN COUNTY SHERIFF'S OFFICE

Detentions Bureau Policies and Procedures

TITLE: LEGAL MAIL / CONFIDENTIAL MAIL

F-300

EFFECTIVE:	REVIEWED:	REVISED:	UPDATED:
June 30, 1990		10-05-18	

APPROVED BY: Detentions Bureau Chief Deputy Tyson Davis

REFERENCE: Title 15, Sections 1063 and 1068, C.C.R., PREA DOJ §115.401

POLICY

Inmates in the Kern County Jail system may correspond, confidentially, with:

- State and Federal Courts
- Any member of the State Bar
- Any person holding public office
- The Board of State and Community Corrections
- The facility/system administrator and/or the facility manager
- Sheriff's Office Internal Affairs
- Any rape crisis center
- Any sexual violence advocacy organization
- The current PREA auditor
- Any government office or agency.

DIRECTIVE #1

Staff may open and inspect legal mail only for the purposes of searching for contraband, currency, checks or money orders. Such searches will be conducted in the presence of the inmate. Legal mail shall never be read by the deputy.

DEFINITIONS:

Facility/System Administrator: The Sheriff, Chief of Police, Chief Probation Officer, or other official charged by law with the administration of a local detention facility/system.

Facility Manager: The Jail Commander, Camp Superintendent, or other comparable employee who has been delegated the responsibility for operating a

local detention facility by a facility administrator.

Procedure A: Incoming Legal Mail

Clerical Staff will:

- Check all incoming mail to determine if it is legal mail;

Note: Legal mail may originate from a legal service, court, or attorney and it may not be marked as such by the sender. It is the responsibility of staff to determine, to the best of their ability, if a piece of mail qualifies as "Legal Mail".

- Process legal mail with or without a booking number on the envelope;
- Mark any envelope or package believed to contain legal mail with the words "Legal Mail" in red pen;
- NOT open or tamper with the envelope/package;
- Route legal mail to appropriate inmate housing location.

The Deputy will:

- Notify the inmate that they have legal mail;
- Advise the inmate that the legal mail will be opened and inspected in their immediate presence in order to check for contraband or unauthorized items;
- Open and search the correspondence believed to be legal mail in the immediate presence of the inmate:
 - If non-hazardous contraband is located, remove it and place in the inmate's property.
 - If hazardous contraband is located, immediately contact the Shift Supervisor and handle the correspondence in accordance with DBPPM F-250 - Handling Suspicious Mail and Packages.
 - If contraband is located, notify the Shift Supervisor and ensure that it is processed in accordance with **Procedures B or D** of DBPPM F-200 – Receiving and Searching Packages.

- If contraband is not located, give the mail to the inmate.
- Log the legal mail process in the station log book, including the inmate's name and booking number.

Procedure B: Outgoing Legal Mail**Staff will:**

- Check outgoing inmate mail for unstamped "Legal Mail" and process accordingly;

Note: Inmates have the right to send an unlimited amount of "Legal Mail", regardless of their ability to pay postage costs.