I. PURPOSE

This operating procedure provides for the efficient, safe, and secure handling and processing of correspondence for offenders housed in Department of Corrections facilities.

II. COMPLIANCE

This operating procedure applies to all facilities operated by the Department of Corrections (DOC). Practices and procedures shall comply with applicable State and Federal laws and regulations, Board of Corrections policies and regulations, ACA standards, PREA standards, and DOC directives and operating procedures.

III. DEFINITIONS

**Community Corrections Facility** - A residential facility operated by the Department of Corrections to provide the Detention Center Incarceration program in accordance with **COV §53.1-67.8** or the Diversion Center Incarceration Program in accordance with **COV §53.1-67.7**.

**Contraband** - An item forbidden for entry, possession, or removal from a Department of Corrections facility. An item in the possession of, or accessible to, an offender that has not been specifically issued to, or authorized for possession by the offender; or has not been obtained by the offender in accordance with operating procedures. Contraband items (for offenders) 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 offender.
- State or personal property in the possession of, or used by, an offender that has not been properly received, acquired by, or issued to the offender 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 offender might make, possess, collect, hide, or have in his 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 offender by a proper authority; or if authorized, is accumulated beyond prescribed amounts or expiration dates.
- Moneys or other negotiable instruments, whether cash, checks, money orders, lottery tickets, credit/debit/phone cards, etc., in the possession of an offender 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 offender incoming publications.
- Unauthorized electronic equipment including, but not limited to cell phones, palm pilots, pagers, electronic games, etc.
- Tobacco and tobacco related products
Educational Correspondence - Mail required for a correspondence course or religious activity that has been approved by the Facility Unit Head

Facility - Any Community Corrections facility or institution

Gang - A group of individuals who: (a) possess common characteristics that distinguish them from other offenders or groups of offenders and who, as an entity, pose a threat to the safety and security of staff, the facility, other offenders, 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, hate groups, cults, and domestic terrorists that meet these conditions are considered gangs.

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.

Immediate Family - Mother, Father, Brother, Sister, Wife, Husband, Daughter or Son; other family members may be included as immediate family provided substantial evidence reveals that there was a significant, close relationship with the offender.

Indigent Offender - An offender with less than $5.00 in his/her offender account for discretionary spending during the previous month and has no job or other source of income that provided as much as $5.00 during the previous month; an offender who is newly received into a facility and does not have available funds nor hygiene items.

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 - A state of undress so as to expose the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered or uncovered male genitals in a discernibly turgid state (COV §18.2-390)

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

Special Purpose Correspondence - Correspondence sent to or received from the 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.

IV. PROCEDURE

A. Management of Offender Correspondence

1. This operating procedure provides staff, offenders and their correspondents with information related to the regulation and management of offender correspondence. (4-4487, 4-ACRS-6A-07, 2-CO-5D-01)
   a. Operating Procedure 440.1, Mailroom Operations and Security (Restricted), provides DOC staff with information on security considerations related to offender correspondence.
   b. Due to the short duration and intense nature of the rehabilitation programs at Community Corrections facilities, offenders at these facilities may be subject to additional restrictions.

2. The DOC encourages offender correspondence that is directed to socially useful goals so long as such correspondence does not pose a threat to the security of the facility, violate any state or federal law, or violate any U.S. Postal Service regulation.
a. Only while it is in the possession of the Postal Service is correspondence considered mail and subject to Postal Services Regulations. Correspondence in the possession of the DOC is subject to DOC operating procedures.

b. All offenders housed in DOC facilities shall be permitted to correspond with families, friends, attorneys, courts, and other public officials and organizations.

c. When the offender bears the mailing cost, there is no limit on the volume of letters the offender can send or receive or on the length, language, content, or source of mail or publications except when there is reasonable belief that a limitation is necessary to protect public safety or facility order and security. (4-4488)

d. There are no restrictions on personal correspondence in a foreign language unless the contents otherwise violate this operating procedure.
   i. Incoming personal correspondence in a foreign language should meet the same requirements as English language correspondence and should be delivered to the offender unless there is reasonable belief that the correspondence violates this operating procedure.
   ii. If there is reasonable suspicion to read an offender’s incoming foreign language mail, the mail may be translated and read as any other personal correspondence.
   iii. The Facility Unit Head may approve translation and reading of outgoing foreign language personal correspondence using the same procedures as for reading any other outgoing personal correspondence.
   iv. The facility is responsible for arranging for translation services.

3. All offenders will read, or have read to them, the Notice to All Offenders – General and Special Purpose Correspondence 803_F1.
   a. The Facility Unit Head will ensure that the notice is properly signed, witnessed, and filed per instructions indicated in the Notice.
   b. Offenders shall be provided the opportunity to change their preference at least once per year.
   c. Offenders who do not authorize the opening of their general and special purpose correspondence will not receive any general or special purpose correspondence.

4. Each facility shall inform offenders in writing of facility rules for handling offender correspondence.
   a. Information provided to offenders should include the following:
      i. The offender assumes responsibility for notifying family members and friends of restrictions regarding incoming cash, personal checks, certified/cashier’s checks, money orders, or prohibited photographs
      ii. Correspondence containing threats, extortion, or other illegal activity may result in prosecution for violation of state or federal laws.
      iii. The offender must present their identification card to receive correspondence.
   b. Location(s) for deposit of outgoing correspondence
   c. Time(s) of pickup for outgoing correspondence
   d. Time and location of incoming correspondence delivery
   e. Access to facility notary services shall be available to offenders in accordance with Operating Procedure 866.3, Offender Legal Access.
   f. Indigent Offender access to free letters (see Operating Procedure 802.2, Offender Finances)
      i. Indigent offenders shall be allowed to send one free letter per week to maintain community ties. (4-4489, 4-ACRS-6A-06)
      ii. Unused postage allowance shall not be carried over seven calendar days.
   g. Non-indigent offenders shall not receive free postage for general correspondence, legal, or special purpose letters other than free mail services for correspondence courses and reentry planning, if authorized by the Facility Unit Head.
      i. The Facility Unit Head may set eligibility requirements such as offender indigence and
approved subjects for correspondence courses.

ii. With prior approval by the Facility Unit Head or designee, facilities may provide reasonable
free postage for educational correspondence incidental to offender correspondence courses.

iii. Within three months of release, facilities may provide a reasonable number of postage free
letters to offenders in order to seek employment or to initiate other valid release plans.

5. Excluding weekends, state holidays, federal holidays, or emergency situations, incoming and
outgoing letters are held for no more than 48 hours and packages and publications that do not meet
the criteria for publication disapproval are held for no more than 72 hours. (4-4495)

a. Under normal conditions:
   i. Outgoing correspondence deposited before the posted pick-up time will be processed and
delivered to the United States Postal Service on the same working day.
   ii. Incoming letters that comply with DOC operating procedures will be delivered to the offender
the same working day as received from the United States Postal Service.

b. Incoming and outgoing letters may be held up to 48 hours only during severe staff shortage
and/or days of extremely heavy mail flow. All possible mail should be processed the same
working day 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

c. Incoming and outgoing letters may be held in excess of 48 hours only during an emergency
situation causing significant disruption of normal facility procedure or activity caused by riot,
escape, fire, natural disaster, employee action, or other serious incident. (4-4495)

d. These time limits do not apply to correspondence, publications, or packages that do not appear to
comply with DOC operating procedures when additional time is required to determine
compliance.

e. The offender population should be promptly notified of any deviation from normal mail
processing schedules.

f. A log book or other documentation shall be maintained to record any delays from normal
processing and delivery of correspondence and publications including the reason for the delay
and the time and method of offender notification

6. A written record/log of the following correspondence shall be maintained at the facility. The
record/log shall include the date when the correspondence was received from or delivered to the
offender, the name of the sender, and the name of the addressee, for:

a. Incoming and outgoing legal mail
b. Incoming and outgoing registered mail of the type requiring return receipt
c. Incoming and outgoing packages

B. Offender Correspondence Restrictions and Prohibited Activities

1. Offenders housed in DOC facilities are prohibited from sending or receiving correspondence with
persons housed in the Virginia Center for Behavioral Rehabilitation or in local, state, or federal,
adult, or juvenile correctional facilities and jails without prior written approval of the Facility Unit
Heads at both facilities involved.

a. Approval of correspondence privileges should be limited to the offender’s documented immediate
family.

b. The Facility Unit Head at the receiving facility should review correspondence approvals when
either offender transfers from one facility to another.

c. Either Facility Unit Head may withdraw this correspondence privilege at any time due to abuse of
the privilege or changes in circumstance such that the correspondence is no longer considered beneficial.

2. An offender may not send funds to nor receive funds from other offenders (including offenders under Community Corrections supervision) or visitors or family members of another offender, unless they are documented members of the immediate family and have the prior approval of the Facility Unit Head. Both Facility Unit Heads must approve if the transaction involves another correctional facility.
   a. If an offender requests that a money order be drawn from their account to be sent to another offender or a visitor or family member of another offender, the correspondence and withdrawal slip shall be denied and returned to the offender.
   b. When incoming funds are disapproved, the envelope and all contents shall be returned to the sender and both the sender and the offender shall be notified of the reason for return and their right to appeal the decision.
   c. The sender may appeal the decision to the Facility Unit Head.
   d. The offender may appeal in accordance with the Complaints Section of this operating procedure and Operating Procedure 866.1 Offender Grievance Procedure.

3. Offenders may not actively participate in a business.
   a. Correspondence with business representatives is permitted to enable the offender to protect personal resources or financial interests.
   b. If the volume or content of mail indicates that the offender may be conducting a business, or if criminal or illegal activity is suspected, the Institutional Investigator should be informed.

4. Offenders are not permitted to send or receive personal mail or funds from any DOC staff (including other agencies, private contractors, or contract service providers within any DOC facility), or any DOC volunteer without the prior approval of the Facility Unit Head. Both Facility Unit Heads must approve if the transaction involves staff or a volunteer from another correctional facility.

5. Any incoming or outgoing correspondence found to include coded or encrypted portions is prohibited.

6. Incoming correspondence that contains personal information (social security number, address, phone number, etc.) for DOC staff, contractors, or volunteers is prohibited.

7. Any correspondence, documents, drawings, or symbols of any type that contain or indicate gang identifiers, language, or information is prohibited.

8. Any incoming or outgoing correspondence that contains powders, body fluids, or other foreign substances shall be rejected.
   a. Any incoming or outgoing correspondence that might pose a health or safety hazard or contains any illegal substance shall not be returned. The sender shall be notified of the rejection and the reason for it.
   b. The facility should destroy any correspondence that might pose a health or safety hazard or contains any illegal substance (if not used as evidence).

9. Photographs that violate this operating procedure are prohibited.
   a. Incoming offender correspondence from any source may not contain more than five photographs (personal or commercial).
   b. Nude or semi-nude personal photographs or personal pictures (including pictures printed on standard weight printer paper) of any person are prohibited. Semi-nude shall include but is not limited to persons in diapers, underwear, lingerie, or swimwear.
   c. Pictures and photographs whether personal or commercial, and other materials with gang related content are prohibited and shall be forwarded to the Institutional Investigator or Gang Specialist for review to determine proper disposition.
d. Commercially distributed or personal photographs or other printed materials that by the nature of content poses a threat to personal or facility safety and security, or meet the Specific Criteria for Publication Disapproval in Operating Procedure 803.2, Incoming Publications are prohibited.
   i. Facility staff shall review all commercially distributed photographs individually to determine if the content poses a threat to personal or facility safety and security, or meets the Specific Criteria for Publication Disapproval.
   ii. When it is determined by the facility that the commercial photograph is disapproved for offender possession, the offender shall be notified using the Notice of Unauthorized Correspondence 803_F2 and provided the opportunity to determine the method of disposition by completing the Property Disposition 802_F4.
   iii. Disapproved Commercial Photographs shall not be sent to the Publication Review Committee. Appeal of the disapproval shall be through the Offender Grievance Procedure (appeal to the Facility Unit Head at Community Corrections facilities).
   iv. All commercially distributed photographs are required to have the vendor’s identification information and a 18 USC §2257 compliance statement affixed to each individual photograph.
      (a) The vendor identification information must include the vendor’s name and address. The facility should confirm that the business address and phone number are legitimate for each commercial distributor and that the distributor possesses a valid business license, if a license is required in order to operate the business.
      (b) Once this information has been confirmed by facility staff, the facility should document this review and maintain a list of commercial distributors for future reference. A copy of this list should be maintained on the facility Local Operating Procedures page of the Virtual Library.
      (c) If it is determined by the facility that the contact information is not legitimate or the commercial distributor does not possess a required business license, the Facility Unit Head shall inform the Regional Operations Chief who will notify the Chief of Corrections Operations and request the distributor be disapproved statewide.
      (d) Any distributor or vendor of commercial photographs depicting nudity or other sexual content must include on each photo a statement certifying that they are in compliance with the provisions of 18 USC §2257 which requires vendors to verify that the models depicted in the photographs are 18 years of age or older.
      (e) Incoming commercial photographs that do not comply with these requirements are prohibited for offender possession and must be disposed of at offender expense in accordance with Operating Procedure 802.1, Offender Property.

e. Any photograph received at the facility that may be evidence of criminal activity i.e., child pornography, shall be provided to the institutional investigator or Special Investigations Unit in a manner that preserves its value as evidence. The original photograph must be provided, COV §18.2-374 and §18.2-374.1:1 prohibit copying obscene materials and child pornography.

f. Commercially distributed photographs shall be disapproved by the facility based on content, only. A decision to disapprove a specific commercial distributor from conducting business in a DOC facility shall be made by the Chief of Corrections Operations.
   i. The Facility Unit Head shall forward their concerns regarding a specific distributor i.e. photographs containing gang related content, evidence of criminal activity, or other security concerns with all supporting information and documentation to the Regional Operations Chief.
   ii. The Regional Operations Chief will notify the Chief of Corrections Operations and request the distributor be disapproved statewide.

10. Musical/recorded cards, and any other multiple thickness or electronic cards that cannot be easily searched for contraband are not approved for receipt. Greeting cards may not be larger than 6 1/8” x 11” (maximum size the USPS will deliver as a letter) and must be delivered as a one-ounce (1 oz.) letter.

11. Other than the postage stamp(s), return address label, and address label; stickers or other objects
glued or taped to the envelope or contents are prohibited and the correspondence will be rejected. Facility staff shall remove all postage stamps from incoming offender correspondence. Labels and other items may be removed from the envelope for contraband control.

12. Blank cards, stationery, writing paper, etc. must be purchased from the commissary and may not be received through the mail.

13. Incoming correspondence processed through a mail forwarding service is prohibited.
   a. This prohibition does not apply to mail forwarded due to the offender’s change of address.
   b. Correspondence sent through businesses that convert electronic messages to paper mail is prohibited. This prohibition does not apply to services contracted or approved by DOC to deliver electronic messages to be printed at the facility for delivery to offenders.
   c. Correspondence that is forwarded through another sender to disguise the source is prohibited (this restriction does not apply to enclosures such as a note from a child included with the parent’s letter).

C. Inspection of Offender Correspondence (4-4494, 2-CO-5D-01)

1. This operating procedure, Operating Procedure 440.1, *Mailroom Operations and Security* (Restricted) and Operating Procedure 445.2, *Facility Searches and Inspections* (Restricted), govern the inspection for and disposition of contraband related to offender correspondence.
   a. All offender correspondence, both incoming and outgoing, may be opened and inspected for contraband. Offenders shall be notified when incoming and outgoing letters are withheld in part or in full. (4-4491, 4-ACRS-6A-08) Notification may be delayed pending review of appropriate disposition of questionable items.
   b. Correspondence is read, censored, or rejected based on legitimate facility interests of order and security. (4-4491, 4-ACRS-6A-08)
   c. In accordance with United States Postal Regulations and this operating procedure, all incoming general correspondence will be opened, searched, and may be read by authorized staff.
   d. All incoming mail from a specified class of individuals and organizations will be handled as follows except in circumstances which may indicate contamination. (4-4492)
      i. All incoming special purpose correspondence shall be opened in the mailroom and inspected for contraband only as authorized by the offender’s signature on the *Notice to All Offenders - General and Special Purpose Correspondence*. (4-4492)
         (a) Special purpose correspondence means correspondence from only the specific individuals or offices defined in this operating procedure.
         (b) Legitimate special purpose correspondence will not be read for content.
      ii. All incoming legal correspondence shall be opened and searched for contraband only in the presence of the offender to whom it is addressed. (4-4275, 4-4492, 4-ACRS-6A-01, 4-ACRS-6A-02)
         (a) An offender must sign the incoming legal mail log to receive legal mail. If the offender refuses to sign the log, the legal mail will be returned as refused.
         (b) Offender legal mail shall not be read for content without first obtaining instructions from the appropriate Regional Administrator and the Attorney General’s office. (4-4275, 4-ACRS-6A-01)
         (c) Reading of most types of legal mail require Court approval based upon specified probable cause to believe that a state or federal criminal statute is being violated, or that there exists a valid threat to the security of the facility.
         (d) Where such probable cause exists, the mail may be temporarily held until instructions are obtained or a Court order is approved.
      iii. Offenders are permitted to send sealed letters in the form of legal and special purpose correspondence to those persons and organizations authorized by this operating procedure to receive this mail. (4-4275, 4-4492; 4-ACRS-6A-01, 4-ACRS-6A-02)
(a) Staff, in the presence of the offender, may be allowed to inspect outgoing legal and special purpose correspondence for contraband before it is sealed.

(b) The Facility Unit Head may approve for staff, in the presence of the offender, to open and search for contraband any outgoing correspondence claimed as legal or special purpose that is suspicious as to its origins, destination, or contents.

iv. Except where specifically identified in this procedure, legal and special purpose correspondence does not include correspondence from representatives or employees of DOC units.

v. Suspicious items received as special purpose correspondence or legal mail should be turned over to the appropriate investigative authority for evaluation.

e. Searches may include visual as well as other available and appropriate technologies for detecting contraband including but not limited to X-ray and other electronic scanners and narcotic, cell phone, or other detector canines.

f. Offenders who do not choose to receive general correspondence and special purpose correspondence under the above conditions shall have the correspondence returned to the United States Postal Service as described in the Notice to All Offenders - General and Special Purpose Correspondence 803_F1.

g. The DOC will assume no responsibility for unauthorized items mailed to offenders and will return them to the sender whenever possible. Contraband found in incoming mail will be returned to the sender only when safe and legal to do so. Other contraband will be handled in accordance with Operating Procedure 445.2, Facility Searches and Inspections, and Operating Procedure 802.1, Offender Property. (4-4494)

i. The facility shall log incoming correspondence containing prohibited items and return the correspondence and items to the sender.

ii. If the correspondence or items are suspected to be illegal, the facility should contact the appropriate local, state, or federal law enforcement agency.

iii. Items that were illegal for the sender to place in the mail shall not be returned to the sender but will be documented, notification sent to the sender and receiver, and the items properly disposed of (if not used as evidence).

iv. Any correspondence that might pose a health or safety hazard shall not be returned to the sender but will be documented, notification sent to the sender and receiver, and the items properly disposed of (if not used as evidence).

v. The offender has no input on disposition of unsolicited, unauthorized items received as incoming correspondence. Unauthorized items purchased and paid for by the offender shall be disposed of in accordance with Operating Procedure 802.1, Offender Property.

2. All correspondence will be inspected to intercept cash, checks, postage stamps, money orders, or other items of monetary value. (4-4493)

a. Receipt of cash, money orders, certified/ cashier’s checks, personal checks, gift cards, lottery tickets, postage stamps, or prepaid postage envelopes/ postcards through incoming mail is prohibited. Offenders may receive one stamped self-addressed return envelope from an attorney, court, business, or school when needed for return correspondence.

b. Government, corporate, and other business checks (including checks from ex-employers) that are reasonably believed to be collectable shall be removed from incoming mail and credited to the offender’s account. An exception should be made for other checks in special situations (i.e., estate settlement) on a case by case basis as deemed appropriate by the Facility Unit Head.

c. Unauthorized money orders and certified/ cashier’s checks enclosed in general correspondence shall be removed and returned to the sender with notice that the VADOC no longer accepts these types of checks at our facilities and the instructions on how to process the funds through a DOC authorized vendor. The contents of the correspondence shall be provided to the offender if authorized; unauthorized items will be processed in accordance with this operating procedure.

d. If incoming general correspondence contains an approved check, but also contains contraband,
such as an unauthorized picture, the approved check may be credited to the offender’s account and the unauthorized items returned to the sender.

c. No one other than governmental agencies and vendors (refund checks) may send funds, Securepak packages, and other items of monetary value to more than one offender without prior approval.
   i. Facility Unit Head(s) may grant approval to documented family members of each offender.
   ii. The Chief of Corrections Operations must approve for charitable or religious organizations to send funds to more than one offender.

3. Outgoing mail should not generally be searched unless there is a reason for suspicion.
   a. Improperly marked, unstamped (where applicable), suspicious outgoing mail, or mail that appears to be addressed to a forwarding service or mail drop is opened, inspected, and the sender verified.
      i. If such mail is addressed to a legal correspondent, it should be opened in the offender’s presence. If the correspondence is determined legitimate and from the offender identified as the sender, it should be returned to the offender to properly address or affix postage.
      ii. If the correspondence is not legitimate, the envelope and contents should be forwarded to appropriate authorities for investigation.
   b. The Facility Unit Head may approve for designated staff to open, examine, and read any general correspondence sent from an offender when there is reasonable suspicion that it violates state or federal laws, is used to threaten the security of the facility, or that it contains property items that should be sent out in accordance with procedures governing packages.
   c. Outgoing mail displaying text or graphics that violate the Specific Criteria for Publication Disapproval in Operating Procedure 803.2, Incoming Publications, are not authorized to be sent out from a DOC facility and will be opened, inspected, and returned to the sender.
   d. Outgoing mail displaying text or graphics that indicate gang involvement are not authorized to be sent out from a DOC facility and shall be forwarded to the Institutional Investigator or Gang Specialist for review to determine proper disposition.

4. Any incoming or outgoing correspondence that is read and determined to represent evidence of criminal activity or a direct threat to the security of the facility, including but not limited to gang related material, material that is encrypted or encoded, escape attempts, threats/loss of life, or destruction of state property shall be rejected. If the correspondence appears to contain evidence of criminal acts, it should be turned over to appropriate authorities for investigation in accordance with Operating Procedure 440.1, Mailroom Operations and Security (Restricted), and Operating Procedure 030.4, Special Investigations Unit.

D. Legal Mail

1. Only correspondence meeting the definition in this operating procedure should be handled as legal mail.
   a. If an offender wishes to receive representation from an attorney at a legal organization or law school but does not have an attorney’s name, the offender should write a general correspondence letter to that organization asking for referral to a specific attorney. Correspondence with that attorney will be handled as legal mail.
   b. Law enforcement agencies are not considered officers of the court.
   c. Correspondence to legislators and others who are also attorneys must be addressed to the law office address to be considered legal mail. Mail to a legislator’s office is special purpose correspondence, which must be mailed at offender expense.
   d. Mail to an attorney’s home will be handled as general correspondence unless that address is documented as the official address of the attorney’s law office.

2. Offenders will not be refused access to the Courts because of insufficient funds to cover the cost of legal mail. Offenders that do not have adequate funds in their trust account may be provided loans to cover the cost of postage for the following types of mail only. (4-ACRS-6A-02)
a. When postage charges are posted to the offender’s account, any balance in the spend account will be used to pay the postage. Any amount in excess of the spend account balance will be set up as a postage loan to the offender. When an offender who has a loan debt receives additional funds or pay, the funds may be used to satisfy the debt.

b. For legal mail, as defined in this procedure, loans shall be provided up to the equivalent value of 10 first class postage stamps per week to cover the cost of first class postage only.

c. Tort claims addressed to the Director of the Division of Risk Management or the Office of the Attorney General may be sent by regular legal mail; certified mail is not required (COV §8.01-195.6). Tort claims may be sent by certified mail only at the offender’s expense. The envelope should be clearly marked as “Tort Claim”.

d. Petitions for Writs of Actual Innocence (COV §19.2-327.3, §19.2-327.11) must be submitted to the Commonwealth’s Attorney of the jurisdiction where the conviction occurred and to the Attorney General of Virginia.
   i. The Petitions for Writs of Actual Innocence are required by law to be sent certified mail, return receipt requested.
   ii. For purposes of filing a Petition for Writ of Actual Innocence only, an offender’s postage loan allowance shall be the cost to send by certified mail, return receipt requested, one copy each to the Commonwealth’s Attorney and the Attorney General.
   iii. The Court only allows one Petition for Writ of Actual Innocence per felony conviction.
   iv. The outer envelopes must be clearly marked “Petition for Writ of Actual Innocence.” The facility may inspect the documents (but not read for content) in the presence of the offender to confirm that it is a Petition for Writ of Actual Innocence before providing the postage loan allowance.

e. Loans shall not be provided to pay costs of special purpose mail.

f. Outgoing mail improperly identified as legal may be opened, inspected, and the sender verified before being returned to the offender for mailing as general or special purpose correspondence.

E. Incoming Correspondence

1. Incoming offender personal mail is limited to items processed by the US Postal Service as one ounce or less to facilitate searching these items to protect facility order and security.

   a. Incoming general correspondence should be allowed if it was processed by the Postal Service as equivalent to, or less than the contents of a one-ounce (1 oz.) domestic first class letter.
      i. The one-ounce restriction does not apply to legal or special purpose mail, educational correspondence, packages, mail from a vendor, or mail from a federal, state, or local government agency.
      ii. Incoming general correspondence that exceeds this limit shall be returned to the postal service unopened.
      iii. The sender will be advised of the option to appeal the rejection to the Facility Unit Head.

   b. When incoming general correspondence is disapproved based on the mail exceeding the weight restriction or the offender choosing not to receive general correspondence in accordance with this operating procedure, the envelope will be marked as follows and returned to the Post Office.

```
Name of Facility – Date Returned to Post Office
Disapproved for Delivery of General Correspondence
Reason:
☐ Exceeds weight (one oz. first class letter)
☐ Addressee chooses not to receive general correspondence in accordance with departmental procedures
☐ Other __________
You may appeal this disapproval to the Facility Unit Head
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c. The returned envelope will serve as notification to the sender; the offender will be notified of the
Operating Procedure: 803.1
January 1, 2015

2. Unauthorized incoming general correspondence
   a. When incoming correspondence is rejected or returned to the sender, the sender shall be notified
      of the reasons for the rejection and of the right to appeal the rejection of the correspondence to the
      Facility Unit Head.
   b. Unauthorized incoming general correspondence should be returned to the sender unopened if possible
   c. Unauthorized correspondence that is opened will be returned directly and immediately to the
      sender if known, with a written explanation for disapproval and notification of the right to appeal
      the rejection of the correspondence to the Facility Unit Head.
      i. A letter similar to Notice of Unauthorized Correspondence 803_F2 should be used for
         notification. Note: this letter should not come from the Facility Unit Head so that the sender
         may appeal the decision to the Facility Unit Head.
      ii. The facility is responsible for postage costs of sending the Notice and the enclosed
          unauthorized correspondence.
   d. Handling of unauthorized funds when the sender cannot be determined or the sender is
      unauthorized:
      i. If the sender cannot be determined, unauthorized funds should be confiscated and routed to the
         facility Commissary Fund for the benefit of the offenders in accordance with the Offender
      ii. If the sender is unauthorized, unauthorized funds should be returned to the sender. If there is
          evidence of efforts to circumvent DOC operating procedures, the Facility Unit Head or
          designee may approve for unauthorized funds to be confiscated and routed to the facility
          Commissary Fund for the benefit of the offenders in accordance with the Offender Trust
   e. Handling of unauthorized correspondence when the sender cannot be determined or the sender is
      unauthorized:
      i. If the sender cannot be determined, unauthorized correspondence should be destroyed after
         any items of value are handled in accordance with unclaimed property procedures in
         Operating Procedure 802.1, Offender Property.
      ii. If the sender is unauthorized, unauthorized correspondence should be returned to the sender.
         If there is evidence of efforts to circumvent DOC operating procedures, the Facility Unit Head
         or designee may approve for unauthorized correspondence to be destroyed after any items of
         value are handled in accordance with unclaimed property procedures in Operating Procedure
         802.1, Offender Property.
   f. The facility should not accept postage due incoming offender correspondence. Any such item
      received at the facility should be returned to the Post Office unopened.

3. An offender shall be notified when incoming correspondence is unauthorized or exceeds the one-
   ounce restriction using a copy of the letter similar to Notice of Unauthorized Correspondence.

4. Incoming offender correspondence with incomplete addresses, such as no offender number, should
   be delivered if it can be determined which offender is the intended recipient.

5. An offender who has legally changed their name will be permitted to receive mail in the new name
   as well as the old name if they have provided proper notification to the facility in accordance with
   Operating Procedure 050.6, Offender Access to Record Information.

6. Incoming Priority or Express general correspondence should be discouraged, however if urgency of
   a circumstance requires expedited delivery, the offender shall obtain prior written approval from the
   Facility Unit Head or designee.

7. Offenders may receive computer printed materials and photographs enclosed in incoming general
   correspondence.
a. Printed materials may include but are 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.
   i. The content of all such printed materials will be reviewed for compliance with Operating Procedure 803.2, *Incoming Publications*.
   ii. Offenders cannot receive materials that have been printed off any DOC website from any source.

b. Incoming photos (maximum size 4” x 6”) shall be limited in weight equivalent to or less than the contents of a one ounce letter or five photographs, whichever is less.
   i. Photographs shall be defined as printed on heavy, photographic processing type paper.
   ii. No photographs where the non-photo side can be separated (Polaroid) will be allowed through incoming offender mail.
   iii. Pictures printed on standard weight printer paper should be treated as printed materials and not classified as photographs.

8. Offenders may receive personal photo books where the photographs of their family and friends are printed on the pages of the book and not otherwise attached (i.e. Shutterfly, Snapfish, etc.), provided the book is shipped directly from a commercial vendor.
   a. All photographs printed in the book shall be classified as personal pictures and must comply with the criteria established in this operating procedure. All other content must comply with the *Specific Criteria for Publication Disapproval*.
   b. Personal Photobooks must be purchased by a third party, only.
   c. All personal photo books must be shipped directly from a commercial vendor. Photo books that are not received directly from a commercial vendor shall be returned to the sender unopened and the offender notified using the *Notice of Unauthorized Correspondence* 803_F2.
   d. For photo books received from a commercial vendor where the facility has determined that the personal pictures or content violate DOC procedure, the offender shall be notified using the *Notice of Unauthorized Correspondence* 803_F2 and provided a *Property Disposition* 802_F4 to indicate the method of disposition.
   e. Personal photo books shall be included in the maximum number of books/ magazines offenders are authorized to possess in accordance with Operating Procedure 802.1, *Offender Property*. Soft cover photo books shall be counted as magazines and hard cover photo books shall be counted as books and documented on the *Property Request Add/Drop* 802_F1 for property inventory purposes.
   f. Limitations regarding the size and quantity of personal pictures authorized in incoming correspondence do not apply.
   g. Photo Books must be no larger than 11 inches by 14 inches.
   h. Photo Books with wire binding are prohibited.
   i. Photo Books with removable photographs are prohibited.
   j. Photo Books that have been altered by the offender will be considered contraband and disposed of in accordance with Operating Procedure 802.1, *Offender Property*. The offender may retain any clippings removed from the book but the book is unauthorized.
   k. Disapproved Photo Books will not be sent to the Publication Review Committee. Appeal of the disapproval shall be through the offender grievance procedure (appeal to the Facility Unit Head at Community Corrections facilities).

9. Offenders may receive their own financial account statements and credit reports. Financial account statements and credit reports for others, debit cards, credit cards, gift cards, checkbooks, savings passbooks, and other such items are prohibited.

10. Commercial or non-profit correspondence that contain unauthorized advertising items that the offender is not permitted to possess (to include but not limited to Stickers, Return Address Labels,
Decals, CD’s/CD ROM’s, Collector Cards, Make-Up Samples, Calendars, etc.), may have the unauthorized advertising item removed and disposed of so that the offender may receive the correspondence. Items removed should be noted on the envelope; no other notice is required.

11. Offenders may receive packages only in accordance with this operating procedure, Operating Procedure 802.1, Offender Property, Operating Procedure 803.2, Incoming Publications, and other applicable DOC procedures.
   a. Personal property may not be received by mail or delivery service from any source other than directly from a commercial vendor.
   b. Unauthorized packages shall be returned at the expense of the offender or the sender.
   c. All incoming packages, except legal packages, shall be searched outside the security perimeter of the facility prior to delivery.
   d. Boxes and packing materials should be disposed of outside the perimeter and not allowed to enter.
   e. Incoming packages shall be logged in accordance with Operating Procedure 440.1, Mailroom Operations and Security

12. Each facility shall forward all first class letters, periodicals, and packages for sixty days after an offender has been transferred to another facility or released. (4-4446, 4-4496, 4-ACRS-6A-09)
   a. First class mail and periodicals should be forwarded by adding the current address under the offender’s name and returning the item to the Post Office.
   b. Packages containing approved purchases that are delivered after the offender is transferred or released may be forwarded at DOC expense. The DOC should not incur any other forwarding costs.
   c. The facility mailroom should coordinate with the local Post Office for guidance on items that can be forwarded at no cost.
   d. The following are examples of mail classes that cannot be forwarded without cost and should be returned to the Post Office or handled in accordance with Post Office instructions.
      i. Standard Mail including Presorted Standard Mail
      ii. Nonprofit Organization
      iii. Printed matter not sent first class or as a periodical (books should be handled in accordance with Operating Procedure 802.1, Offender Property)

F. Outgoing Correspondence

1. Outgoing offender mail must include the offender’s return address with the offender’s name (spelled out) and offender number written on the same line and facility name (spelled out) and address listed below. There should be no attempt to hide that the correspondence came from a correctional facility.

2. In accordance with Operating Procedure 050.6, Offender Access to Record Information, an offender who has legally changed their name will be permitted to send mail using their new name if they have provided proper notification to the facility of their name change.

3. Outgoing general, special purpose, and legal correspondence from offenders will be stamped 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.

4. Offenders must clearly mark outgoing legal mail on the lower left portion of the front of the envelope as “LEGAL MAIL”.
   a. All outgoing legal mail shall be date-stamped and logged with the date the mail was received in the facility mailroom.
b. The Facility Unit Head shall ensure that notice is posted in the area where offender mail is
deposited for later pick-up, informing the offender population that deposits after a given time will
be stamped and logged as being deposited on the next business day.

c. Outgoing mail improperly identified as legal may be opened, inspected, and the sender verified
before being returned to the offender for mailing as general or special purpose correspondence.

5. Facilities should make accommodations for the collection and bulk delivery of offender
correspondence addressed to Department of Corrections Regional Offices or to the Department of
Corrections Central Office.

a. Correspondence containing documents such as disciplinary appeals or grievance appeals may be
collected, batched and sent, at facility expense, via the United States Postal Service or where
applicable, through inter-departmental mail or runners.

b. Offenders shall place each outgoing letter/mailing in a regular envelope and write the addressee
and the offender’s return address on the front of the envelope. The offender should write the
word “BULK” in the upper right hand corner instead of affixing a stamp as per the sample below.

<table>
<thead>
<tr>
<th>Offender Return Address</th>
<th>Bulk</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of Addressee</td>
<td></td>
</tr>
<tr>
<td>&lt;address&gt;</td>
<td></td>
</tr>
</tbody>
</table>

c. Facility mail rooms shall sort “bulk” correspondence according to destination, and place the
offender envelopes in a larger mailing envelope addressed to the respective regional office or
central office to be sent out at least each Tuesday and Thursday.

d. Offenders, if they choose, may send this type of outgoing correspondence through U.S. Postal
Service mail at their own expense

6. Facility authorities shall inspect outgoing offender packages prior to being sealed.

a. The offender’s name and facility’s return address shall be clearly marked on the package.

b. Shipping charges will be determined and assessed in accordance with Operating Procedure 802.1,
Offender Property.

c. Outgoing packages shall be logged in accordance with Operating Procedure 440.1, Mailroom
Operations and Security

G. Secure Messaging (email)

1. Secure messaging is a web-based program that operates on the DOC Contract Vendor’s server which
allows offenders and outside users to communicate by email through the offender’s JP4 device at
facilities where secure messaging is available.

2. All JP4 devices must be purchased through the DOC Contract Vendor in accordance with Operating
Procedure 802.1, Offender Property.

3. All offenders are eligible to participate in secure messaging subject to the same requirements as
provided for written correspondence processed by the US Postal Service.

a. Access to secure messaging will be restricted during periods of facility lockdown and any
emergency situation causing significant disruption of normal facility procedure or activity caused
by riot, escape, fire, natural disaster, employee action, or other serious incident

b. Offenders assigned to Special Housing will not have access to the kiosk or the personal JP4
player to retrieve their emails.
i. All incoming emails shall be printed by facility mailroom staff and delivered to the offender through the facility mail.

ii. If a pre-paid stamp is purchased by the sender, the offender may hand write a return letter on the blank pre-labelled page provided with their incoming email and forward their response to the mailroom through the facility mail.

iii. Upon receipt of the offender response, mailroom staff shall scan the offender’s letter for delivery to the sender.

c. Misuse of secure messaging may result in disciplinary action as provided in Operating Procedure 861.1, Offender Discipline, Institutions as well as criminal charges, if applicable.

d. Messages that do not comply with the requirements of this procedure will be returned to the sender.

4. Kiosks will be made available for offender access in designated areas of the institution, days and hours for offender access shall be established by the Facility Unit Head.

5. All incoming and outgoing email messages will be screened and must comply with the regulations governing written correspondence as provided in this operating procedure.

   a. Offenders shall not send or receive email messages with other offenders or persons housed in the Virginia Center for Behavioral Rehabilitation or in local, state, or federal, adult, or juvenile correctional facilities and jails.
   
   b. Offenders are prohibited from sending or receiving messages on behalf of another offender.
   
   c. Forwarding of secure messages in not permitted.
   
   d. There are no provisions for direct email communications with commercial or civilian email accounts or local, state or federal agencies.

6. Facility staff may monitor incoming and outgoing messages through the contractor management system and isolate incoming and outgoing message for investigative purposes.

H. Postage

1. Offenders shall be allowed to purchase postage, at cost, from the facility. The US Postal Service prohibits reuse of stamps.

2. Offenders must pay for regular postage, all costs of certification, and/or all costs of return receipt of mail.

3. Disciplinary appeals should be mailed directly to Department of Corrections Central Office per Operating Procedure 861.1, Offender Discipline, Institutions, either through “bulk” mail or, if the offender chooses, through postal service mail at the offender’s expense.

4. Grievance appeals should be mailed directly to Department of Corrections Central or Regional Office, as appropriate, either through “bulk” mail or, if the offender chooses, through postal service mail at the offender’s expense.

I. Complaints

1. Any time the DOC receives a complaint regarding obscene, harassing, threatening, or possibly illegal mail sent by an offender, such complaint (with a copy of the correspondence if possible) shall be forwarded to the appropriate Facility Unit Head.

   a. The Facility Unit Head or designee shall contact the complainant and notify proper authorities as necessary.

   b. Illegal activity shall be reported to the appropriate postal authorities, DOC Special Investigations Unit, and/or the appropriate local, state, or federal law enforcement agency.

   c. When an offender continues to send threatening, obscene, or harassing mail after being notified not to do so, the Facility Unit Head may grant approval to screen all outgoing mail from that offender to intercept and return any mail addressed to the complainant.
2. Offenders may use established offender complaint and grievance procedures regarding the handling or withholding of their mail.
   a. A photocopy (if appropriate) of the disputed correspondence should be held until the expiration of the time period for the offender to file a grievance.
   b. A photocopy is not required when the mail has been disapproved due to exceeding the weight restriction/number of photographs or the offender choosing not to receive general correspondence in accordance with this operating procedure.

V. REFERENCES
   Operating Procedure 030.4, Special Investigations Unit
   Operating Procedure 050.6, Offender Access to Record Information
   Operating Procedure 440.1, Mailroom Operations and Security (Restricted)
   Operating Procedure 445.2, Facility Searches and Inspections (Restricted)
   Operating Procedure 802.1, Offender Property
   Operating Procedure 802.2, Offender Finances
   Operating Procedure 803.2, Incoming Publications
   Operating Procedure 861.1, Offender Discipline, Institutions
   Operating Procedure 866.1 Offender Grievance Procedure
   Operating Procedure 866.3, Offender Legal Access

VI. FORM CITATIONS
   Notice to All Offenders – General and Special Purpose Correspondence 803_F1
   Notice of Unauthorized Correspondence 803_F2
   Property Request Add/Drop 802_F1
   Property Disposition 802_F4

VII. REVIEW DATE
   The office of primary responsibility shall review this operating procedure annually and re-write it no later than three years from the effective date.

   Signature Copy on File  11/25/14
   A. David Robinson, Chief of Corrections Operations  Date