



Operating Procedure

Effective Date October 1, 2017	Number 803.1
Amended Eff. 4/1/18, 1/1/19	Operating Level Department
Supersedes Operating Procedure 803.1 (1/1/15) Operating Procedure 440.1 (1/1/15) Partial	
Authority COV §8.01-195.6, §18.2-374, §18.2-374.1:1, §18.2-390, §18.2-391, §19.2-327.3, §19.2-327.11, §53.1-10, §53.1-25, §53.1-26, §53.1-35	
ACA/PREA Standards 4-4275, 4-4446, 4-4487, 4-4488, 4-4489, 4-4491, 4-4492, 4-4493, 4-4494, 4-4495, 4-4496; 4-ACRS-6A-01, 4-ACRS-6A-02, 4-ACRS-6A-06, 4-ACRS-6A-07, 4-ACRS-6A-08, 4-ACRS-6A-09; 2-CO-5D-01	
Office of Primary Responsibility Corrections Operations Administrator	

Subject
OFFENDER CORRESPONDENCE

Incarcerated Offender Access	Public Access	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Attachments	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

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 units 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

Commercially Distributed Photographs - Printed images that are produced for public distribution and are purchased through a vendor that provides mail order service to the public.

Community Corrections Facility - A residential facility operated by the Department of Corrections to provide Community Corrections Alternative Programs

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. 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 that has been 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 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, neighborhood cliques, 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

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 - Offenders' parents, step parents, 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 Offender - An offender with less than \$5.00 in their 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 - 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 full 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

Semi-nude - Partially clothed; covered by under clothes or minimal clothing so as to appear nude

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.

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.

IV. FACILITY MAILROOM OPERATIONS

- A. This operating procedure provides staff, offenders, and their correspondents with information related to the regulation and management of offender correspondence. 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. (4-4487, 4-ACRS-6A-07, 2-CO-5D-01)
- B. Each facility shall provide an area(s) to serve as the facility mailroom(s) for the purpose of searching, inspecting, and processing all offender correspondence, packages, and publications in accordance with this operating procedure, Operating Procedure 445.2, *Facility Searches and Inspections* (Restricted), and Operating Procedure 803.2, *Incoming Publications*.
1. Non-security personnel may routinely maintain the operation of the mailroom under the general supervision of the facility's Assistant Warden, Chief of Security, or comparable position as determined by the Facility Unit Head.
 2. Offenders will not be assigned to work in a facility mailroom or other designated mail receipt area. Offenders will not be permitted to handle mail, packages, or packaging materials going to or from the mailroom except to assist in loading and transporting packages under constant sight supervision of staff.
 3. 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 correspondence that complies 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 correspondence is normally processed and delivered on the same working day but can be held up to 48 hours during severe staff shortage and/or on days of extremely heavy mail flow, only. All possible mail should be processed 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. The offender population should be promptly notified of any deviation from normal mail processing schedules.
 - e. 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
 - f. Established 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.
- C. 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:
1. Incoming and outgoing legal mail
 2. Incoming and outgoing registered mail of the type requiring return receipt

3. Incoming and outgoing packages

- D. 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)
1. 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.
 2. 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.
 3. The facility mailroom should coordinate with the local Post Office for guidance on items that can be forwarded at no cost.
 4. 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.
 - a. Standard Mail including Presorted Standard Mail
 - b. Nonprofit Organization
 - c. Printed matter not sent first class or as a periodical (books should be handled in accordance with Operating Procedure 802.1, *Offender Property*)
 5. Personal documents such as Birth Certificate, Social Security Card, Certificate of Release or Discharge from Active Duty (DD214), or DMV Identification Card, received after the offender's release shall be forwarded to the Facility Records Office for processing.
- E. 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.
- F. Offenders may use established offender complaint and grievance procedures regarding the handling or withholding of their mail.
1. 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.
 2. A photocopy is not required when the mail has been disapproved due to exceeding the weight restriction, photocopy and size limitations, number of photographs or the offender choosing not to receive general correspondence in accordance with this operating procedure.

V. MANAGEMENT OF OFFENDER CORRESPONDENCE

- A. 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 the requirements of this operating procedure, violate any state or federal law, or violate any U.S. Postal Service regulation.
1. All offenders housed in DOC facilities shall be permitted to correspond with families, friends, attorneys, courts, and other public officials and organizations.
 2. 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)
 3. There are no restrictions on personal correspondence in a foreign language unless the contents otherwise violate this operating procedure.
 - a. 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.
 - b. If there is reasonable suspicion to read an offender's incoming foreign language correspondence, the correspondence may be translated and read as any other personal correspondence.

- c. 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.
- d. The Facility Unit Head is responsible for arranging for translation services for incoming and outgoing foreign language correspondence.

B. Confidentiality of Offender Correspondence

1. In the course of reading correspondence, staff may incidentally learn of intimate information concerning the private lives of offenders or correspondents.
2. Staff must be sensitive to the fact that most information in correspondence is of a private nature and must be handled discretely.
3. Unless there is a legitimate correctional concern relating to security, safety, orderly running of the facility or criminal activity, the contents of reviewed correspondence shall not be revealed to any other person.

C. All offenders will read, or have read to them, the [General and Special Purpose Correspondence Offender Notice](#) 803_F1 during initial orientation to the DOC.

1. Every offender must indicate on the [General and Special Purpose Correspondence Offender Notice](#) 803_F1 whether they choose to receive general and special purpose correspondence subject to the requirements of this operating procedure. An offender's refusal to sign the *Notice* will be interpreted as an indication that the offender does not want to receive general and special purpose correspondence
2. The Facility Unit Head or designee will ensure that the *Notice* is properly signed, witnessed, and uploaded as an external document in the *Facility Notes* section of VACORIS identified as a *Special Entry* and then forwarded to the facility mailroom.
3. Offenders shall be provided the opportunity to change their preference at least once per year by completing a new *General and Special Purpose Correspondence Offender Notice*.
4. Offenders who do not authorize the opening, inspecting and reading of their general correspondence and opening and inspecting their special purpose correspondence will not receive any general or special purpose correspondence.

D. Each facility shall provide offenders with written information on the management of offender correspondence at that facility. Information provided to offenders should include the following:

1. The offender assumes responsibility for notifying family members and friends of the requirements of this operating procedure to include but not limited to the following:
 - a. Restrictions regarding incoming cash, personal checks, certified/ cashier's checks, money orders, and prohibited photographs
 - b. The inspection, photocopying, and shredding of the envelope and all enclosed contents of incoming general correspondence, when applicable
 - c. Correspondence containing threats, extortion, or other illegal activity may result in prosecution for violation of state or federal laws
2. The offender must present their identification card to receive their correspondence.
3. Location(s) for deposit of outgoing correspondence
4. Time(s) of pickup for outgoing correspondence
5. Time and location of incoming correspondence delivery
6. Access to facility notary services shall be available to offenders in accordance with Operating Procedure 866.3, *Offender Legal Access*.
7. Information on Indigent Offender access

- a. Indigent offenders shall be allowed to send one free letter per week to maintain community ties. (4-4489, 4-ACRS-6A-06) Unused postage allowance shall not be carried over seven calendar days. See Operating Procedure 802.2, *Offender Finances*, for procedures for indigent services.
 - b. When indigent offenders have been transferred, the Institutional Ombudsman/ Grievance Coordinator will forward applicable informal complaints and subsequent grievances to the facility where the issues originated in accordance with Operating Procedure 866.1, *Offender Grievance Procedure*.
 - c. When indigent offenders have been transferred, the Hearings Officer at the offender's current institution will forward applicable *Disciplinary Appeals* to the institution where the offense occurred for processing in accordance with Operating Procedure 861.1, *Offender Discipline, Institutions*.
 - d. Non-indigent offenders shall not receive free postage for general correspondence, legal, or special purpose correspondence.
8. Free mail services for correspondence courses and re-entry planning, if authorized by the Facility Unit Head.
- a. The Facility Unit Head may set eligibility requirements such as offender indigence and approved subjects for correspondence courses.
 - b. With prior approval by the Facility Unit Head or designee, facilities may provide reasonable free postage for educational correspondence incidental to offender correspondence courses.
 - c. 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.

VI. INSPECTION OF OFFENDER CORRESPONDENCE

- A. This operating procedure and Operating Procedure 445.2, *Facility Searches and Inspections* (Restricted) govern the inspection for and disposition of contraband related to offender correspondence.
- B. All offender correspondence, both incoming and outgoing, may be opened and inspected for contraband. (4-4494, 2-CO-5D-01, 4-ACRS-6A-08)
 1. Offenders shall be notified when incoming and outgoing letters are withheld in part or in full. (4-4491)
 2. Notification may be delayed pending review of appropriate disposition of questionable items.
 3. Correspondence is read, censored, or rejected based on legitimate facility interests of order and security. (4-4491)
 - a. Legitimate facility interests of order and security means that the correspondence poses a specific threat to the safety and security of the institution, public officials, or the general public or that the correspondence is not being used to further illegal activities.
 - b. When offender correspondence is censored or rejected, the offender or sender should be notified of the reasons for the action and have an opportunity to appeal that decision in accordance with this operating procedure.
- C. 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 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 correspondence 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 commercially distributed).
 - 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 commercially distributed, 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. Envelopes containing commercially distributed photographs will be opened and searched in the same manner as all other incoming correspondence. The outer envelope will be photocopied and the original envelope shredded in the facility mailroom. The photocopy will be delivered to the offender with the photographs.
 - ii. 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*.
 - iii. When it is determined by the facility that the commercially distributed 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.
 - iv. Disapproved commercially distributed 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 in accordance with Operating Procedure 866.2, *Offender Complaints, Community Corrections*).
 - v. All commercially distributed photographs are required to have the vendor's identification information and a 18 USC §2257 compliance statement, when applicable, affixed to each individual photograph.
 - (a) The vendor identification information must include the vendor's name and address.
 - (b) If there is reasonable suspicion that the vendor is not legitimate or that the vendor's identification information is not legitimate, the Facility Unit Head will inform the Regional Operations Chief who will notify the Chief of Corrections Operations and request the distributor be disapproved statewide.
 - (c) Any distributor or vendor of commercially distributed photographs depicting sexually explicit content must also include on each photograph 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. "Sexually explicit content" is to be given the meaning found in 18 U.S.C. § 2256(2)(A). Specifically, "sexually explicit content" means actual or simulated sexual: (i) intercourse, including genital-genital, oral-genital, anal-genital, whether between persons of the same or opposite sex; (ii) bestiality; (iii) masturbation; (iv) sadistic or masochistic abuse; or (v) lascivious exhibition of the genitals or pubic area of any person.
 - (d) Incoming commercially distributed 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 of any individual who has a known personal association with an offender incarcerated in a DOC facility, shall be considered personal for that offender and will be subject to the criteria established in this operating procedure for personal photographs.
- g. 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. Once disapproved, the distributor will be placed on the *Disapproved Vendors - Publications and Commercially Distributed Photographs* list.
 - 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. At Security Level W & 1 facilities, 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. Offenders are prohibited from receiving the outer envelopes containing their incoming correspondence. Therefore, to ensure that the offender is provided the return address, the address should be placed on the front of the envelope.
 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).
- D. All correspondence will be inspected to intercept cash, checks, postage stamps, money orders, or other items of monetary value. (4-4493)
1. Receipt of cash, money orders, certified/ cashier's checks, personal checks, gift cards, lottery tickets, postage stamps, or prepaid postage envelopes/ postcards through incoming correspondence is prohibited.
 2. Government, corporate, and other business checks (including checks from ex-employers) that are reasonably believed to be collectable shall be removed from incoming correspondence 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.
 3. 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.
 4. If incoming general correspondence contains an approved check, but also contains contraband, such as an unauthorized picture or photograph, or exceeds the photocopy limitations, when applicable; the approved check may be credited to the offender's account and the correspondence returned to the sender.
 5. 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 of the Facility Unit Head.
 - a. Facility Unit Head(s) may grant approval to documented family members of each offender.
 - b. The Chief of Corrections Operations must approve for charitable or religious organizations to send funds to more than one offender.
- E. In accordance with United States Postal Regulations and this operating procedure, all incoming general correspondence will be opened and inspected for contraband in the facility mailroom and may be read

by authorized staff prior to delivery to the offender.

1. At all facilities, the outer envelope on all incoming general correspondence shall be photocopied, removed, and shredded in the facility mailroom. The photocopy of the envelope should include the offender's mailing address as well as the return address and must be attached to the correspondence for delivery to the offender.
2. At Security Level W & 1 facilities, incoming offender personal correspondence is limited to items processed by the US Postal Service as one-ounce (1 oz) or less to facilitate searching these items to protect facility order and security.
3. Security Level 2 and above facilities
 - a. For all incoming offender personal correspondence the outer envelope, letter and all enclosed contents including but not limited to photographs, greeting cards, drawings, printed material, and publication clippings will be photocopied in the facility mailroom.
 - i. The photocopies will be delivered to the offender; the envelope, letter and all enclosed contents will be shredded in the facility mailroom; not returned to the sender.
 - ii. Offenders will be limited to receiving a maximum of three 8 ½" X 11", black and white photocopied pages front and back to include the photocopy of the envelope.
 - iii. Each item in the envelope i.e. letter, photograph, greeting card, drawing, printed material, and newspaper clipping, will be considered one photocopy. When both sides require photocopying i.e. photographs with writing on the back (not to include the trademark), each side of the item will be considered one photocopy.
 - iv. Enclosed items will not be manipulated to print multiple items on a single photocopied page. Items that exceed the established size limitation will not be manipulated to fit on a single or multiple 8 ½" X 11" photocopy pages.
 - v. Exceptions to this requirement include but are not limited to official legal, government and court ordered documents such as military records (i.e. DD214), Court documents (i.e. divorce decrees, name change orders), etc.
 - (a) Before any action is taken on these documents, facility management staff must be consulted.
 - (b) Personal Identification Documents will continue to be forwarded to the facility Records Office for processing.
 - vi. General Correspondence that exceeds the maximum of three 8 ½" X 11", photocopied pages front and back or requires staff to manipulate the letter and/ or enclosed contents to photocopy will be returned to the sender.
 - b. For all incoming general correspondence from Department of Correction's offices, the outer envelope will be photocopied in the facility mailroom; the photocopy of the envelope should include the offender's mailing address as well as the return address. The photocopy of the envelope, original correspondence, and all enclosed contents will be delivered to the offender.
 - c. All incoming religious, educational, and organizational/ business general correspondence will be screened in the facility mailroom for compliance with DOC operating procedures and inspected for contraband prior to delivery to the offender.
 - i. The original letter and all enclosed contents will be delivered to the offender provided the correspondence does not otherwise violate the content requirements of this operating procedure or Operating Procedure 803.2, *Incoming Publications*, when applicable.
 - ii. The outer envelope will be photocopied in the facility mailroom and the photocopy will be delivered to the offender. The outer envelope will be shredded.
 - iii. Mailroom staff may consult with facility Educational Staff or the facility Chaplain for guidance in processing educational and religious general correspondence.
 - iv. Offenders are permitted to receive one stamped self-addressed return envelope from an attorney, court, business, or school when needed for return correspondence.
 - d. All Educational and Religious Correspondence Course material will be opened, screened for

compliance with DOC operating procedures, and inspected for contraband in the facility mailroom.

- i. Incoming educational course material must be screened by facility Educational Staff and religious course material must be screened by the facility Chaplain prior to delivery to the offender.
- ii. Upon completion of the screening and approval by Educational Staff or the facility Chaplain, the Correspondence Course material will be returned to the facility mailroom for delivery to the offender.
- iii. Educational Staff and the facility Chaplain should consult with the Institutional Investigator for questionable materials.
- iv. Offenders are permitted to receive one stamped self-addressed return envelope when needed for returning correspondence.

F. 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)

1. Except where specifically identified in this procedure, legal and special purpose correspondence does not include correspondence from representatives or employees of DOC units.
2. 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.
 - c. The outer envelope will be photocopied in the facility mailroom; the photocopy of the envelope should include the offender's mailing address as well as the return address.
 - d. If no contraband is found, the photocopy of the envelope, original correspondence, and all enclosed contents will be delivered to the offender.
3. 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 [Incoming Legal Mail Log](#) 803_F5 will be maintained for all incoming legal mail documenting all relevant information. (Offender Name, Offender Number, Sender's Name and Address, Offender Signature, Date Received, Staff Initials).
 - i. The outer envelope shall be photocopied and attached to the incoming legal mail to be delivered to the offender when the correspondence is opened and searched in the presence of the offender.
 - ii. An offender must sign the [Incoming Legal Mail Log](#) 803_F5 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)
 - i. 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.
 - ii. Where such probable cause exists, the mail may be temporarily held until instructions are obtained or a Court order is approved.
 - c. If no contraband is found, the photocopy of the envelope and all enclosed contents should be given to the offender and the original envelope discarded in an area inaccessible to offenders.
4. Suspicious items received as special purpose correspondence or legal mail should be turned over to the appropriate investigative authority for evaluation.
 - a. 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.

- b. Offenders who do not choose to receive special purpose correspondence shall have the correspondence returned to the United States Postal Service as described in the [General and Special Purpose Correspondence Offender Notice](#) 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 correspondence 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)
1. The facility shall log incoming correspondence containing prohibited items and return the correspondence and items to the sender.
 2. If the correspondence or items are suspected to be illegal, the facility should contact the appropriate local, state, or federal law enforcement agency.
 3. 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).
 4. 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).
 5. Commercial or non-profit correspondence that contains 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 photocopy of the envelope; no other notice is required.
 6. 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*.
- H. Outgoing mail should not generally be searched unless there is a reason for suspicion.
1. 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.
 - a. 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.
 - b. If the correspondence is not legitimate, the envelope and contents should be forwarded to appropriate authorities for investigation.
 2. 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.
 3. 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.
 4. 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.

5. 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.

VII. PROCESSING OFFENDER CORRESPONDENCE

A. Incoming General Correspondence

1. At Security Level W & 1 facilities, 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.
 - a. 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.
 - b. Incoming general correspondence that exceeds this limit shall be returned to the postal service unopened and the sender will be advised of the option to appeal the rejection to the Facility Unit Head.
 - c. 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.

<i>Name of Facility – Date Returned to Post Office</i>
Disapproved for Delivery of General Correspondence
Reason:
<input type="checkbox"/> Exceeds weight (one oz. first class letter)
<input type="checkbox"/> Addressee chooses not to receive general correspondence in accordance with departmental procedures
<input type="checkbox"/> Other _____
You may appeal this disapproval to the Facility Unit Head

- d. The returned envelope will serve as notification to the sender; the offender will be notified of the disapproval using a letter similar to the [Notice of Unauthorized Correspondence](#) 803_F2.
2. At Security Level 2 and above facilities, incoming general correspondence should be allowed if the correspondence does not exceed the maximum photocopy limitation of three 8 ½” X 11” pages, front and back and the enclosed items do not have to be manipulated to print on a single or multiple photocopied pages.
 - a. The maximum photocopy and size limitation does not apply to legal or special purpose mail, religious, educational, and organizational/ business general correspondence, Department of Correction’s offices, or mail from a federal, state, or local government agency.
 - b. When incoming general correspondence is disapproved for exceeding the photocopy or size limitation, the correspondence and all enclosed contents shall be returned to the sender
 - c. The sender will be notified of the reason for the return and their option to appeal the rejection to the Facility Unit Head using letter similar to the [Notice of Unauthorized Correspondence](#) 803_F2.
 3. 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.
 - iii. If necessary to document the reason the correspondence is unauthorized, a representative copy of the offending content should be retained at the facility pending a possible offender grievance.
 - 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 Trust Manual* and [COV](#) §53.1-26.
 - 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 Manual* and [COV](#) §53.1-26.
 - 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*.
4. 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.
 5. An offender shall be notified when incoming correspondence is unauthorized or exceeds the maximum photocopy or size limit at Security Level 2 and above facilities using a copy of the letter similar to *Notice of Unauthorized Correspondence*.
 6. 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.
 7. 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*.
 8. 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.
 9. 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 at Security Level W & 1 facilities.
- 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 correspondence.
 - iii. Pictures printed on standard weight printer paper should be treated as printed materials and not classified as photographs.
10. Offenders at all security levels may receive original personal photographs and photo books of their family and friends from a vendor provided these items are purchased by a third party only and are shipped directly from the vendor.
- a. Personal photographs from a vendor must be printed on heavy photographic processing type paper and are limited to five photographs, maximum size of 4" x 6".
 - i. These photographs shall be classified as personal pictures and must comply with the criteria established in this operating procedure for personal pictures to include the prohibition of nude or semi-nude personal photographs or pictures of any person.
 - ii. Vendor identification and compliance statement requirements for commercially distributed photographs do not apply.
 - iii. Personal photographs received from a vendor will be opened and searched in the same manner as all other incoming correspondence. The outer envelope will be photocopied with the original shredded in the facility mailroom.
 - iv. The photocopy of the envelope will be delivered to the offender with the original photographs. Offenders at all security levels may possess the original photographs without photocopying.
 - v. Personal photographs that are not received directly from a vendor shall be processed in the same manner as all photographs enclosed in incoming correspondence.
 - b. Personal photo books must have the photographs of family and friends printed on the pages of the book and not otherwise attached (i.e. Shutterfly, Snapfish, etc.).
 - i. All photographs printed in the photo 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*.
 - ii. Photo books will be opened and searched in the same manner as all other incoming correspondence. The outer envelope will be photocopied with the original shredded in the facility mailroom. The photocopy will be delivered to the offender with the book.
 - iii. All personal photo books must be shipped directly from a vendor. Photo books that are not received directly from a vendor shall be returned to the sender unopened and the offender notified using the [Notice of Unauthorized Correspondence](#) 803_F2.
 - iv. For photo books received from a 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.
 - v. 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 [Personal Property Request Add/Drop](#) 802_F1 for property inventory purposes.
 - vi. Limitations regarding the size and quantity of personal pictures authorized in incoming

correspondence do not apply.

- vii. Photo Books must be no larger than 11 inches by 14 inches.
 - viii. Photo Books with wire binding are prohibited.
 - ix. Photo Books with removable photographs are prohibited.
 - x. 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.
- c. Disapproved personal photographs from a vendor and personal 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).

11. Offender personal documents

- a. Identification documents and educational documents shall be forwarded to the facility Records Office for storage in the offender's *Property Envelope* in accordance with Operating Procedure 050.1, *Offender Records Management*. The offender should be notified the documents have arrived and the Division of Education Office should be notified of educational documents.
- b. The offender shall be allowed to possess their own other personal documents such as military discharge (DD214) and medical documents.
- c. 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.

B. Legal Correspondence

- 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 40 first class postage stamps per month 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.

C. 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.

1. Personal property may not be received by mail or delivery service from any source other than directly from a vendor.
2. Unauthorized packages shall be returned at the expense of the offender or the sender.
3. All incoming packages, except legal packages, shall be searched outside the security perimeter of the facility prior to delivery.
4. Boxes and packing materials should be disposed of outside the perimeter and not allowed to enter.
5. An [Incoming Package Log](#) 803_F6 will be maintained of incoming packages documenting all relevant information. (Sender Name and Address, Offender Name, Offender Number, Date Received in Mailroom, Date Delivered to Offender)

D. 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. An [Outgoing Legal Mail Log](#) 803_F7 will be maintained for all outgoing legal mail documenting all relevant information (Offender Name, Offender Number, Addressee's Name and Address, State Postage Expenditure, Staff Initials). 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.

Offender Return Address	<i>Bulk</i>
Name of Addressee <address>	

- 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. Postage
- a. Offenders shall be allowed to purchase postage, at cost, from the facility. The US Postal Service prohibits reuse of stamps.
 - b. Offenders must pay for regular postage, all costs of certification, and/or all costs of return receipt of mail.
 - c. 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.
 - d. 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.
7. Outgoing packages are searched prior to being sealed.
- a. The offender's name and facility's return address shall be clearly marked on the package.
 - b. The offender is responsible for all postage and shipping expenses. Shipping charges will be determined and assessed in accordance with Operating Procedure 802.1, *Offender Property*.
 - c. An [Outgoing Package Log](#) 803_F8 will be maintained of outgoing packages documenting all relevant information. (Offender Name, Offender Number, Addressee's Name and Address, Date Received from Offender, Date Sent from Facility)
- E. Offender general, special purpose and legal correspondence returned from the Post Office to a Security Level 2 and above facility for insufficient postage, incorrect or incomplete address, undeliverable, etc. will not be returned to the offender.
1. Facility mailroom staff will notify the offender their mail was returned on the [Returned Offender](#)

Correspondence Notice 803_F9.

2. Returned correspondence will be held in the facility mailroom for 7 working days to allow the offender the opportunity to correct the reason for the return; i.e. provide additional postage or an alternate address.
 3. If the offender does not correct the reason for the return within 7 working days, the original correspondence and all enclosed contents to include pictures, artwork, greeting cards, etc. will be shredded.
 4. Mail room staff will complete the bottom section of the Returned Offender Correspondence Notice 803_F9 documenting date and method of disposition.
- F. 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.
1. The Facility Unit Head or designee shall contact the complainant and notify proper authorities as necessary.
 2. 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.
 3. 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.

VIII. SECURE MESSAGING

- A. 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 messaging through the offender's media device.
1. Secure messaging is provided for personal communications for individual offenders to maintain relationships in the community, only. Use of the secure messaging system for business purposes is prohibited.
 2. Attorneys and their authorized representatives should not utilize this system to communicate with an offender about their legal affairs as secure messages are not treated as confidential.
 3. All pictures and photographs sent to offenders through secure messaging will be treated as personal and must comply with the requirements governing content established in this operating procedure for personal pictures and photographs to include prohibition of nude or semi-nude personal photographs or pictures of any person. Semi-nude shall include but is not limited to persons in diapers, underwear, lingerie, or swimwear.
- B. All media devices must be purchased through the DOC Contract Vendor in accordance with Operating Procedure 802.1, *Offender Property*.
- C. Offenders in general population are eligible to participate in secure messaging subject to the same requirements as provided for written correspondence processed by the US Postal Service unless otherwise stated in this procedure.
1. 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
 2. Secure messaging is a privilege, offenders assigned to a Special Housing Unit will not be provided access to the kiosk in order to retrieve or send their secure messages.
 3. Secure messages and attachments that must be reviewed by facility staff, prior to offender receipt, should normally be reviewed and processed within two working days. The Facility Unit Head or designee may extend the time limits for processing when additional time is required to determine

- compliance or when there is an exceptionally high volume of items to be reviewed.
4. 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.
 5. With approval of the Security Operations Manager or the Corrections Operations Administrator, an offender's access to secure messaging may be restricted, suspended, or terminated after completion of an investigation into offender misuse by the Special Investigations Unit or the Operations and Logistics Unit.
 6. Messages and attachments that do not comply with the content requirements of this procedure will be returned to the sender.
 - a. Notification that the message and/or attachment were censored and returned to the sender as well as the reason for the return will be provided electronically to the offender on their media device.
 - b. Offenders may appeal the return of their secure messages by submitting an [*Informal Complaint*](#) 866_F3 through the *Offender Grievance Procedure* in accordance with Operating Procedure 866.1, *Offender Grievance Procedure*.
 - c. The *Informal Complaint* must include the date of rejection as indicated on the media device.
 - d. Facility staff with access to the secure messaging system and who are designated to screen and when appropriate, reject incoming secure message and attachments must respond to the *Informal Complaint* and provide the offender with specific identifying information to include the letter ID, date of rejection, and customer ID.
 - e. Offenders who choose to appeal the return of their secure message and/ or attachment must submit a [*Regular Grievance*](#) 866_F1 and provide the identifying information for investigation by the facility Institutional Ombudsman/ Grievance Coordinator,
 - f. The facility Institutional Ombudsman/ Grievance Coordinator upon receipt of a Regular Grievance will consult with facility staff in order to review the contents of the secure message and prepare an appropriate response.
 7. Secure messages must be sent through the secure messaging system within 30 days, or the message will be deleted from the media device.
- D. 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.
- E. All incoming and outgoing messages will be screened and must comply with the regulations governing written correspondence as provided in this operating procedure.
1. Offenders shall not send or receive 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.
 2. Offenders are prohibited from sending or receiving messages on behalf of another offender to include sharing their password with another offender and allowing any offender to use their account to send or receive secure messages
 3. Forwarding of secure messages is not permitted.
 4. There are no provisions for direct messaging with commercial or civilian email accounts or local, state or federal agencies
- F. Facility staff may monitor incoming and outgoing messages through the contractor management system and isolate incoming and outgoing message for investigative purposes.

IX. REFERENCES

Operating Procedure 050.1, *Offender Records Management*

Operating Procedure 050.6, *Offender Access to Record Information*

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 866.2, *Offender Complaints, Community Corrections*
Operating Procedure 866.3, *Offender Legal Access*
United States Postal Service Domestic Mail Manual and Administrative Support Manual

X. FORM CITATIONS

[Personal Property Request Add/Drop](#) 802_F1
[Property Disposition](#) 802_F4
[General and Special Purpose Correspondence Offender Notice](#) 803_F1
[Notice of Unauthorized Correspondence](#) 803_F2
[Incoming Legal Mail Log](#) 803_F5
[Incoming Package Log](#) 803_F6
[Outgoing Legal Mail Log](#) 803_F7
[Outgoing Package Log](#) 803_F8
[Returned Offender Correspondence Notice](#) 803_F9
[Regular Grievance](#) 866_F1
[Informal Complaint](#) 866_F3

XI. REVIEW DATE

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

Signature Copy on File

8/21/17

A. David Robinson, Chief of Corrections Operations

Date