



FRANKLIN COUNTY JAIL

Chambersburg, PA

Standard Operating Procedure

Chapter:	400	Activities and Support Services	Number:	400.04	Pages:	12
Title:	04	Inmate Mail Postage/Copies	Date Signed:	8/4/2017		
Approved By:	<i>William Bechtold</i> William Bechtold, Warden		Revised Date:	6/22/2020		

POLICY

It is the policy of Franklin County Jail (FCJ) to provide inmates with the opportunity to communicate with family, friends, and officials of the legal system through the US mail regardless of their ability to pay for the implements to do so.

PURPOSE

To set forth the rules and regulations of the facility mail system, in order to maximize communication with family, friends, and those who have a general interest in the inmate's welfare, while maintaining the security of the facility and abiding by the rules and guidelines of the U.S. Postal Service.

Section 274.96 of the U.S. Postal Service's Administrative Support Manual states:

"Authorized personnel of prisons, jails, or other correctional institutions, under rules and regulations promulgated by the institution, may open, examine and censor mail sent from or addressed to an inmate of the institution or jail.

Moreover, once the U.S. Postal Service delivers the mail, it becomes the property of the institution, not the inmate. It is up to the discretion of the institution as to how mail will be processed. Outgoing mail is also the property of the institution until it is handed over to the U.S. Postal Service. Correctional Facility or jails are well within their authority to open, examine and censor outgoing correspondence and packages.

Correspondence from inmates does not become U.S. mail until it comes into the actual custody and control of the Postal Service, either when given to a postal employee or when deposited into a receptacle authorized by the Postmaster General for the receipt of mail; (i.e. a street collection box, lobby drop in a U.S. Post Office, etc.).

Therefore, unless items are considered actual mail matter as referenced above, the federal laws pertaining to the protection of mail matter do not apply.

REFERENCES

ACA 4-ALDF-2A-21, 2A-27, 2A-60
4-ALDF-5B-5 through 5B-10
PA Title 37 95.234, 95.245
U.S. Postal Service

DEFINITIONS

Legal Mail: Privileged correspondence that is clearly identified on the face of the envelope as coming from or to the courts, attorneys, or elected officials.

The correspondence will be opened and examined in front of the addressee. The transaction is logged and the signature of the officer opening and examining it is required along with the inmate's signature.

Contraband: Anything an inmate has that is not issued by the FCJ or authorized for possession by the FCJ. Articles such as intoxicants, drugs, weapons or anything altered from its original form for use other than what it was intended, and anything that could jeopardize the safety and security of the facility. In general, anything an individual is not authorized to have is considered to be contraband.

Postage: Includes fees for Postage and Envelopes

Copies: Includes fees for Copies and Paper

PROCEDURES

1. All incoming mail, excluding legal mail, will be inspected for contraband by jail staff prior to distribution to the inmates.
 - 1.1 All incoming letters will be required to be in a white envelope.
 - 1.2 Delegated staff will be assigned to the following procedures:
 - 1.2.1 US Mail will be delivered into the Lobby by the postal worker.
 - 1.2.2 The assigned officer will transport mail outside to the Mail room adjoining the Public Court Room for processing
 - 1.3 During the processing of the mail, the following guidelines will be observed:
 - 1.3.1 Gloves (Nitrile) will be worn at all times.
 - 1.3.2 Mask (N95) will be worn at all times.
 - 1.3.3 Utilizing the light to examine mail for contraband as needed
 - 1.3.4 Reviewing all mail for signs of contraband
 - Watermarks or any signs of liquid substance sprayed on paper.
 - Signs of Powder contraband

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- Any other items deemed to be contraband
- Any items containing any type of watermark, staining or contraband will be secured in a plastic evidence bag, sealed and the Captain will be notified.

1.4 Stamps shall be removed from incoming envelopes prior to distribution to inmates.

NOTE: Do not remove stamps prior to checking for approval.

1.5 The envelope and each piece of approved paper will be stamped. The stamped paper(s) will be placed back in the envelope for delivery to the inmate

2. After mail is cleared, it will be returned to the lobby and distributed to the housing units.

NOTE: During the handling of any inmate mail, all staff should use proper handling procedures (gloves). Although our mission is to detect contraband, it may be impossible to detect all contraband, so vigilance is required during this process.

3. The Warden, or designee, may open, read, censor, and/or reject mail based on legitimate correctional interests of order and security, including, but not limited to the following reasons:

- Mail with content that describes or encourages activities which may lead to the use of physical violence
- Mail containing information involving escape plots, plans to commit illegal activities or to violate FCJ rules and regulations
- Mail written in code
- Nudity or obscene language

NOTE: When reviewing correspondence, disagreement with the sender/receiver's apparent moral values, attitudes, choice of words, etc will not be used as a reason for withholding or delaying correspondence.

3.1 Inmates will be notified in writing when incoming or outgoing letters are withheld in part or in full; however, if a legitimate correctional interest exists, this notification may not be immediate. Censorship of mail may be appealed through the inmate grievance procedure.

4. The sending and receipt of mail shall be restricted or prohibited for valid penological reasons such as introduction of contraband, threats to security or the public, or when requested by intended recipients. A restricted or prohibited mail log shall be maintained by the Captain.

4.1 Public Request for Mail Restriction

4.1.1 Members of the public who do not wish to receive mail from an inmate are encouraged to return the unopened mail marked "Return to Sender". If they are a victim or find the mail threatening in nature, they should

retain the mail as evidence and contact their local Post Office or appropriate law enforcement agency.

4.2 Threats to Security and Contraband Alerts

4.2.1 Supervisors are required to complete the entry in to the Mail Restriction Log when placing an inmate in to the Threats to Security or Contraband Alerts. An Incident Report will be submitted in addition to an email sent to alert administration.

5. Incoming Mail

5.1 Incoming mail should be addressed as follows:

Inmate Name
Franklin County Jail
1804 Opportunity Ave.
Chambersburg, PA 17201

5.2 Letters containing unauthorized items will be returned to sender.

- The letter and unauthorized items will be rejected as a whole.
- The Returned Correspondence Log Form 400.04-5 will be filled out for all returned mail.
- When refused *prior to opening*, procure an ink stamp to apply REFUSED, once, to the front of the envelope. With black marker; cross off the name and address of the inmate. It is not necessary to deface the entire envelope or tear off the postage.
- *When opened*, a Rejected Correspondence Notice (Form 500.09) will be filled out informing the inmate and the sender of the rejected mail and explaining why the item is being returned.
 - One copy will be made and sent to Records to remain on file, one copy will be sent to the inmate, and the original will go into the letter that is to be returned to the sender.
 - The letter will be sealed and returned in the same manner stated above.

5.2.1 The following are not permitted and will be rejected and returned to sender:

- Any envelope or letter smelling of perfume, cologne or other odors
- Envelopes any other color but White
- COD (Cash or Collect On Delivery) items
- Envelopes or letters with gang symbols/writing on them
- Polaroid photos, photos larger than 4" X 6", more than ten (10) photos (at one time)

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- Personal checks, cash and Money Orders
 - Letters without a complete return address
 - Mail that is taped, pasted, or otherwise joined to another item in a manner which prevents an effective search.
 - Mail containing food, musical devices, metal parts, hard substances, stickers, postage stamps/pre-paid stamped envelopes, oversized objects (i.e. larger than 8 ½ by 11 inches), writing paper, pencils, pens and other writing utensils.
 - Mail containing a foreign substance or stain which prevents an effective search or which contains an unknown substance. If the substance is suspected of being a controlled substance, the mail shall be turned over to law enforcement officials
 - Mail written in code, or in a foreign language that cannot be interpreted to the extent necessary to conduct an effective search. Inmates shall not be used as interpreters
 - No personal letters shall be more than 10 sheets of paper
 - Homemade artwork drawn in crayon or that has any item affixed with glue, tape or other type of adhesive
- 5.2.2 Professional checks will be removed and forwarded to the Records office for credit to an inmates account.
- 5.2.2.1 Work checks will be directed to the Pre-Release Accountant
- 5.2.3 Any envelope containing suspicious items will be directed to the Captain and possibly referred to the local law enforcement agency for examination and determination
- 5.2.4 The sender must refer all tracer actions on lost mail directly to the post office.
- 5.3 Inmates may not receive cash or personal checks through the mail.
- Cash and personal checks will be returned to the sender along with the original correspondence.
- 5.4 Incoming mail will be delivered to the institution Monday through Saturday by the U.S Postal Service, excluding federal holidays. Mail will be processed on the day it is delivered into the facility.
- Mail will be processed and delivered any day that it is delivered to the jail.
- 5.4.1 All mail with postage due and any parcels without prior approval will be refused and returned to sender.
- 5.4.2 Mail for inmates who have been transferred, discharged, or on Approved Temporary Absence (ATA) basis, will be returned to sender.

5.4.3 Certified or Registered Mail

- The lobby officer will sign for any Certified or Registered mail for any current inmate.
- Any mail with Restricted Delivery Signature Confirmation, which must be signed for directly by the inmate, will be refused. Inmates will not be called up to sign for any such mail.
- Any Certified or Registered letter for an employee must be signed for by that employee, or with that employee's knowledge. Certified or Registered letters for *former* employees will not be signed for.

5.4.4 Mail delivery to the housing units will be the same day it is processed. The 1st and 2nd shift lobby officers will be responsible for sorting, stamping and checking mail for contraband. When the inmate mail is completed the mail will be placed in marked containers in the mail room. A 2nd shift Float Officer will pick up and distribute to the appropriate units. Non-inmate mail will be placed in their respective mailboxes located outside the roll call room

5.4.4.1 Mail distribution to inmates will be completed by 2nd shift Housing Unit Officers.

5.5 There is no limit on the amount of correspondence an inmate can send or receive, unless there is a legitimate correctional interest to do so.

5.5.1 Inmates may possess no more than ten (10) letters at any one time. Excess letters will be treated as contraband and confiscated

5.6 Inmates will be permitted to receive photographs through the mail.

5.6.1 Photographs cannot be Polaroid or other instant type photographs and cannot be larger than four (4) by six (6) inches (4"X6"). Any photographs that do not meet these criteria will be returned to sender. All photographs must have a FCJ stamp of approval.

5.6.1.1 Digital photographs printed on regular paper will be permitted. Photos printed on an 8.5 x 11" will be considered a sheet of paper and not count as photos.

5.6.2 Pictures that are determined by staff to be offensive or vulgar in nature will not be accepted. Examples include pictures with drugs or alcohol in them, nude or provocative photographs, etc.

5.6.3 Inmates are permitted to possess up to ten (10) pictures at any one time. More than 10 pictures will be considered and treated as contraband and will follow the Confiscation Process.

6. Outgoing Mail

- 6.1 At no time shall outgoing mail be collected or otherwise handled by an inmate. All outgoing mail, including inter and intra-office mail, shall only be handled by FCJ employees.
- 6.2 All outgoing mail will follow all USPS laws and regulations
- 6.3 While it is FCJ policy not to read or censor outgoing mail, except where necessary to protect legitimate interests, all outgoing, non-privileged correspondence is subject to inspection.
- 6.3.1 Any mail suspected to contain information which may jeopardize institutional security, order, rehabilitation, or public safety will be forwarded to the Captain of Security. Examples of correspondence may as a whole or in part contain the following:
- Plans for escape or to introduce contraband into the facility
 - Plans for criminal activity or any activity which violates departmental or institutional rule, regulation, order or policy
 - Written, in whole or part, in code
 - Threatening or harassing language or material
 - Contains hazardous material
 - Contains drugs, jewelry or other contraband
- 6.3.2 The Security Captain shall record such action in a log book maintained for such purpose.
- 6.4 All items necessary for correspondence can be purchased through commissary.
- 6.4.1 Inmates without funds may request two (2) free envelopes and paper per week from their Correctional Treatment Specialist for personal use.
- 6.4.2 Only the envelopes sold in commissary or provided by jail staff may be used for mailing correspondence. The contents of outgoing letters are restricted to institutional stationery as available in commissary.
- 6.4.3 Per the USPS 13-ounce Mail Rule, all mail that bears postage stamps and weighs more than 13 ounces must be taken to a retail service counter at a Post Office.
- The jail does not have a regular delivery schedule to any local Post Office. Every attempt is made to hand deliver oversized mailings to the Post Office once per week.
- 6.4.4 Non-legal mail must be placed in the collection boxes and may be checked prior to mailing to ensure no other items than paper or photographs are being sent out.
- 6.5 Prior to mailing, inmates are required to place their proper name in the upper left corner of the envelope as part of the return address.

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- 6.5.1 Inmates must supply the complete name, street address or P.O. box, City, State, and Zip Code of the person he/she is corresponding with.
- 6.5.2 In accordance with U.S. Postal regulations, markings not designating rate, class, address, handling, content, or extra service are not permitted (i.e. artwork, drawings, or other markings). The Postal Service indicates that such drawings cause problems with the sorting equipment.
- 6.6 Letters to addresses outside of the United States and regular mail suspected to be overweight that require additional postage should be placed in the collection boxes with regular mail.

7. Legal Mail

7.1 Legal mail is considered to be from one of the following:

- Attorneys at Law
- Federal, State, or Local Court of Record
- Elected or Appointed Federal, State or Local Officials

7.1.1 Incoming legal mail will not be read, but will be opened and examined for contraband in the presence of the inmate. If the envelope does not contain adequate information to establish the fact that it is legal mail, the envelope will be opened. The return address on all incoming mail which is to be treated as "Legal Mail" must make the source of the mail clearly identifiable as listed above.

7.1.2 Any contraband found in the envelope will be confiscated. Cash will be returned to sender. An Incident Report must be written anytime contraband is discovered.

7.1.3 Checks from an attorney to the client will be forwarded to Records for deposit.

7.1.4 A Legal Mail Log (FCJ Form 400.04-1) will be kept to record incoming legal mail and will require the signature of the inmate and the officer opening the envelope.

7.2 Outgoing legal mail will be placed in the collection boxes with regular mail

7.2.1 All outgoing legal mail will be properly marked "Legal Mail" on the front of the envelope, and will be legitimately addressed to an official who qualifies for confidential communication.

7.2.2 Outgoing mail may be opened for the purpose of checking for contraband. Suspect mail will be turned over to the Captain of Investigations.

7.2.3 Legal mail being sent out by any inmate may be opened and inspected only in the presence of the inmate with the Captain of Investigations.

7.2.4 Outgoing legal mail will only be inspected if it is suspected of containing, or determined by feel, that the envelope contains contraband.

- 7.2.5 Any contraband discovered will be confiscated and retained by the Captain for inspection, documentation and determination; disciplinary action may be taken.
- 7.2.6 If additional postage is needed on outgoing legal mail, the mail will be forwarded to the Records Office. The inmates account will be deducted the proper amount for the postage and sent out or returned to the inmate for insufficient funds.

Additional postage for personal mail must be paid by the inmate. Only legal mail will have facility-paid postage added and will follow policy guidelines for Indigent Inmates.

8. Indigent Inmates

Upon written request, an indigent inmate shall be able to anticipate the cost for copies and postage to file papers necessary for the good faith pursuit of legal remedies. Inmates are responsible for managing his/her monthly postage allowance to meet his/her legal needs. Personal copies will not be made.

8.1 Anticipated Postage/Copies

- 8.1.1 An indigent inmate may anticipate postage for legal mail and copying charges up to \$20 per month. Under no circumstances, shall requests be approved in excess of \$20 per month.
- 8.1.2 The amount allotted to an indigent inmate for Anticipated Postage/Copies does not rollover from one month to the next.
- 8.1.3 An inmate requesting indigent services is required to present the items to CTS staff. The CTS will verify the balance for the month available to the inmate and provide the requested paper, copies and/or envelopes.
- 8.1.4 The request slip and/or letter will be forwarded to Records for deduction to the inmates account.
 - 8.1.4.1 All indigent legal mail requiring postage is processed through the Mail Room at the Commissioner's Office. Records will fill out the required form and forward. The commissioner's weigh, affix postage, mail out and return the form to Records to charge the inmates account. Records will indicate on the entry in the computer system the balance remaining for the month for anticipated fees.

- 8.2 CTS and Records staff shall make every effort to respond to a request to anticipate postage within five working days of receipt.
- 8.3 After all deductions are taken any money received in an inmate's account shall be used to satisfy the postage debt and copying fees.

- 8.3.1 An indigent inmate will be permitted to anticipate the amounts for regular first-class postage only except that:
- an inmate may not be permitted to mail documents in any case in which he/she is not a party;
 - any misuse of postage and incomplete or false requests shall be grounds for disapproval of any further anticipation for postage and for discipline
9. For special mailing purposes, 9" X 12" envelopes may be purchased through the commissary. Inmates must have enough money in their account to cover the additional postage.
- 9.1 Inmates are permitted to send out Certified and Registered Letters.
- Inmates must have enough money in their account to cover the additional postage. Inmates may be required to fill out the appropriate postal forms and will be notified as such.
- Indigent inmates do not receive this additional postage for free; it is not a requirement for legal mail. A "Petition for Review" to respondents **and filed in the Commonwealth Court** is the only legal document required to be served by certified mail. **An inmate may anticipate funds to file and serve a Petition for Review by certified mail and may also anticipate funds to include a return receipt for the certified mail if the inmate chooses to do so.**
- 9.2 Mail collection boxes are provided on each of the housing units. All mail should be placed in the mailbox prior to lockdown on 2nd shift. The collection boxes will be emptied on 3rd shift by staff.
- 9.2.1 Housing Unit Officers will collect mail from those inmates who are unable to place mail in the collection boxes (i.e. Disciplinary or Administrative Segregation).
- 9.2.2 All outgoing mail will be placed in the mail room for pick up by the 1st shift lobby officer, who will be responsible for inspecting all outgoing inmate mail.
10. Correspondence between Inmates
- 10.1 Correspondence between inmates **within the jail** will be evaluated on a case-by-case basis. Inmates must submit an Inmate Request to their Correctional Treatment Specialist requesting permission to correspond with another inmate. Each request will be reviewed by the treatment department and they will decide whether to approve the request. If approved, the inmates will be required to complete and sign a Correspondence Request (Internal) Form (FCJ Form 400.04-3) prior to any correspondence being exchanged.
- 10.1.1 After approval is granted all correspondence will go through the Correctional Treatment Specialists. Inmates will be permitted to send only one (1) letter per week. The letter will be given to the inmate's

Correctional Treatment Specialist, who will be responsible for delivering it to Correctional Treatment Specialist of the other inmate. All letters must meet the standards imposed by this policy and will be searched and read prior to delivery.

- 10.2 All requests to correspond with inmates at another facility must go through the inmates Correctional Treatment Specialist. Correspondence from FCJ inmates to inmates housed in other correctional facilities may be requested by submitting an Inmate Request Slip with the name, relationship, and facility name. Only correspondence between related inmates will be allowed and verification of the relationship will be attempted prior to granting approval and submitting the request. Each request will be reviewed on a case-by-case basis by the treatment department, and a decision will be made whether or not to approve the request. If approved a Correspondence Request (External) Form (FCJ Form 400.04-4) will be completed and submitted to the administration of the receiving facility. Approval must be granted by the other institution prior to any correspondence being exchanged.

11. Restrictions on Correspondence

- 11.1 All third party correspondences are prohibited and will be confiscated.
- 11.2 An inmate may not use the facility address to fraudulently identify himself as an employee, agent, or representative of the facility.
- 11.3 An inmate may not send or receive correspondence containing threatening or obscene materials, as well as correspondence containing criminal solicitations or furthering a criminal plan or misconduct offense.
 - 11.3.1 Inmates may be subject to criminal prosecution for any violation of federal and local law regarding illegal use of the US Postal Service.

12. Sending Out Funds

- 12.1 Inmates will be permitted to send out funds from their inmate account **one time** within seven (7) days of their commitment. After initial commitment, inmates will only be permitted to send out funds on a case-by-case basis, such as inmates who receive their sole source of income while incarcerated. (Soc Sec retirement checks (not SSI), pension, etc)

Inmates must submit an Inmate Request Slip with the name, address, relationship, and amount, and attach a preaddressed stamped envelope to the form for delivery.

- 12.1.1 This does not apply to work release inmates as they are permitted to send out money for voluntary support and/or transportation fees and processed by the Pre-Release Accountant. (FCJ SOP 300.16 – Financial Responsibility).

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ATTACHMENTS

- FCJ Form 400.04-1 - Legal Mail Log
- FCJ Form 400.04-2 - Rejected Correspondence Notice
- FCJ Form 400.04-3 - Correspondence Request (Internal) Form
- FCJ Form 400.04-4 - Correspondence Request (External) Form
- FCJ Form 400.04-5 – Returned Correspondence Log