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August 9, 2023

To Whom It May Concern:

The Massachusetts Department of Correction is implementing a new procedure with respect to privileged mail sent to incarcerated individuals housed at Department institutions. This procedure shall not apply to those individuals housed at MASAC @ Plymouth or the Bridgewater State Hospital.

Effective **October 10, 2023**, all attorneys (except for those attorneys employed by a federal, state, or local government) who wish to send privileged mail to an incarcerated individual at a Massachusetts Department of Correction institution will require an Attorney Control Number (ACN). Each attorney seeking an ACN must transmit a completed ACN request form to the Massachusetts Department of Correction, via email to [DOC.AVS@doc.state.ma.us](mailto:DOC.AVS@doc.state.ma.us) or via the United States Postal Service (USPS) to Massachusetts Department of Correction, Office of Communications and Administrative Resolution, C/O Attorney Verification System, 50 Maple Street, Milford, MA 01757. This form must be completed in its entirety, including the attorney's name, telephone number, and email address as well as their Board of Bar Overseers number or out-of-state equivalent. The form also contains a verification that all mail the attorney sends to an incarcerated individual using the Attorney Verification System (AVS) will contain only confidential, attorney-client communications and will not contain non-privileged communications (e.g., holiday or birthday cards), original documents from third parties (e.g., documents generated from someone other than the attorney), or contraband. Any questions regarding the completion of this form can also be communicated by any of those means or by calling 508-422-3439 or 508-422-3396. An individual ACN number shall not be issued to a law firm/legal organization. Each attorney in the law firm/legal organization seeking to send privileged mail to an incarcerated individual must apply for an ACN individually. If approved, each individual attorney will receive

their own ACN and set of AVS Barcodes. However, the attorneys' affiliation with the firm/legal organization will remain on file.

Once received, the attorney's request for an ACN will be processed, and if approved an ACN will be provided, along with a set of seventy (70) AVS barcoded labels that will be sent via USPS to the address listed on the Board of Bar Overseers website. These AVS Barcodes must be affixed to the outside of each envelope that is sent to the incarcerated individual. AVS Barcodes provided will be customized for each attorney and will be tracked via a Massachusetts Department of Correction internal system. If more AVS Barcodes are needed, please contact the Massachusetts Department of Correction, Office of Communication and Administrative Resolution Division, for an additional supply by email at [DOC.AVS@doc.state.ma.us](mailto:DOC.AVS@doc.state.ma.us), or via USPS at Massachusetts Department of Correction, Office of Communication and Administrative Resolution Division, C/O Attorney Verification System, 50 Maple Street, Milford, MA 01757. However, please note that stockpiling of unused AVS Barcodes will not be tolerated. Please allow a minimum of 5-7 business days for processing from the date the request is received by the Department. Please note that no more than seventy (70) AVS Barcodes per attorney will be issued in a single mailing.

If at any time the AVS Barcodes are missing or destroyed, you must notify the Massachusetts Department of Correction Office of Communication and Administrative Resolution Division, C/O Attorney Verification System, as soon as reasonably possible.

Finally, please be advised that the revised procedure will go into full effect on **October 10, 2023**. Correspondence sent to an incarcerated individual without an AVS Barcode following the effective date will still be considered privileged mail; however, such correspondence will be verified via phone call as privileged mail and opened in front of the incarcerated individual. If the privileged mail cannot be verified within 24 hours, excluding Saturdays, Sundays and postal holidays, the mail will be photocopied in accordance with the Privileged Mail Standard Operating Procedure to 103 CMR 481 and the incarcerated individual will be provided a photocopy of the mail. The original will be returned to the sender with a memo stating the reasons for the return and instructions to resend the mailing with a new AVS Barcode. In addition, a notification will be sent to the administration of the institution where the incarcerated individual resides.

Respectfully,

A handwritten signature in black ink, appearing to read "Carol A. Mici". The signature is stylized with a large, looped "C" and a distinct "M".

Carol A. Mici  
Commissioner