

103 CMR: DEPARTMENT OF CORRECTION

103 CMR 948.00: COUNTY CORRECTIONAL FACILITIES -- MAIL AND COMMUNICATION

Section

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948.01: Correspondence Plan

Written policy and procedure that govern inmate correspondence and communication shall be available to all staff and inmates.

948.02: Amount of Mail

There shall be no limitation to the volume of lawful mail which an inmate may send or receive, nor on the length, language, content or source of mail, except in accordance with 103 CMR 948.09.

948.03: Collection and Distribution

Written policy and procedure shall govern the collection and distribution of mail and shall contain, at a minimum, the following:

- (1) All outgoing mail shall be collected sealed from the inmate or from locked mail boxes by an employee at least once every day, except Sundays and postal holidays.
- (2) Incoming mail shall be distributed directly to the receiving inmate by an employee in accordance with an established schedule at least once every day except Sundays and postal holidays.
- (3) Outgoing mail shall be delivered to the Post Office and incoming mail shall be delivered to the inmates within 24 hours of collection or pick up.
- (4) A procedure for forwarding mail which cannot be delivered (transfers, escapees, *etc.*) shall be established.

948.04: Postage Free Mail

Written policy and procedure shall specify that indigent inmates shall be permitted:

- (1) An unlimited number of postage-free letters each week for privileged confidential correspondence, excluding attorneys;
- (2) Three postage-free letters each week for general correspondence; and
- (3) Sheriffs or designees may develop procedures to allow indigent inmates to mail postage-free letters each week to their attorneys of record on any pending criminal matter.

948.05: Privileged Correspondence

Written policy and procedure shall provide that inmates are permitted to send sealed mail to and receive sealed mail from the following:

948.05: continued

- (1) any officer of a court of the United States or of the Commonwealth of Massachusetts (judge, attorney, clerk);
- (2) the President or Vice President of the United States or the Governor of the Commonwealth of Massachusetts;
- (3) any member of the Congress of the United States;
- (4) any member of the Legislature of the Commonwealth of Massachusetts;
- (5) the Attorney General of the United States or the Attorney General of the Commonwealth of Massachusetts;
- (6) the Director or any agent of the Federal Bureau of Investigation;
- (7) the Commissioner of the Massachusetts Department of Public Safety or the Secretary of the Executive Office of Public Safety and Security;
- (8) the County Commissioners or Sheriff of the county in which the inmate is confined;
- (9) the Commissioner of the Massachusetts Department of Correction, and if applicable, the superintendent of the State correctional institution in which the inmate was confined;
- (10) any member of the Massachusetts Parole Board or probation officer;
- (11) any member of the Governor's Advisory Committee on Corrections; and
- (12) any District Attorney of the United States.

948.06: Inspection of Privileged Correspondence

Written policy and procedure shall provide, but not be limited to, the following:

- (1) Outgoing privileged mail may not be opened for inspection or any other purpose or otherwise impeded in its transmission if it meets the following requirements:
 - (a) it is addressed to a person listed in 103 CMR 948.05; and
 - (b) it includes the inmate's name and return facility address on the outside of the envelope.
- (2) Incoming privileged mail may not be opened except in the presence of the addressed inmate and then for the sole purpose of ascertaining that its contents are free from contraband.

948.07: Inspection of Non-privileged Correspondence and Packages

Written policy and procedure shall provide, at a minimum, the following:

- (1) Incoming non-privileged correspondence and packages may be inspected:
 - (a) to receive and record the receipt of any funds enclosed for the inmate;
 - (b) to verify and record the receipt of permitted personal property; and
 - (c) to prevent the transmission of contraband to the inmate.
- (2) The opening and inspection of outgoing non-privileged mail shall only be done upon the authorization of the Sheriff/facility administrator when there is reasonable belief that such action is necessary to maintain the order and security of the county correctional facility. Any such inspection of mail should be documented.

948.08: Reading of Non-privileged Correspondence

Written policy and procedure shall provide that the Sheriff/facility administrator may authorize the reading of non-privileged mail when in his opinion, such action is necessary to maintain security or order in the county correctional facility or protect the physical safety of an individual. Such reading of mail shall be properly recorded.

948.09: Disapproval of Non-privileged Correspondence

Written policy and procedure shall govern the disapproval of inmate correspondence and contain, at a minimum, the following:

(1) Non-privileged correspondence shall be disapproved only to prevent interference with facility goals of security, safety, order or rehabilitation. Disapproval shall not be based upon an employee's personal views of the merit of such correspondence.

(2) The Sheriff/facility administrator, or designee, may disapprove for mailing or receipt by an inmate non-privileged correspondence, the contents of which fall as a whole or in significant part, into any of the following categories:

- (a) information or materials which could clearly and reasonably be expected to encourage the use of physical violence or group disruption of facility operations;
- (b) threats of blackmail or extortion;
- (c) plans for sending contraband in or out of the facility;
- (d) plans to escape;
- (e) plans for activities in violations of Sheriff's Office or facility regulations, orders, or policies;
- (f) criminal activity or plans for criminal activity;
- (g) coded messages which are not reasonably decipherable by the reader;
- (h) descriptions of the making of any weapon, explosive, poison, or destructive device; and
- (i) sexually explicit material or material which features nudity which by its nature or content poses a threat to the security, good order, or discipline of the institution; and
- (j) any publications that may interfere with the treatment and rehabilitation process at that institution.

(3) If any non-privileged correspondence is disapproved for mailing or receipt, a written notice stating one or more of the reasons set forth in 103 CMR 948.09(2)(a) through (j) shall be sent to the inmate (outgoing mail) or to the originator and the inmate (incoming mail). The notice shall inform the inmate or the originator of the right to appeal the decision in writing to the Sheriff/facility administrator.

948.10: Telephone Privileges

Written policy and procedure shall govern inmate access to a public telephone and shall provide for the following:

(1) Reasonable access to public telephones including:

- (a) specific hours of telephone availability;
- (b) length of calls;
- (c) any limitations on phone calls; and
- (d) responsibility of payment for call.

(2) Procedures for receiving emergency phone calls for inmates, notification of such calls, and response to such calls.

(3) The Sheriff/facility administrator shall ensure that a procedure is developed to notify the inmates of the monitoring of inmate telephones. This procedure shall be posted next to all inmate telephones.

REGULATORY AUTHORITY

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