

KERN COUNTY SHERIFF'S OFFICE

Detentions Bureau Policies and Procedures

TITLE: CORRESPONDENCE

F-100

EFFECTIVE:	REVIEWED:	REVISED:	UPDATED:
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APPROVED BY: Detentions Bureau Chief Deputy Joel Swanson

REFERENCE: Title 15, Section 1063, Wolff v. McDonnell, 418 U.S. 539 (1989), Procunier 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 mail by way of the United States Postal Service. All persons are allowed to receive mail delivered to the Digital Mail Center (DMC). 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 incarcerated persons 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.

DIGITAL MAIL CENTER (DMC): Outsourced program used to scan all incoming personal mail for incarcerated persons. This program limits the exposure to contraband brought into the jail facilities.

Mailing address for DMC:

**C/O Securus Digital Mail Center
PO Box 25397
Tampa, Florida 33622**

DIRECTIVE #1

The following provisions shall apply to all processing and handling of incarcerated people's personal mail:

- Incarcerated persons may send an unlimited amount of mail by way of the United States Postal Service. Incarcerated persons may receive an unlimited volume of mail that is scanned digitally and sent via the DMC system to their tablets. This system requires the following information to process incarcerated persons mail:
 - Incarcerated persons full name and SEVEN-digit booking number
- NOTE: Incarcerated persons will still receive physical copies of all legal mail. The physical copies of non-legal mail will be held for a period of thirty (30) days and then destroyed.
- Indigent incarcerated persons will be provided with four postage-free envelopes and eight sheets of paper per week for general correspondence and an unlimited number of postage free envelopes and sheets of paper for legal mail correspondence.
- When DMC identifies mail as contraband, the mail is rejected and returned to the sender. The following units are notified of the rejection Classification, Investigations, and inmate services to complete a DBPPM F-200 attachment (A).
- Staff may read incarcerated persons personal mail using the DMC tablet issued to staff at random to detect and prevent criminal activities (e.g. escapes, assaults, smuggling of contraband, etc.) and other activities that violate incarcerated persons rules or threaten the security and/or safe operation of the facilities.
- Staff must obtain the Section Managers' written approval in order to intercept and read the mail of a specific incarcerated persons.

- Unless a valid reason exists, staff will not discuss personal business of the incarcerated persons within the hearing of others, including other incarcerated persons.
- Any incarcerated persons 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 Incarcerated persons Personal Mail

To outline the process for approving or returning digital mail received from the Digital Mail Center (DMC), which includes pictures, mail, and video grams.

Review Groups:

- **Admin** (Inmate services clerical staff which process recording request)
- **Administrator with debit** (Inmate Services supervising staff)
- **Classification** (Detentions Staff assigned to the Classification and Lerdo Investigations units)

Process Overview:

Every item of digital mail will undergo a thorough review of potential security risks. Items reviewed may include written content, drawings, or other depictions.

Review Outcomes:

Approved Items:

If digital mail is deemed to pose no security risk, the item is approved, and it is automatically forwarded to the intended recipient via their tablets. The original copies of the mail will be held for a period of Thirty (30) days and then properly disposed of per DMC guidelines.

Returned Items:

If the digital mail is identified as a security risk, the item is returned to the customer. If the security risk is considered criminal, it is forwarded to the appropriate law enforcement agency for further investigation.

NOTE: Staff will not withhold or censor any incarcerated persons digital 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. 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.

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

Any Staff that has reason to believe that a piece of incarcerated persons digital mail should be withheld shall:

- Notify 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 incarcerated persons to whom it is addressed.
 - If the request is approved, instruct the requesting staff member to prepare a CJIS incident number.

The Section Manager will:

- Evaluate the mail and document 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 incarcerated persons 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 incarcerated persons property.
- If the mail is to be withheld, cause the incarcerated persons to be notified in writing of the disposition of the mail. This notification must also inform the incarcerated persons 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 incarcerated persons has signed the notification, ensure that a copy of the signed notification is placed in the incarcerated persons file.
- Ten days after the incarcerated persons 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:

- 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 Investigations 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 Clerical Supervision and may be withheld from the incarcerated persons 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 incarcerated persons 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 review form.
 - If the book/publication contain 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 incarcerated persons and ensure that a copy of the Book/Publication review form is placed in the incarcerated persons's file.

If the book/publication has been denied:

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

Note: The notice informs the incarcerated persons 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 incarcerated persons file.
- Ensure that the rejected book or publication is 'returned to sender' if possible.

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

- If the item rejected is a book, ensure that the book title, rationale for rejection, and specific page number 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 rejection book or publication staff will immediately forward it to the facility Administrative Sergeant.

The Administrative Sergeant will:

- Forward the appeal to the Section Manager.

The Section Manager will:

- Review and respond to the appeal.

The Administrative Sergeant will:

- Notify the incarcerated persons 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 incarcerated persons.
 - If the previous 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 incarcerated persons file.