

# KERN COUNTY SHERIFF'S OFFICE

## Detentions Bureau Policies and Procedures

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**TITLE:** LEGAL MAIL / CONFIDENTIAL MAIL

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**F-300**

<b>EFFECTIVE:</b>	<b>REVIEWED:</b>	<b>REVISED:</b>	<b>UPDATED:</b>
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**APPROVED BY:** Detentions Bureau Chief Deputy Cindy Cisneros

**REFERENCE:** Title 15, Sections 1063 and 1068, PREA DOJ §115.401

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### **POLICY**

Incarcerated people 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 incarcerated person. 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 incarcerated person housing

location. **The Deputy will:**

- Notify the incarcerated person that they have legal mail;
- Advise the incarcerated person 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 incarcerated person:
  - If non-hazardous contraband is located, remove it and place in the incarcerated person'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 incarcerated person.
- Log the legal mail process in the station logbook, including the incarcerated person's name and booking number.

### **Procedure B: Outgoing Legal Mail**

#### **Staff will:**

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

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