



# Virginia Department of Corrections

## Inmate Management and Programs

### Operating Procedure 803.1

#### *Inmate and CCAP Probationer/Parolee Correspondence*

##### **Authority:**

Directive 803, *Inmate Correspondence, Publications, and Telephone Access*

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**Access:**  Restricted  Public  Inmate

##### **ACA/PREA Standards:**

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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.

### **COMPLIANCE**

This operating procedure applies to all units operated by the Virginia Department of Corrections (DOC). Practices and procedures must comply with applicable State and Federal laws and regulations, American Correctional Association (ACA) standards, Prison Rape Elimination Act (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, incoming religious correspondence, books, newspapers, magazines, photobooks, personal photographs, commercial photographs, and other publications before these items are forwarded to a facility for issuance to the inmate or CCAP probationer/parolee.

**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 DOC facility; an item in the possession of, or accessible to, an inmate or CCAP probationer/parolee that has not been specifically issued to or authorized for possession by the inmate or CCAP probationer/parolee; or has not been obtained by the inmate or CCAP probationer/parolee in accordance with operating procedures. Contraband items 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 or CCAP probationer/parolee.
- State or personal property in the possession of, or used by, an inmate or CCAP probationer/parolee that has not been properly received, acquired by, or issued to the inmate or CCAP probationer/parolee 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 or CCAP probationer/parolee 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 or CCAP probationer/parolee by a proper authority; or if authorized, is accumulated beyond prescribed amounts or expiration dates.
- Monies or other negotiable instruments, whether cash, checks, money orders, lottery tickets, credit/debit/phone cards, etc., in the possession of an inmate or CCAP probationer/parolee 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 incoming publications.
- Unauthorized electronic equipment including, but not limited to cell phones, electronic communication devices, electronic storage devices, 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,

terrorists (domestic & international), radical extremists, hate groups, cults, and neighborhood cliques are examples of a Gang/STG.

**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 (Inmate and CCAP Probationer/Parolee)** – Inmate or CCAP probationer/parolee parents, stepparents, 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 and CCAP Probationer/Parolee** – An inmate or CCAP probationer/parolee who during the previous month had less than \$5.00 in their trust account for discretionary spending and had no job or other source of income that provided as much as \$5.00, or an inmate or CCAP probationer/parolee newly received into a facility with no available funds and no hygiene items. An inmate's or CCAP probationer's/parolee's access to facility Court appointed attorneys or local magistrates are excluded from this definition.

**Inmate** – A person who is incarcerated in a Virginia Department of Corrections facility or who is Virginia Department of Corrections responsible to serve a state sentence.

**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 fully 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** – A person who is on 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; this includes post release supervision and 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 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 inmate and CCAP probationer/parolee correspondence in Department of Corrections (DOC) facilities.

## PROCEDURE

### I. Mailroom Operations

- A. This operating procedure and Operating Procedure 445.2, *Facility Searches* (Restricted) provides information on the regulation and management of inmate and CCAP probationer/parolee correspondence and the inspection for and disposition of contraband found in inmate and CCAP probationer/parolee correspondence. (5-ACI-7D-01, 5-ACI-7D-05; 4-ACRS-6A-07, 4-ACRS-6A-08; 2-CO-5D-01)
1. Due to the short duration and intense nature of Community Corrections Alternative Programs (CCAP), CCAP probationers/parolees may be subject to additional restrictions. (4-ACRS-6A-07[CC])
  2. Correspondence is considered mail and subject to United States Postal Service (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.
  3. Inmates and CCAP probationers/parolees are encouraged to correspond with family, friends, attorneys, courts, and other public officials and organizations when the correspondence does not:
    - a. Pose a threat to the security of the facility.
    - b. Violate the requirements of this operating procedure.
    - c. Violate any state or federal law.
    - d. Violate any USPS regulation.
  4. The DOC does not restrict the volume of correspondence an inmate or CCAP probationer/parolee can send or receive or limit the length, language, content, or source of correspondence or publications when the inmate or CCAP probationer/parolee bears the mailing cost, unless there is reasonable belief that a restriction or limitation is necessary to protect public safety or facility order and security. (5-ACI-7D-02)

### B. Facility Mailroom

1. 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, *Publications, Commercially Distributed Photographs, and Media Files*. (5-ACI-7D-05; 4-ACRS-6A-08)
  - a. Staff will use visual as well as other available and appropriate technologies including but not limited to X-ray and other electronic scanners and canines to search inmate and CCAP probationer/parolee correspondence, packages, and publications for contraband.
  - b. Staff may open and inspect all incoming and unauthorized outgoing inmate and CCAP probationer/parolee correspondence for contraband:
    - i. Staff must notify the inmate or CCAP probationer/parolee when their incoming and outgoing correspondence is withheld in part or in full.
    - ii. Staff may delay such notification pending a review to determine the appropriate disposition of questionable items.
  - c. Staff will read, censor, and may reject correspondence based on legitimate facility interests of order and security.
    - i. Legitimate facility interests of order and security means 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.
    - ii. When staff censor or reject correspondence, the staff member will notify the inmate or CCAP



probationer/parolee and the sender of the reasons for these actions, so the individual can appeal the decision.

2. Staff will permit inmates and CCAP probationers/parolees who legally changed their name to receive correspondence in their new name as well as their old name if the inmate or CCAP probationer/parolee provided proper notification to the facility Records Office; see Operating Procedure 050.6, *Access to Inmate and Probationer/Parolee Record Information*.
3. Staff should deliver incoming inmate and CCAP probationer/parolee correspondence with an incomplete address, such as no DOC number, if it can be determined which inmate or CCAP probationer/parolee is the intended recipient.
4. Facility staff should not accept postage due incoming correspondence; staff should return any such item received at the facility to the USPS unopened.

#### C. Facility Mailroom Work Assignments

1. Non-security staff may work in the facility 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.
2. Staff must not assign inmates and CCAP probationers/parolees to work in a facility mailroom or other designated mail receiving area.
3. Staff must not permit inmates and CCAP probationers/parolees to handle correspondence, packages, or packaging materials going to or from the facility mailroom except to assist in loading and transporting packages under the constant sight supervision of staff.

#### D. Time Frames for Processing and Delivery

1. Under normal conditions, staff can hold incoming and outgoing correspondence for no more than 48 hours and packages and publications that do not meet the criteria for publication disapproval for no more than 72 hours, excluding weekends, state holidays, federal holidays, or emergency situations. (5-ACI-7D-09)
  - a. Staff must process and deliver outgoing correspondence deposited before the posted pick-up time to the USPS on the same working day.
  - b. Staff must deliver all incoming correspondence that complies with operating procedure to the inmate or CCAP probationer/parolee on the same working day as received from the USPS.
  - 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. Staff should process correspondence 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 may only hold incoming and outgoing correspondence for more than 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.
  - e. Established time limits do not apply to correspondence, publications, or packages that do not appear to comply with operating procedures when additional time is required to determine compliance.
2. Staff must promptly notify inmates and CCAP probationers/parolees of any deviation from the normal correspondence and publication processing and delivery schedule.
3. Staff will record the delay, the reason for the delay, the time, and method of notification in a logbook or other documentation.





### E. Record Keeping and Documentation

1. Facility mailroom staff must maintain written records documenting that the following items were received or delivered.
  - a. Incoming legal correspondence on the *Incoming Legal Correspondence Log 803\_F5*
  - b. Outgoing legal correspondence on the *Outgoing Legal Correspondence Log 803\_F7*
  - c. Incoming packages on the *Incoming Package Log 803\_F6*
  - d. Outgoing packages on the *Outgoing Package Log 803\_F8*
  - e. Incoming and outgoing registered mail of the type requiring return receipt
2. Facility mailroom staff will record the date the correspondence was received from or delivered to the inmate or CCAP probationer/parolee, the sender's name, and the addressee's name.
3. Receiving staff will record any package not processed through the facility mailroom.

### F. Complaints and Grievances

1. Inmates and CCAP 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 940.4, *Community Corrections Alternative Program*.
2. Staff in institutions should maintain a photocopy, when appropriate, of the disputed correspondence until the expiration of the time allowed for an inmate to file a grievance or the CCAP probationer/parolee to file a complaint.
3. When staff disapprove correspondence for exceeding the number of photographs authorized or the inmate or CCAP probationer/parolee has chosen not to receive general correspondence, a photocopy is not required.

## II. Forwarding Inmate and CCAP Probationer/Parolee Correspondence, Periodicals, and Packages

- A. Facility mailroom staff will forward all first-class letters, periodicals, and packages for sixty days after an inmate or CCAP probationer/parolee is transferred or released. (5-ACI-5F-05, 5-ACI-7D-10; 4-ACRS-6A-09)
  1. Staff will forward first class mail and periodicals by adding the current address under the individual's name and returning the correspondence or periodical to the USPS.
  2. Staff will not forward correspondence, periodicals, or other items once the free forwarding period expires.
  3. Staff will forward, at DOC expense, inmate and CCAP probationer/parolee packages containing approved purchases. The DOC should not incur any other forwarding costs.
  4. Facility mailroom staff should coordinate with the USPS for guidance on other items that can be forwarded at no cost.
- B. The following are examples of mail classes that staff cannot forward without cost and should be returned to the USPS or handled in accordance with USPS instructions:
  1. Standard Mail including Presorted Standard Mail
  2. Mail from Nonprofit Organizations
  3. Printed material not sent first class or as a periodical.
- C. Mailroom staff should notify the Facility Unit Head or designee when legal correspondence is received for an inmate temporarily transferred to a medical facility or jail so that arrangements can be made for designated staff to take the legal correspondence to the inmate.
- D. Staff will forward identification and education documents to the Records Office for storage in the inmate's





*Property Envelope* and should notify the inmate and Correctional Education upon receipt of education documents; see Operating Procedure 050.1, *Inmate and Probationer/Parolee Records Management*.

### III. Correspondence Management

- A. As a condition of receiving general and special purpose correspondence every inmate and CCAP 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 CCAP probationers/parolees will read, or have read to them the *General and Special Purpose Correspondence Notification 803\_F1*.
  2. The inmate or CCAP probationer/parolee must document their decision on the *General and Special Purpose Correspondence Notification 803\_F1*.
  3. Staff will witness the inmate or CCAP probationer/parolee signature on the *General and Special Purpose Correspondence Notification*, upload the *General and Special Purpose Correspondence Notification* as an external document in the *Facility Notes* section of VACORIS identified as a *Special Entry*, and will forward the completed *General and Special Purpose Correspondence Notification* to the facility mailroom.
  4. Inmates and CCAP probationers/parolees who do not authorize the opening, inspecting, reading, and photocopying of their general correspondence and the opening and inspecting of their special purpose correspondence will not receive any general or special purpose correspondence.
  5. Staff will interpret a refusal to sign the *General and Special Purpose Correspondence Notification* as an indication that the inmate or CCAP probationer/parolee does not want to receive general and special purpose correspondence.
  6. Staff must provide inmates and CCAP probationers/parolees the opportunity to change their preference at least once per year by completing a new *General and Special Purpose Correspondence Notification*.
- B. Facility staff must provide inmates and CCAP probationers/parolees with written information that includes but is not limited to the following: **(5-ACI-7D-01; 4-ACRS-6A-07)**
1. Inmates and CCAP probationers/parolees are responsible for notifying family and friends of the requirements in this operating procedure to include but not limited to:
    - a. Restrictions on incoming cash, personal checks, certified/ cashier's checks, money orders, and prohibited photographs.
    - b. Correspondence restrictions and prohibited activities; see Attachment 1, *Correspondence Restrictions and Prohibited Activities*.
    - c. Requirements for inspecting, photocopying, and shredding the envelope and all enclosed contents of incoming correspondence, when applicable.
    - d. Notification that correspondence containing threats, extortion, or other illegal activity may result in prosecution for violation of state or federal laws.
  2. Inmates and CCAP probationers/parolees must present their identification card to receive their correspondence.
  3. All facility specific information on facility mailroom operations, such as:
    - 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 CCAP probationer/parolee access to facility notary services; see Operating Procedure 866.3, *Inmate and CCAP Probationer/Parolee Legal Access*.
  5. Information on indigent inmate and CCAP probationer/parolee provisions.

- a. Facility staff must allow indigent inmates and CCAP probationers/parolees to send one free letter per week to maintain community ties. (5-ACI-7D-03; 4-ACRS-6A-06)
    - i. Staff will not carry the one free letter allowance over seven calendar days; see Operating Procedure 802.2, *Inmate and CCAP Probationer/Parolee Finances*.
    - ii. Inmates and CCAP probationers/ parolees who are not indigent will not receive free postage for general correspondence, special purpose, or legal correspondence.
  - b. The Institutional Ombudsman will forward *Written Complaints* 866\_F3 and subsequent *Regular Grievances* 866\_F1 at no cost to the inmate to the institution where the issue originated; see Operating Procedure 866.1, *Offender Grievance Procedure*.
  - c. The Hearings Officer will forward the inmate *Disciplinary Appeals* at no cost to the inmate to the institution where the offense occurred; see Operating Procedure 861.1, *Inmate Discipline*.
6. Information on postage allowances authorized by the Facility Unit Head for correspondence courses and re-entry planning.
- a. The Facility Unit Head may set eligibility requirements such as indigence and approved subjects for correspondence courses.
  - b. Facility staff with approval of the Facility Unit Head or designee may provide:
    - i. A reasonable amount of free postage for correspondence related to educational correspondence courses.
    - ii. A reasonable number of free letters for inmates to seek employment or to initiate other valid release plans within three months of the inmate's release.
- C. There are no restrictions on correspondence in a foreign language unless the contents of the correspondence violates this operating procedure.
1. Staff will 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 foreign language correspondence violates this operating procedure.
  2. If there is reasonable suspicion to read an inmate's or probationer's/parolee's foreign language correspondence, the Facility Unit Head may approve for the correspondence to be translated and read.
  3. The Facility Unit Head may approve the translation and reading of outgoing foreign language personal correspondence in the same manner as all other outgoing personal correspondence.
  4. The Facility Unit Head is responsible for arranging translation services for incoming and outgoing foreign language correspondence.
- D. Confidentiality of Correspondence
1. While reading correspondence, staff may incidentally learn of intimate information concerning the private lives of inmates, CCAP probationers/parolees, and their correspondents.
  2. Staff must be sensitive to the fact that most information is of a private nature and must handle this information discretely.
  3. Unless there is a legitimate 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.
- IV. Removal and Processing of Cash, Checks, Money Orders and Other Items of Monetary Value
- A. Staff will inspect all incoming correspondence to intercept cash, checks, money orders, and other unauthorized and prohibited items of monetary value such as postage stamps, gift cards, lottery tickets, prepaid postage envelopes/postcards, etc. (5-ACI-7D-07)
  - B. Staff will remove unauthorized money orders and certified/cashier's checks and will return these items of monetary value to the sender. The remaining contents of the correspondence will be delivered to the inmate or CCAP probationer/parolee if authorized; staff will process unauthorized items in accordance

with this operating procedure.

- C. Staff will remove government, corporate, and other business checks, including checks from ex-employers, that are reasonably believed to be collectable, and will credit the checks to the inmate's or CCAP probationer's/parolee's trust account.
  - 1. The Facility Unit Head should make an exception on a case-by-case basis for other checks, when appropriate i.e., estate settlement.
  - 2. If incoming correspondence contains an approved check, but also contains unauthorized items or the correspondence exceeds photocopy limitations, when applicable; staff will credit the approved check to the inmate's or CCAP probationer's/parolee's account and return the correspondence to the sender.
- D. If incoming correspondence or an approved correspondence course contains a self-addressed return envelope, staff will forward the envelope to the inmate or CCAP probationer/parolee when needed for returning correspondence to the attorney, court, business, school, or religious organization.
- E. Governmental agencies and vendors for refund checks, only, are permitted to send funds, Securepak packages, and other items of monetary value to more than one inmate or CCAP probationer/parolee without prior approval of the Facility Unit Head.
  - 1. Facility Unit Head(s) may grant approval to documented family members of inmates and CCAP probationers/parolees to send funds and Securepak packages to more than one inmate or CCAP probationer/parolee.
  - 2. The Chief of Corrections Operations must approve for charitable or religious organizations to send funds to more than one inmate or CCAP probationer/parolee.
- F. Handling unauthorized funds when the sender cannot be determined, or the sender is unauthorized:
  - 1. If the sender cannot be determined, staff should confiscate the unauthorized funds and will deposit the funds in the facility commissary fund for the benefit of the entire 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 to the sender. If there is evidence of an attempt to circumvent operating procedure, the Facility Unit Head or designee may approve for staff to confiscate any unauthorized funds and deposit the funds into the facility commissary fund for the benefit of the entire population; see *Inmate Trust Manual* and COV §53.1-26, Confiscation of prohibited articles.
- V. Inspection, Search, and Processing of Incoming Special Purpose Correspondence
  - A. Special purpose correspondence is correspondence received from the specific individuals or offices as defined in this operating procedure.
  - B. Staff will handle all incoming special purpose in accordance with the requirements of this operating procedure except in circumstances which may indicate contamination. (5-ACI-7D-06)
    - 1. Special purpose correspondence does not include correspondence from DOC representatives or staff, except as specifically identified in this operating procedure.
    - 2. Facility staff should turn over all suspicious items received in special purpose correspondence to the appropriate investigative authority for evaluation.
  - C. Staff will return to the USPS all inmate and CCAP probationer/parolee special purpose correspondence for those inmates and CCAP probationers/parolees who chose not to receive special purpose correspondence.
  - D. Facility staff will open and inspect all incoming special purpose correspondence in the facility mailroom for contraband only but will not read legitimate special purpose correspondence for content in accordance with the *General and Special Purpose Correspondence Notification* 803\_F1. (5-ACI-7D-06)



1. Staff will photocopy the outer envelope in the facility mailroom; the outer envelope copy should include the inmate's or CCAP probationer's/parolee's mailing address as well as the return address.
2. If there is no contraband, staff will deliver the envelope copy, original correspondence, and all enclosed contents to the inmate or CCAP probationer/parolee.

#### VI. Inspection, Search, and Processing of Incoming Legal Correspondence

A. Staff will process all incoming legal correspondence that meets the definition of legal correspondence in accordance with the requirements of this operating procedure except in circumstances which may indicate contamination. (5-ACI-7D-06; 4-ACRS-6A-02)

1. Correspondence from DOC representatives and staff is not legal correspondence, unless specifically identified in this operating procedure.
2. Inmate and CCAP probationer/parolee correspondence that does not have an attorney's name but is sent to a legal organization or law firm to request representation or a referral for an attorney will be general correspondence. (5-ACI-3D-02; 4-ACRS-6A-01)
  - a. Staff will process inmate and CCAP probationer/parolee correspondence with the specific attorney as legal correspondence.
  - b. Staff will process correspondence to an attorney's home as general correspondence unless the home address is the documented official address of the attorney's law office.
3. Law enforcement agencies are not officers of the court, inmate and CCAP probationer/parolee correspondence with a law enforcement agency is not legal correspondence.
4. Correspondence to a legislator's office is special purpose correspondence and is mailed at the inmate's or CCAP probationer's/parolee's expense. Correspondence to legislators and other individuals, who are attorneys, must be addressed to the law office address to be legal correspondence.
5. Facility staff should turn over all suspicious items received in legal correspondence to the appropriate investigative authority for evaluation.

B. Individuals must mail inmate and CCAP probationer/parolee legal correspondence directly to the Central Mail Distribution Center for security screening and inspection prior to delivery to the facility; see Operating Procedure 803.4, *Central Mail Distribution Center*.

1. Staff will return to the sender all legal correspondence that was not mailed to the Central Mail Distribution Center for screening and inspection.
2. For all returned legal correspondence, 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 CCAP probationer/parolee as notification that their legal correspondence was returned.

C. Staff must open all incoming legal correspondence received from the Central Mail Distribution Center and search it for contraband in the presence of the inmate or CCAP probationer/parolee to whom the correspondence is addressed. (5-ACI-7D-06; 4-ACRS-6A-02)

1. Staff will document incoming legal correspondence on an *Incoming Legal Correspondence Log* 803\_F5 to record:
  - a. Inmate or probationer/parolee name and DOC number
  - b. Sender's name and address
  - c. Inmate or CCAP probationer/parolee signature and date received.
  - d. Staff initials
2. The inmate or CCAP probationer/parolee must sign the *Incoming Legal Correspondence Log* 803\_F5 to receive their legal correspondence.



3. If the inmate or CCAP probationer/parolee refuses to sign the *Incoming Legal Correspondence Log* 803\_F5, staff will return the legal correspondence to the sender as refused.

D. Staff will photocopy the outer envelope and will discard the original envelope in an area inaccessible to inmates and CCAP probationer/parolees.

1. Staff will attach the envelope copy to the unopened incoming legal correspondence.

2. If staff do not detect contraband during the inspection and search in the presence of the inmate or CCAP probationer/parolee, the staff member will deliver the envelope copy, legal correspondence, and all enclosed contents to the inmate or CCAP probationer/parolee.

E. Staff must not read an inmate's or CCAP probationer's/parolee's 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)

1. Reading most types of legal correspondence require court approval based upon probable cause to that a specific state or federal criminal statute is being violated, or there exists a valid threat to the security of the facility.

2. Where probable cause exists, staff may temporarily hold the correspondence until they receive instructions, or a Court order is approved.

## VII. Postage Allowance for Legal Correspondence

A. Staff will not refuse an inmate or CCAP probationer/parolee access to the courts due to insufficient funds in their trust account to cover the cost of legal correspondence.

B. Staff will provide inmates and CCAP probationers/parolees who do not have adequate funds in their trust account with a loan to cover the cost of postage as follows: (4-ACRS-6A-02)

a. When postage charges are posted to the inmate's or CCAP probationer's/parolee's account, staff will use any balance in the spend account to pay the postage.

b. Any postage charges that are more than the spend account balance will be set up as a postage loan.

c. Staff will provide a loan up to the equivalent value of 40 first class postage stamps per month to cover the cost of first-class postage for legal correspondence only.

d. When the inmate or CCAP probationer/parolee receives additional funds or their pay, staff will use the funds to satisfy the debt.

## C. Tort Claims

1. Inmates and CCAP probationers/parolees may send tort claims addressed to the Director of the Division of Risk Management, or the Office of the Attorney General as regular legal correspondence; certified mail is not required; COV §8.01-195.6, *Notice of claim*.

2. The inmate or CCAP probationer/parolee may choose to send tort claims by certified mail at their expense.

3. The outer envelope should be clearly marked "Tort Claim".

## D. Petitions for Writs of Actual Innocence

1. Inmates and CCAP probationers/parolees must submit 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*.

2. Inmates and CCAP probationers/parolees are required by law to send Petitions for Writs of Actual Innocence as certified mail, return receipt requested.

a. The Court allows only one Petition for Writ of Actual Innocence per felony conviction.





- b. The outer envelope must be clearly marked "Petition for Writ of Actual Innocence."
3. 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.
4. Facility staff may inspect but will not read the documents for content, in the presence of the inmate or CCAP probationer/parolee to confirm the documents are a Petition for Writ of Actual Innocence before providing the postage loan allowance.

## VIII. Inspection, Search, and Processing of Incoming General Correspondence

### A. Incoming General Correspondence

1. Staff should discourage incoming priority or express general correspondence. If the urgency of a specific circumstance requires expedited delivery, the inmate or CCAP probationer/parolee must obtain prior written approval from the Facility Unit Head or designee.
2. Authorized staff will open and inspect all inmate and CCAP probationer/parolee incoming general correspondence for contraband in the facility mailroom and may read incoming general correspondence prior to delivery to the inmate or CCAP probationer/parolee.
3. Staff will photocopy the envelope, letter, and all enclosed contents including but not limited to photographs, greeting cards, drawings, printed material, and publication clippings.
  - a. The envelope photocopy should include the inmate's or CCAP probationer's/parolee's mailing address as well as the return address.
  - b. The sender should place their name, return address, and the mailing address on the front of the outer envelope to ensure staff can provide this information to the inmate or CCAP probationer/parolee.
  - c. Staff will shred the original envelope, letter, and all enclosed contents in the facility mailroom and will not return them to the sender.
4. Staff must not photocopy and shred 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 general correspondence.
  - a. Staff must consult with the Facility Unit Head or designee before taking any action on these 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 personal financial account statements and credit reports.
5. Inmates and CCAP probationers/parolees can receive a maximum of three 8 ½" X 11", black and white photocopied pages front and back.
  - a. The envelope is one copy and each item in the envelope, e.g., letter, photograph, greeting card, drawing, printed material, and newspaper clipping is one photocopy.
  - b. When both sides of an item require photocopying such as photographs with personal writing on the back, each side of the item is one photocopy.
  - c. 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.
  - d. 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.
6. 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.
  - a. 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 like the *Notice of Unauthorized Correspondence* 803\_F2.



- b. 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.
  7. If staff do not detect contraband during the inspection and search of the inmate's or CCAP probationer's/parolee's incoming general correspondence, the staff member will deliver the photocopy the envelope, letter, and all enclosed contents to the inmate or CCAP probationer/parolee.
- B. Incoming Correspondence from DOC Offices and Facility Staff
  1. Staff will photocopy and shred the envelope in the facility mailroom for all incoming general correspondence received from DOC offices and facility staff.
  2. Staff will attach the photocopy 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 CCAP probationer/parolee.
- C. Incoming Education, Organization, Business, and Religious Correspondence
  1. Individuals must mail all education, organization, and business general correspondence directly to the facility.
  2. Individuals must mail all religious correspondence directly to the Central Mail Distribution Center for a security screening and inspection; see Operating Procedure 803.4, *Central Mail Distribution Center*.
    - a. Staff will return all religious correspondence not mailed to the Central Mail Distribution Center to the sender.
    - b. 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 CCAP probationer/parolee as notification their correspondence or course materials were returned.
  3. Staff will screen and inspect all properly received incoming, education, organization, business, religious general correspondence in the facility mailroom for compliance with operating procedure and to detect enclosed contraband prior to delivery to the inmate or CCAP probationer/parolee.
    - a. Staff will photocopy and shred the outer envelope in the facility mailroom.
    - b. Staff will attach the copy of the envelope to the original correspondence and will deliver the of the envelope copy, original correspondence, and all enclosed contents to the inmate or CCAP probationer/parolee provided the correspondence does not otherwise violate the content requirements of this operating procedure and Operating Procedure 803.2, *Publications, Commercially Distributed Photographs, and Media Files*, when applicable.
    - c. Staff may consult with Correctional Education Staff or the facility Chaplain for guidance in processing education and religious general correspondence.
- D. Education and Religious Correspondence Courses
  1. Individuals must mail all education correspondence course materials directly to the facility.
  2. Individuals must mail all religious correspondence course materials directly to the Central Mail Distribution Center for a security screening and inspection; see Operating Procedure 803.4, *Central Mail Distribution Center*.
    - a. Staff will return all religious correspondence course materials not mailed to the Central Mail Distribution Center to the sender.
    - b. 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 CCAP probationer/parolee as notification their correspondence course materials were returned.



3. Staff will open, screen for compliance, and inspect all correspondence course material for contraband in the facility mailroom.
  - a. Facility education staff will screen all incoming educational course material and the Chaplain will screen all religious course material.
  - b. After screening and approval education staff and the Chaplain will return the correspondence course material to the facility mailroom.
  - c. Education staff and the facility Chaplain should consult with the Facility Investigator for questionable materials.
4. If staff do not detect contraband during the inspection and search, the staff member will deliver the correspondence course materials to the inmate or CCAP probationer/parolee.

IX. Withholding Incoming Correspondence for Inmates on Precautions

- A. Staff will withhold all incoming special purpose, legal, and general correspondence, when ordered by a Mental Health Clinician for an inmate placed on precautions; see Operating Procedure 730.5, *Mental Health and Wellness Services: Behavior Management*.
- B. When the inmate is on precautions and staff has withheld their legal correspondence for 48 hours:
  1. Staff, due to the possible time sensitive nature of legal correspondence, must contact the Mental Health Clinician to confirm the inmate's status for all legal correspondence received after 48 hours.
  2. The Mental Health Clinician will determine and advise staff as to whether the inmate can receive their incoming legal correspondence.
  3. Staff will record their contact with the Mental Health Clinician and document the decision in a logbook or other documentation.
- C. When staff has withheld an inmate's legal correspondence for 72 hours due to precautions:
  1. Staff must notify the Facility Unit Head.
  2. The Facility Unit Head will send a letter like Attachment 2, *Notification of Withheld Correspondence* to the sender(s) of the correspondence for all legal correspondence received after 72 hours.
- D. Staff must 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.
- E. 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.

X. Printed Material, Photographs, and Photo Books

- A. Family, friends, and other individuals are permitted to send printed materials and photographs to inmates and CCAP probationers/parolees as general correspondence.
  1. Printed materials include but is 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. provided the printed material was not printed off a known DOC website.
  2. Nude and semi-nude personal photographs and pictures of any person, to include pictures printed on standard weight printer paper is prohibited.
    - a. Semi-nude photographs and pictures include individuals of any age in diapers, underwear, lingerie, or swimwear.
    - b. All individual photographs and photographs printed in a photo book are considered personal photographs and are subject to the restriction on nude and semi-nude content.



- B. Inmates at all security levels and CCAP probationers/parolees may receive the following provided facility staff receive these items directly from a vendor.
1. Original, not photocopy, photographs of their family and friends.
  2. Photo books
- C. Incoming correspondence from any individual, vendor, or commercial distributor is limited to a maximum of five photographs per envelope; this restriction does not apply to photobooks.
- D. Facility staff will review the content of all printed materials, photographs, and pictures for compliance with Operating Procedure 803.2, *Publications, Commercially Distributed Photographs, and Media Files*.
1. Individual photographs and pictures received from an individual, vendor, or commercial distributor and photographs contained in a photo book, and any other material with gang related content is prohibited, facility staff will forward these items to the Institutional Investigator or Gang Specialist for review and proper disposition.
  2. Printed materials, photographs, pictures, and other material 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, *Publications, Commercially Distributed Photographs, and Media Files*.
- E. Personal Photographs and Photo Books Through a Vendor
1. Personal Photographs
    - a. A third party must purchase all personal photographs from a vendor and the vendor must ship these items directly to the Central Mail Distribution for screening and inspection; see Operating Procedure 803.4, *Central Mail Distribution Center*.
      - i. Staff will return to the sender all photographs purchased from a vendor that were not mailed to the Central Mail Distribution Center for screening and inspection and will notify the inmate or CCAP probationer/parolee using the *Notice of Unauthorized Correspondence 803\_F2*.
      - ii. Photographs from a vendor will be processed as personal and must comply with the criteria established in this operating procedure for personal photographs.
      - iii. 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".
    - b. Staff will open and inspect vendor correspondence containing personal photographs 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 CCAP probationer/parolee with the original photographs; inmates at all security levels and CCAP probationers/parolees may possess the original photographs without photocopying.
      - iii. Vendor identification and compliance statement are not required.
  2. Photobooks
    - a. A third party must purchase photo books from a vendor and the vendor must ship these items directly to the Central Mail Distribution for screening and inspection; see Operating Procedure 803.4, *Central Mail Distribution Center*.
      - i. Staff will return to the sender all photobooks that were not mailed to the Central Mail Distribution Center for screening and inspection and will notify the inmate or CCAP probationer/parolee using the *Notice of Unauthorized Correspondence 803\_F2*.
      - ii. Photo books are not photo albums; photo books must have the personal photographs of family and friends printed on the pages of the bound book, e.g., Shutterfly, Snapfish, etc. and not attached. Photobooks are subject to the following limitations:
        - (a) Must be no larger than 11 inches by 14 inches; no limitation on quantity and size of photographs.

- (b) Wire binding is prohibited.
      - (c) Removable photographs are prohibited.
    - iii. All photographs printed in the photo book must comply with the criteria established in this operating procedure for personal photographs.
    - iv. All other content must comply with the *Specific Criteria for Publication Disapproval*; see Operating Procedure 803.2, *Publications, Commercially Distributed Photographs, and Media Files*.
    - v. When facility staff determine that the photographs or content violate operating procedure, the staff member will notify the inmate or CCAP probationer/parolee using the *Notice of Unauthorized Correspondence* 803\_F2 and provide a *Property Disposition* 802\_F4 to indicate the method of disposition.
  - b. 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.
  - c. Staff will include photo books in the maximum number of books and magazines inmates and CCAP probationers/parolees can possess; see Operating Procedure 802.1, *Inmate and CCAP Probationer/Parolee Property*.
    - i. Staff will inventory soft cover photo books as magazines and hard cover photo books as books.
    - ii. Staff must document photo books on the *Personal Property Request – Add/Drop* 802\_F1 for inventory purposes.
  - d. Photo books that have been altered are contraband; the inmate or CCAP probationer/parolee may retain any clippings removed from the photo book, but the photobook must be disposed of in accordance with Operating Procedure 802.1, *Inmate and CCAP Probationer/Parolee Property*.
3. Staff must not send disapproved personal photographs and photo books from a vendor to the Publication Review Committee.
- a. Inmates may appeal the disapproval through the *Grievance Procedure*
  - b. CCAP probationers/parolees may appeal to the CCAP Facility Unit Head

#### XI. Unauthorized Incoming Correspondence

- A. When staff return correspondence to the sender, the staff member must notify the inmate or CCAP probationer/parolee and the sender of the reasons for the return and the sender's right to appeal to the Facility Unit Head.
- 1. Staff should return unauthorized general correspondence, when known, to the sender unopened if possible.
  - 2. Staff will return unauthorized correspondence that is opened immediately to the sender, if known, using the *Notice of Unauthorized Correspondence* 803\_F2 as notification.
    - a. The Facility Unit Head should not send the *Notice of Unauthorized Correspondence* 803\_F2 so that the sender may appeal this decision to the Facility Unit Head.
    - b. Facility staff are responsible for applying the postage required to send the *Notice of Unauthorized Correspondence* 803\_F2 and return the enclosed unauthorized correspondence to the sender.
    - c. If necessary to document the reason the correspondence is unauthorized, staff should retain a copy of the correspondence and enclosed contents, when legal to do so, at the facility pending a possible inmate grievance or CCAP probationer/parolee complaint.
    - d. The copying of child pornography and obscene materials is prohibited, see COV §18.2-374.1:1, *Possession, reproduction, distribution, solicitation, and facilitation of child pornography; penalty prohibits*.
    - e. Staff must provide the inmate and CCAP probationer/parolee with a copy of the *Notice of*

*Unauthorized Correspondence* 803\_F2 as notification of the return and reason the correspondence was unauthorized.

- B. 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 after any items of value are processed as unclaimed property; see Operating Procedure 802.1, *Inmate and CCAP Probationer/Parolee 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 processed as unclaimed property.
- C. 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 and when safe and legal to do so. (5-ACI-7D-08)
1. Staff will document all correspondence that contains unauthorized items and will return the correspondence and items to the sender.
    - i. If staff suspect that the correspondence or unauthorized items are illegal, the staff member will contact the Facility Investigator, or appropriate local, state, or federal law enforcement agency.
    - ii. Staff will not return unauthorized items that were illegal for the sender to place in the mail but will document, send notification to the sender and receiver, and properly dispose of the unauthorized items, if not used as evidence.
    - iii. Staff will not return correspondence that might pose a health or safety hazard 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, *Inmate and CCAP Probationer/Parolee Property*.
  2. The inmate and CCAP probationer/parolee do not have any input on the disposition of unsolicited, and unauthorized items received in incoming correspondence.
    - a. Staff will dispose unauthorized items purchased and paid for by the inmate or CCAP probationer/parolee in accordance with Operating Procedure 802.1, *Inmate and CCAP Probationer/Parolee Property*.
    - b. Staff may remove and dispose of advertising items enclosed in commercial or non-profit correspondence to include but not limited to stickers, return address labels, decals, CDS/CD Roms, collector cards, make-up samples, calendars, etc., so that the inmate and CCAP probationer/parolee may receive the correspondence. Staff should note the items removed on the photocopy of the envelope; no other notice is required.

## XII. Outgoing General, Special Purpose, and Legal Correspondence

- A. The Facility Unit Head or designee will post a notice in all areas where inmate and CCAP probationer/parolee correspondence is deposited for pick-up, informing the population that deposits after a given time will be date stamped and logged as deposited on the next business day.
- B. Staff will permit inmates and CCAP probationers/parolees who legally changed their name to send correspondence using their new name if the inmate or CCAP probationer/parolee has provided appropriate notification to the facility of their name change.
- C. Inmates and CCAP probationers/parolees must include their name spelled out with the DOC number written on the same line, facility name spelled out, and the facility address on outgoing correspondence. There should be no attempt to hide that the correspondence came from a DOC facility.



D. Staff will stamp all outgoing inmate and CCAP probationer/parolee correspondence 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.**

E. Facility Collection and Bulk Delivery of Correspondence

1. Facility Unit Heads should make accommodations for the collection and bulk delivery of inmate and CCAP probationer/parolee correspondence addressed to DOC Headquarters or Regional Offices.
  - a. Staff will collect, batch, and send, at facility expense, correspondence that contains documents such as disciplinary appeals and grievance appeals through the USPS or where applicable, through inter-departmental mail or runners.
  - b. Staff will sort “bulk” correspondence according to destination and will place the inmate or CCAP 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.
2. Inmates and CCAP probationers/parolees will place correspondence in a regular envelope with the addressee and the inmate’s or CCAP probationer’s/parolee’s return address on the front of the envelope.
3. The inmate or CCAP probationer/parolee should write the word “BULK” in the upper right-hand corner instead of affixing a stamp as shown below:

Return Address	BULK
Name of Addressee	
<address>	

4. Inmates and CCAP probationers/parolees may send bulk eligible correspondence such as disciplinary appeals and grievances appeals through the USPS at their own expense.
- F. Inmates and CCAP probationers/parolees must pay postage, all costs of certification, and all costs of return receipt for outgoing correspondence.
1. Inmates and CCAP probationers/parolees will purchase postage, at cost, from the facility.
  2. The USPS prohibits the reuse of stamps.

G. Inspection and Search of Outgoing Correspondence

1. Staff do not generally search inmate and CCAP 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 must be disposed of in accordance with Operating Procedure 802.1, *Inmate and CCAP Probationer/Parolee Property*.
2. Staff will open, inspect, and verify the sender for outgoing correspondence that is:
  - a. Improperly marked.
  - b. Unstamped or has deliberate insufficient postage.
  - c. Suspicious or appears to be addressed to a forwarding service or mail drop.
  - d. Displays text or graphics that violate the *Specific Criteria for Publication Disapproval*; see Operating Procedure 803.2, *Publications, Commercially Distributed Photographs, and Media Files*.
3. If staff determine the correspondence is legitimate and from the inmate or CCAP probationer/parolee identified as the sender, staff should return the correspondence to the inmate or CCAP probationer/parolee to properly address or affix postage.
4. If the correspondence is not legitimate or the correspondence displays text or graphics indicating gang involvement, staff should forward the envelope and contents to appropriate authorities for review,





investigation, and disposition.

5. The Facility Unit Head must approve for staff to open, examine, and read all other outgoing inmate and CCAP probationer/parolee correspondence; see Operating Procedure 445.2, *Facility Searches (Restricted)*.

#### H. Outgoing Special Purpose and Legal Correspondence

1. Inmates and CCAP 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, 5-ACI-7D-06; 4-ACRS-6A-01, 4-ACRS-6A-02)
2. Inmates and CCAP probationers/parolees must clearly mark the front of the envelope as “**LEGAL MAIL**” in the lower left section of the envelope.
3. Staff will date stamp and log all outgoing legal correspondence on an *Outgoing Legal Correspondence Log* 803\_F7 using the date staff received the correspondence in the facility mailroom.
4. Inspection and Search of Outgoing Legal Correspondence
  - a. Staff, in the presence of the inmate or CCAP probationer/parolee, may inspect outgoing special purpose and legal correspondence for contraband before it is sealed. (5-ACI-7D-06; 4-ACRS-6A-02)
  - b. Staff may open, inspect, and verify the sender of any outgoing correspondence that is improperly identified as legal before returning the correspondence to the inmate or CCAP probationer/parolee for mailing as general or special purpose correspondence.
  - c. Staff with approval of the Facility Unit Head may open and search sealed outgoing correspondence claimed as legal or special purpose that is suspicious as to its origins, destination, or contents; see Operating Procedure 445.2, *Facility Searches*.
  - d. 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.

#### XIII. Complaints Regarding Obscene, Harassing, Threatening, or Possibly Illegal Correspondence

- A. Any time staff receives a complaint regarding obscene, harassing, threatening, or possibly illegal inmate or CCAP probationer/parolee correspondence, staff will forward such complaint with a copy of the correspondence, if possible, to the appropriate Facility Unit Head.
- B. The Facility Unit Head or designee will contact the complainant and, as necessary, notify proper authorities.
- C. Staff will report any illegal activity to the appropriate USPS authorities, the Special Investigations Unit, and/or the appropriate local, state, or federal law enforcement agency.
- D. When an inmate or CCAP probationer/parolee continues to send threatening, obscene, or harassing correspondence, after notification to cease, the Facility Unit Head may grant approval for staff to screen all outgoing correspondence from the inmate or CCAP probationer/parolee and to intercept and return all correspondence from the inmate or CCAP probationer/parolee addressed to the complainant.

#### XIV. Returned General, Special Purpose, and Legal Correspondence

- A. Staff will not deliver general, special purpose, and legal correspondence returned from the USPS for insufficient postage, incorrect or incomplete address, or undeliverable, etc. to an inmate or CCAP probationer/parolee.
- B. Facility staff will notify the inmate or CCAP probationer/parolee that the correspondence was returned on the *Returned Correspondence Notice* 803\_F9.
- C. Staff will hold returned correspondence in the facility mailroom for seven working days to allow the inmate or CCAP probationer/parolee an opportunity to correct the reason for the return, e.g., provide



additional postage or an alternate address.

- D. If the inmate or CCAP 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. and will complete the bottom section of the *Returned Correspondence Notice 803\_F9* documenting the date and method of disposition.

#### XV. Incoming and Outgoing Packages

- A. Inmates and CCAP probationers/parolees may receive packages in accordance with this operating procedure, Operating Procedure 802.1, *Inmate and CCAP Probationer/Parolee Property*, Operating Procedure 803.2, *Publications, Commercially Distributed Photographs, and Media Files*, and other applicable operating procedures.
- B. Staff will record all incoming packages on an *Incoming Package Log 803\_F6*.
1. Staff will search all incoming packages, except legal packages, and will dispose of all boxes and packing materials outside the facility security perimeter.
  2. Staff will return all unauthorized packages at the expense of the inmate, CCAP probationer/parolee, or the sender.
- C. Staff will record all outgoing packages on an *Outgoing Package Log 803\_F8*.
1. Staff will search outgoing packages prior to the package being sealed.
  2. The inmate's or CCAP probationer's/parolee's name and facility's return address must be clearly marked on the package.
  3. The inmate or CCAP probationer/parolee is responsible for all postage and shipping expenses; shipping charges will be determined and assessed in accordance with Operating Procedure 802.1, *Inmate and CCAP Probationer/Parolee Property*.

#### XVI. Secure Messaging

- A. Secure messaging is a web-based program operating on the DOC Contract Vendor's server.
1. Secure messaging allows inmates and CCAP probationers/parolees to communicate with others through the inmate's or CCAP probationer's/parolee's media device; see Operating Procedure 802.1, *Inmate and CCAP Probationer/Parolee Property*.
    - a. Inmates and CCAP probationers/parolees can utilize this system to communicate with family and friends, 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 secure messaging to communicate with an inmate or CCAP probationer/parolee about their legal affairs, but the attorney and their authorized representatives should note that secure messages sent and received through this system are not confidential.
    - c. Inmates and CCAP probationers/parolees are not to utilize the secure messaging system to operate a business.
  2. Inmates and CCAP probationers/parolees must send their secure messages through the secure messaging system within 30 days of drafting the message, or the message is automatically deleted from the media device.
- B. Kiosks are available in designated areas of the institution for inmates and CCAP probationers/parolees to retrieve and send their secure messages; the Facility Unit Head will establish the days and hours for access.
1. Staff will restrict access to the kiosks during periods of institution lockdown and any emergency causing significant disruption of normal institution procedure or activity caused by riot, escape, fire, natural disaster, staff action, or other serious incident.





2. Secure messaging is a privilege, staff will not provide inmates on RHU status with access to the kiosk to retrieve or send their secure messages; when feasible, inmates assigned to SD-1 and SD-2 status will be provided access the kiosk; see Operating Procedure 841.4, *Restorative Housing Units*.
- C. Staff will monitor incoming and outgoing secure messages and, when necessary, will isolate message for investigative purposes.
1. Staff will screen all secure messages and attachments for compliance with the requirements governing general correspondence established in this operating procedure.
    - a. All pictures and photographs sent through the secure messaging system are considered personal and must comply with the requirements governing personal photographs.
    - b. Inmates and CCAP probationers/parolees are prohibited from:
      - i. Sending and receiving messages with persons housed in the Virginia Center for Behavioral Rehabilitation or in local, state, or federal, adult, or juvenile correctional facilities and jails.
      - ii. Sending or receiving messages on behalf of another inmate or CCAP probationer/parolee to include sharing their password with another and allowing any inmate or CCAP probationer/parolee to use their account to send or receive secure messages.
      - iii. Forwarding secure messages.
  2. There are no provisions for direct messaging with commercial or civilian email accounts or local, state, or federal agencies.
- D. Staff should review and process all secure messages and attachments that staff are required to review prior to inmate and CCAP probationer/parolee receipt within two working days.
1. The Facility Unit Head or designee may extend the time limits for processing when additional time is required to determine compliance and when there is an exceptionally high volume of attachments to be reviewed.
  2. Staff will return secure messages and attachments that do not comply with the content requirements of this operating procedure to the sender.
  3. Notification with the reason for the return is provided electronically to the inmate and CCAP probationer/parolee on their media device when a staff member censors and returns a secure message or attachment to the sender.
- E. Inmates may appeal the return of their secure messages and attachments by submitting a *Written Complaint* 866\_F3 and *Regular Grievance* 866\_F1; see Operating Procedure 866.1, *Offender Grievance Procedure*.
1. The inmate must include in their *Written Complaint* 866\_F3 the date staff censored and returned the secure message or attachment as provided by the media device.
  2. 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. The inmate will submit a *Regular Grievance* 866\_F1 with the identifying information for investigation by the Institutional Ombudsman.
  4. The Institutional Ombudsman upon receipt of a *Regular Grievance* 866\_F1 will coordinate with staff to review the contents of the secure message and prepare an appropriate response.
- F. CCAP probationers/parolees can appeal the return of the secure messages and attachments by submitting a complaint in accordance with Operating Procedure 940.4, *Community Corrections Alternative Program*.
- G. 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, *Inmate Discipline* or Operating Procedure 940.4,

*Community Corrections Alternative Program.*

2. With approval of the Director of Security and Correctional Enforcement or the Corrections Operations Administrator, an inmate's or CCAP probationer's/parolee's access to secure messaging may be restricted, suspended, or terminated after completion of an investigation into the inmate's or CCAP probationer's/parolee's misuse by the Special Investigations Unit or the Operations and Logistics Unit.

**REFERENCES**

COV §8.01-195.6, *Notice of claim*

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, *Inmate and Probationer/Parolee Records Management*

Operating Procedure 050.6, *Access to Inmate and Probationer/Parolee Record Information*

Operating Procedure 445.2, *Facility Searches (Restricted)*

Operating Procedure 730.5, *Mental Health and Wellness Services: Behavior Management.*

Operating Procedure 802.1, *Inmate and CCAP Probationer/Parolee Property*

Operating Procedure 802.2, *Inmate and CCAP Probationer/Parolee Finances*

Operating Procedure 803.2, *Publications, Commercially Distributed Photographs, and Media Files*

Operating Procedure 803.4, *Central Mail Distribution Center*

Operating Procedure 841.4, *Restorative Housing Units*

Operating Procedure 861.1, *Inmate Discipline*

Operating Procedure 866.1, *Offender Grievance Procedure*

Operating Procedure 866.3, *Inmate and CCAP Probationer/Parolee Legal Access*

Operating Procedure 940.4, *Community Corrections Alternative Program*

**ATTACHMENTS**

Attachment 1, *Correspondence Restrictions and Prohibited Activities*

Attachment 2, *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*

