

 <p style="text-align: center;"><b>DIVISION OF ADULT INSTITUTIONS</b></p> <p style="text-align: center;"><b>POLICY AND PROCEDURES</b></p>	<b>DAI Policy #:</b> 309.04.01	<b>Page</b> 1 of 11
	<b>Original Effective Date:</b> 06/01/92	<b>New Effective Date:</b> 08/31/20
	<b>Supersedes:</b> 309.04.01	<b>Dated:</b> 05/06/19
	<b>Administrator's Approval:</b> Makda Fessahaye, Administrator	
<b>Required Posting or Restricted:</b>		
<input checked="" type="checkbox"/> <b>Inmate</b> <input checked="" type="checkbox"/> <b>All Staff</b> <input type="checkbox"/> <b>Restricted</b>		
<b>Chapter:</b> 309 Resources for Inmates		
<b>Subject:</b> Inmate Mail		

**POLICY**

The Division of Adult Institutions shall ensure all inmate mail is appropriately processed in accordance with Wisconsin Administrative Code Ch. DOC.

**REFERENCES**

Wisconsin Administrative Code s. DOC 303.09 – Seizure and Disposition of Contraband  
Wisconsin Administrative Code s. DOC 303.49 – Unauthorized use of the mail  
Wisconsin Administrative Code s. DOC 303.72 – Major penalties  
Wisconsin Administrative Code s. DOC 306.02(9) – Emergency definition  
Wisconsin Administrative Code s. DOC 309.02 – Definitions  
Wisconsin Administrative Code s. DOC 309.04 – Inmate mail  
Wisconsin Administrative Code s. DOC 309.05 – Publications  
Wisconsin Administrative Code s. DOC 309.45 – Inmate funds and canteen – purpose  
Wisconsin Administrative Code s. DOC 309.51 – Funds for legal correspondence and copying  
Wis. Stat. §19.31  
DAI Policy 309.00.50 – Pornography  
DAI Policy 309.20.03 – Inmate Personal Property and Clothing  
DAI Policy 309.51.01 – Legal Loan  
United States Postal Service Domestic Mail Manual Guidelines

**DEFINITIONS, ACRONYMS AND FORMS**

Close family member – An inmate's natural, adoptive, step and foster parents; spouse, children, grandparents, grandchildren or siblings. A parent surrogate is within the definition of parent if an inmate substantiates that a claimed surrogate did in fact act as a parent to the inmate, although the parent surrogate was not an adoptive, foster or step-parent.

Commercial photograph– A photograph for which the photographer is paid for images rather than works of art. Wholesale, retail and professional uses of photography would fall under this definition. Photos of this nature include, but are not limited to: advertisements, merchandising, product placement to promote or sell a product or service.

Complete return address – Includes sender name, inmate DOC number, institution name, mailing address, city, state, and zip code.

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Contraband – Any item which inmates may not possess; is not authorized by the institution; is not state property and is on the institution grounds (or in an assigned area of inmates on work release/special projects) but not in the possession of any person; comes into an inmate's possession through unauthorized channels or which is not on the inmate's property list and is required to be; is stolen property; is damaged or altered; or is used as evidence for a disciplinary hearing and deemed contraband by the adjustment committee or hearing officer.

DAI – Division of Adult Institutions

DOC – Department of Corrections

DOC-184 – Disbursement Request

DOC-236D – Identification Property Access Record (Red)

DOC-237 – Property Receipt/Disposition

DOC-238 – Consent to Receive Mail

DOC-239 – Order to Forward Mail

DOC-240 – Mail Read Log

DOC-243 – Notice of Non-Delivery of Mail/Publication

DOT – Department of Transportation

Emergency – An immediate threat to the safety of the public, staff or inmates of a facility, other than a disturbance as defined in Wisconsin Administrative Code s. DOC 306.02(9).

Electronic Messages – Two-way correspondence exchanged between inmates and subscribers through a DOC approved third-party electronic messaging vendor.

ICE – Institution Complaint Examiner

ID – Identification

Inmate Trust Account – Computerized accounting system that records all monies received or disbursed on behalf of the inmate.

Legal Mail – Correspondence to or from court and court staff, attorneys and established groups of attorneys involved in the representation of inmates in judicial proceedings. The destination or return address must clearly indicate that it is to or from one of these sources in order to be defined as legal mail. This shall also include correspondence to

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or from state and federal elected/appointed officials to include the Governor of Wisconsin, members of the Wisconsin legislature, members of the United States congress, Secretary of the DOC, DAI Division Administrator, investigative agency of the federal government, clerk or judge of any state or federal court, the President of the United States.

Mail – Letters, publications, or packages delivered by the U.S. Postal Service or by other established and authorized carriers.

Packages – A wrapped or boxed object, a parcel or bundle containing one or more objects, or a container in which something is packed for storage, transport, or mailing to be delivered by an authorized carrier.

PPE – Personal Protective Equipment

PREA – Prison Rape Elimination Act

Published materials – Any book, booklet, pamphlet, magazine, periodical, newsletter, newspaper, or similar material published by any individual, organization, company, or corporation that is distributed or made available through any means for a commercial purpose.

SOP – Standard Operating Procedure

Subscribers – Individuals who register with the third party messaging service to allow them to communicate electronically with inmates.

USPS – United States Postal Service

Vital Documents – Certified copy of the inmate's birth certificate, signed social security card, Forward health card and driver's license or State ID card.

## **PROCEDURE**

### **I. General Guidelines**

- A. All incoming mail, outgoing mail, electronic messages and packages received that violate Wisconsin Administrative Code s. DOC 309.04, 309.05(2) and DAI Policy 309.00.50 shall be disposed of in accordance with Wisconsin Administrative Code s. DOC 309.04.
- B. Packages which contain allowed and/or prohibited property or clothing shall be processed in accordance with DAI Policy 309.20.03.

### **II. Electronic Messages**

- A. Availability and Inmate Access
  1. The DOC may authorize eligible inmates to exchange electronic messages with subscribers.

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2. Access to electronic messages shall be in accordance with this policy and contingent upon the payment of a fee to a third party vendor for messages purchased by the inmate's subscribers.
  3. Subscribers shall register and maintain an account with the third-party vendor.
    - a. There is no cost to maintain an account. A fee is assessed for each message.
    - b. Rates may change with a 30 day notice.
    - c. Inmates are only allowed to message subscribers who are registered to correspond with them.
- B. Processing of electronic messages
1. Electronic messages shall be subject to regular mail inspection and examination. Electronic messages shall not be treated as legal mail
  2. Electronic messages are not privileged communication. Inmates shall continue to use written communication for legal.
  3. Except as otherwise noted, electronic messages shall be processed in the same manner and subjected to the same standards established in this policy for sending, receiving and processing of other mail.
  4. Incoming electronic messages from subscribers shall be processed by an approved third-party vendor and delivered electronically to a kiosk for inmate viewing or downloading to an approved electronic device.
- C. Review of incoming electronic messages
1. All electronic messages shall be reviewed by electronic software for content.
  2. Approved electronic messages shall be released for inmate viewing.
  3. When an incoming message is denied, the sender shall receive an electronic message providing the reason for denial.
  4. The intended inmate receiver shall be notified of the denied message via DOC-243.
- D. Outgoing electronic messages
1. Electronic messages shall be reviewed by electronic software for content and forwarded to the third-party vendor for posting on the vendor's website for subscribers to access.
  2. Any electronic messages flagged by the electronic software shall be reviewed by staff.
  3. Electronic messages shall include the full name and address of the intended recipient and the name and DOC number of the inmate sender.
  4. Electronic messages shall not be used to correspond with other inmates.
  5. The inmate sender shall be notified via a DOC-243 when an outgoing email is denied.
  6. Denied messages shall not result in a reimbursement for any related fee.

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- E. Electronic message general restrictions and voluntary participation
  1. The DOC provides information about the availability of inmate electronic messages on the DOC public website.
  2. Electronic messages are subject to vendor restrictions and prohibitions.
  3. In addition to vendor restrictions, by choosing electronic messages the inmate and subscriber agree to have all messages, including transactional data and message content, monitored and retained by DOC staff.
  4. The electronic message shall not be delivered when there is cause to believe it may violate Wisconsin Administrative Code s. DOC 309.04(4)(c).
  5. Misuse of electronic messaging may result in discipline and/or criminal prosecution.
  6. Electronic messages are retained electronically by the vendor for the duration of the contract and are available for review by authorized DOC staff.
  
- F. Copies of electronic messages
  1. DOC does not retain electronic messages transcribed between the inmate and subscriber.
  2. Incoming messages from subscribers are processed by approved third-party vendor and delivered electronically to a kiosk for inmate viewing or downloading.
  3. The public disclosure of an inmate's personal communications is contrary to the intent and purpose of public records law.

### **III. Mailroom Security**

Access to the mailroom shall be restricted to authorized staff.

### **IV. Mail Monitoring**

- A. Incoming/outgoing inmate mail may be monitored and read with the written approval of the Security Director/designee using DOC-239.
  
- B. Monitored mail read shall be recorded on the DOC-240.

### **V. Distribution of Mail**

- A. Processing of incoming and outgoing mail shall be completed as soon as possible.
  
- B. Magazines and subscribed periodicals are subject to a centralized review by DOC staff. This may result in a delivery delay of seven to ten days following receipt. Inmates shall not receive a specific notice of this delay.
  
- C. Mail shall be delivered to and from the mailroom and the living units. Inmates shall not be involved in the direct handling, sorting or distributing of mail directly to the inmates.
  
- D. When staff determines incoming or outgoing mail is suspicious, staff shall contact the Shift Supervisor.

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1. Suspicious mail characteristics may include but not be limited to:
  - a. Oily stains, discolorations or crystallization on the envelope or on the outside of the package.
  - b. Excessive wrapping, tape or string.
  - c. Rigid, uneven, irregular or lopsided packages.
  - d. Packages with soft spots, bulges or excessive weight.
  - e. Packages with protruding wires or aluminum foil.
  - f. No return address.
2. Notify the inmate using DOC-243, unless it would inhibit an investigation of potential criminal behavior or other conduct in violation of facility rules.

#### E. Incoming Inmate Mail

1. Inmates shall give written consent on DOC-238 to receive mail. If consent is not given, all of an inmate's mail shall be marked as refused and returned to the Post Office.
2. Inspecting incoming mail
  - a. PPE shall be provided for all staff working in the mailroom. PPE includes but not limited to: nitrile gloves, shield, mask, goggles and air tight sealable bags. Staff shall refer to their facility procedures or SOP for proper handling and disposal.
  - b. Staff shall open and visually check all incoming mail for contraband, with the exception of legal mail.
  - c. Mail may be randomly scanned and inspected.
  - d. Incoming mail shall be read if there is a justifiable belief that contents constitute a risk to the safety and security of the facility, specific individuals or the general public, or when there is reason to believe that the inmate or the sender is involved in criminal activity.
  - e. Mail read shall be recorded on the DOC-240.
  - f. Incoming packages shall be opened, inspected and processed based on the contents.
  - g. Mail shall not be delivered if it meets any of the criteria set forth in Wisconsin Administrative Code s. DOC 309.04(4)(c).
3. Sorting incoming mail
  - a. Incoming mail shall be addressed with the following or it may be returned to sender:
    - i. Inmate's DOC recognized name.
    - ii. DOC number.
  - b. Incoming bulk rate mail shall be discarded, excluding:
    - i. Catalogs.
    - ii. Non-profits mailings.
    - iii. Subscribed periodicals.
    - iv. Newspapers.
    - v. Magazines.
  - c. If an inmate is not assigned to the DAI facility where the item was received and any of the following are on the envelope, the item shall be stamped "Refused" and returned to the post office:
    - i. Address Service Requested.

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- ii. Forwarding Service Requested.
    - iii. Change Service Requested.
    - iv. Address Correction Requested.
    - v. Return Service Requested.
  - d. Incoming mail may include the following:
    - i. Paper with words and/or drawings on it.
    - ii. Signed, non-musical, commercial greeting cards and post cards.
    - iii. Photographs. No Polaroid or commercial photos and no advertisements containing thumbnail-sized examples of commercial photos for sale.
    - iv. Periodicals and publications materials.
    - v. Money orders or cashier's checks may be sent via mail for deposit in the inmate's account.
    - vi. Cash, personal checks, and foreign currency are not allowed and shall be returned to sender at the inmate's expense. Staff shall complete and distribute a DOC-243.
    - vii. Credit report from a credit reporting agency.
    - viii. Incoming mail from a court or governmental agency that requests or requires a written response from the inmate may contain one metered (not stamped) pre-addressed return envelope addressed to the court or governmental agency.
  - e. Printed Internet materials:
    - i. Shall be on standard size paper (8 ½" x 11").
    - ii. Shall be reviewed on a case-by-case basis to determine if allowable.
  - 4. Forwarding mail for transferred or released inmates
    - a. Bulk mail shall not be forwarded.
    - b. First class mail and subscribed periodicals shall be forwarded for up to 60 days. After 60 days from the date of the inmate's transfer, or if a forwarding address is unavailable, it shall be returned to sender.
    - c. The USPS shall not process a change of address request for an incarcerated individual; therefore, it is the responsibility of the inmate to notify those persons or businesses from which he/she receives mail of a change of address.
- F. Non-Allowable Mail
- Incoming and outgoing mail, in whole or in part, is not allowed in accordance with Wisconsin Administrative Code s. DOC 309.04. In addition:
1. Pertains to unauthorized business activity including the practice of a profession, sale, solicitation, manufacture, or distribution of goods or services, excluding routine communication with a person who is operating a business established by the inmate prior to incarceration.
  2. Contains photographs or personal information regarding DOC staff.
  3. Contains stamps, instant cash cards, phone cards or debit/credit cards.

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4. Contains items that pose a safety or sanitation hazard, including lipstick or other foreign substance and/or has an odor which includes perfume/aftershave.
  5. Constructed in a manner which prohibits inspection.
  6. Newspaper or magazine clippings are not allowed; however 8½" x 11" reproduced articles are allowed.
  7. Inconsistent with or poses a threat to the safety, treatment or rehabilitative goals of an inmate.
  8. Facilitates criminal activity.
- G. Non-Delivery of Inmate Mail
1. When incoming or outgoing mail is not delivered, the inmate shall be sent a completed DOC-243, except as noted in Section V.E.3.c.
  2. Mail constituting a risk to the safety and security of the facility, specific individuals, or the general public shall not be returned to the sender or intended recipient.
    - a. These items shall be destroyed or referred to the Security Director for disposition.
    - b. The intended recipient shall receive a completed DOC-243, unless it would inhibit an investigation of potential criminal behavior or other conduct in violation of facility rules.
  3. With the exception of the items noted in #2, the inmate shall choose one of the following dispositions:
    - a. Incoming non-allowable mail shall be disposed of or returned to the sender along with a copy of the DOC-243. If it is returned, postage shall be applied at the inmate's expense using an envelope provided by the inmate.
    - b. Outgoing non-allowable mail shall be disposed of or returned to the inmate, if appropriate.
    - c. Mail shall be held pending ICE review at the request of the inmate.
- H. Legal/Health Care Provider/PREA Office Mail
- Incoming legal/health care provider/PREA Office mail shall be opened only in the presence of the inmate. Staff may inspect the contents to ensure the mail is legal, official in nature, or clearly identified as being from a healthcare provider or WIDOC PREA Office.
- I. State of Wisconsin ID Card
1. State of Wisconsin ID cards are mailed to the facility address in a Do Not Forward envelope and shall be stored securely in the DOC-236D with an inmate receiving a DOC-237 for the ID card.
  2. If an ID card is received for an inmate who is no longer at the facility, staff shall:
    - a. Determine the current location of the inmate.
    - b. Open the Do Not Forward envelope.
    - c. Pull out the DOT insert (ID card shall be attached).



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- d. Put the insert with the new ID card into a new envelope and address the envelope to the inmate's current location.

J. Vital Documents

1. Vital documents received shall be stored securely in the DOC-236D. The inmate shall be issued a DOC-237 for the documents received.
2. If vital documents are received for an inmate who is no longer at the facility, staff shall forward those documents to the receiving facility.

K. Published Materials

1. Inmates are allowed to have subscriptions to newspapers or periodicals.
2. Publications ordered by an inmate from an authorized publisher or vendor shall be paid for in advance.
3. Gift publications are permitted only when shipped from an authorized publisher or vendor.
4. Publications shall arrive with:
  - a. A receipt which lists each item and its value; or,
  - b. A packing slip which lists each item.
5. Publications that have been altered or show signs of tampering are not allowed.
6. Inmates shall not possess identical publications.

L. Pen Pal Materials

1. Inmates shall be prohibited from using funds from their inmate trust account for unauthorized purchases, including but not limited to, personal web sites, pen pal web sites and pen pal print ads.
2. Facility staff shall review all DOC-184 forms and attachments. Any unauthorized purchases shall be denied.
3. Mailings from businesses which offer multiple services such as pen pals, Internet research, social media third-party maintained accounts, and commercial photo sales are subject to review and denial when appropriate.

M. Outgoing Inmate Mail

1. Outgoing mail may include paper with words/drawings on it, signed greeting cards, and photos; no Polaroid or commercially published photos.
2. Inmates may not use the facility address as a business address. No business name or position title may be identified at the facility address. Any such representation on outgoing mail shall result in it being inspected and/or read and treated as non-allowable mail.
3. Only envelopes purchased in the canteen or from an approved vendor, or pre-paid metered (not stamped) envelopes provided by and addressed to a court or other governmental agency are authorized.
4. All outgoing mail is subject to inspection.

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5. Outgoing inmate to inmate mail shall be submitted unsealed. If an inmate submits sealed mail, it shall be opened, searched and returned to the inmate.
  6. All outgoing inmate mail shall be identified as being mailed from a correctional facility.
  7. Outgoing inmate mail without the inmate name and number shall not be sent out of the facility.
  8. Envelopes without a complete return address, including legal mail, shall be opened, if necessary, to identify the sending inmate or search for contraband and shall be returned to the sending inmate for correction. If the sender is not identifiable, the item shall be held and disposed of after 30 days.
  9. Available outgoing mail services include first class, certified, registered and return receipt.
  10. Inmates may send and receive photos, letters, postcards and signed greeting cards to and from other inmates.
  11. With staff approval, inmates are allowed to send/receive funds to/from another inmate who is a close family member.
- N. Restrictions on Outgoing and Incoming Correspondence
1. Inmates shall not correspond with another inmate committed to the DOC through intra-facility mail or the interview request system. Inmates choosing to correspond with other inmates shall use the USPS.
  2. Inmates shall not send or receive money in any form to or from another incarcerated inmate, except as indicated in Section V.M.11.
  3. Inmates shall not send mail in violation of a direct order issued on the written request of a person or parent/guardian of a minor or legally incompetent person stating that s/he does not want to receive mail from the inmate.
  4. Inmates shall not enclose a letter to a person in an envelope addressed to another person.
  5. Stickers on outgoing or incoming envelopes and correspondence are not allowed.
  6. Drawings on outgoing envelopes are not allowed.
  7. Pop-up or multiple page thickness greeting cards are not allowed.



**Administrator's Approval:** \_\_\_\_\_ **Date Signed:** 08/14/20

Makda Fessahaye, Administrator

**DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES**

<b>Facility:</b> Name		
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<b>Will Implement</b> <input type="checkbox"/> As written <input type="checkbox"/> With below procedures for facility implementation		
<b>Warden's/Center Superintendent's Approval:</b>		

**REFERENCES**

**DEFINITIONS, ACRONYMS AND FORMS**

**FACILITY PROCEDURE**

- I.
  - A.
  - B.
    - 1.
    - 2.
      - a.
      - b.
      - c.
    - 3.
  - C.

II.

III.

**RESPONSIBILITY**

I. Staff

II. Inmate

III. Other