

CLIENT MAIL

Minnesota Sex Offender Program

Issue Date: 7/7/15 Effective Date: 8/4/15 Policy Number: 420-5030

POLICY: Minnesota Sex Offender Program (MSOP) clients may correspond with persons outside the facility by both incoming and outgoing mail service. MSOP staff inspect all incoming mail. MSOP staff inspect all outgoing mail except for privileged mail.

AUTHORITY: Minn. Stat. Chap. §144.651, subd. 1-30
Minn. Stat. Chap. §253B.03, subd. 2
Minn. Stat. Chap. §253D.19, subd. 1
Minn. Stat. Chap. §253D.17

APPLICABILITY: Minnesota Sex Offender Program (MSOP), program-wide

PURPOSE: To provide procedures for managing incoming and outgoing client mail to prevent the possible introduction of contraband and maintain the safety and security of the facility, staff and public.

DEFINITIONS:

C-Mail – see MSOP Policy 302.035, “Client C-Mail.”

Complete return address – includes the individual’s correct name, full address, city, state and zip code.

Hygiene product – a consumable item used with or without a hygiene tool to maintain personal hygiene.

Hygiene tool – a non-consumable item used with or without a hygiene product to maintain personal hygiene.

Immediate family – See MSOP Policy 302.100, “Visiting” and MSOP Policy 602.100, “CPS Client Visits” for definition.

Internal Revenue Service (IRS) Blue Bag Program – the IRS process for the facility mailroom to collect, gather, and send client tax returns to the IRS.

Legal mail – includes correspondence to or from court, court staff, verified attorneys and established groups of attorneys involved in representing clients in judicial proceedings. The destination or return address must clearly indicate it is to or from one of these sources to qualify as legal mail. Legal mail does not include:

1. mail to/from the Minnesota Attorney General Office (AGO); or
2. mail to/from individual attorneys in the AGO, attorneys working for the Minnesota Department of Human Services (DHS) and/or MSOP attorneys.

Mail – includes letters, publications, or packages delivered by the United States Postal Service or by other established and authorized carriers.

Mail monitoring – if a client or sender of mail is on mail monitoring, all mail to or from that person, with the exception of privileged mail, is reviewed by the Office of Special Investigations (OSI) prior to coming into or going out of the facility.

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

Privileged mail – includes legal mail and mail to or from the Ombudsman for Mental Health and Developmental Disabilities, the Office of Health Facility Complaints, the common entry point in Nicollet and Carlton counties, the United States Internal Revenue Service, the Minnesota Department of Revenue, or state and federal elected officials, and official absentee ballots for local, state, or federal elections. The destination or return address must clearly indicate it is to or from one of these sources in order to be defined as privileged mail. Privileged mail also includes mail to or from the following:

1. American Civil Liberties Union;
2. Bureau of Criminal Apprehension;
3. Bureau of Indian Affairs;
4. Central Office Grievance Appeal Coordinator;
5. Federal Bureau of Investigation;
6. Foreign country consulates;
7. Joint House Senate Subcommittee on Claims;
8. Minnesota and federal Congress members (except bulk mail);
9. Minnesota and federal Departments of Health;
10. Minnesota Civil Liberties Union;
11. Minnesota Department of Human Rights;
12. Minnesota Governor's Office;
13. Minnesota professional licensing boards;
14. Minnesota State Bar Association;
15. President of the United States;
16. State Law Library;
17. Tribal councils;
18. United States Department of Justice;
19. United States Marshals Service;
20. United States Office of Civil Rights;
21. United States Postmaster; and

22. Minnesota Department of Human Services (DHS) Licensing Division.

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

Questionable item – an item neither clearly allowed nor defined as contraband upon initial review by staff.

Unallowable mail – incoming or outgoing mail, in whole or in part, is designated unallowable if it:

1. contains contraband or pertains to sending contraband into or out of the facility (refer to DCT Policy 120-1000, “Contraband in DCT Facilities” and MSOP Division Policy 415-5030, “Contraband”);
2. contains currency (bills or coins);
3. contains stamps (excluding Community Preparation Services (CPS));
4. contains items posing a safety or sanitation hazard, including cosmetics or other foreign substances in or on the mail, and/or has strange odors (including perfume/aftershave);
5. contains grocery items including food, perishable items, or hygiene products (excluding CPS). Hygiene products are allowed in the mail if items are not available via the Minncor canteen and Health Services has approved prior to ordering;
6. does not list a sender name with return address on the outside packaging or within the mail item; and/or
7. does not list a recipient’s name on the outside packaging.

Unit team – unit director, clinical staff (e.g., primary therapist), security counselors, and clinical supervisor.

PROCEDURES:

A. Mailroom Security

1. Access to the mailroom is restricted to staff assigned to work in the mailroom, or as designated by the facility security director/designee.
2. Staff must lock the mailroom doors when the mailroom is unoccupied.

B. Incoming Client Mail

1. Searching Incoming Client Mail
 - a) Special Services staff visually check all incoming mail.
 - b) Special Services staff open and visually scan all incoming mail with the exception of privileged mail.
 - c) In the course of scanning mail, Special Services staff read incoming mail if there is a reasonable suspicion (as defined in MSOP Division Policy 415-5010, “Searches - Clients”) the contents constitute a risk to the safety and security of the facility, specific

individuals or the general public, or when there is a reason to believe the client or the sender is involved in criminal activity.

- d) Media is processed consistent with MSOP Policy 302.230, "Media Possession by Clients" or MSOP Policy 602.230, "Media Possession by CPS Clients."
- e) Special Services staff open, inspect, and process incoming packages.
- f) Special Services staff dispose of packing material, including cardboard, bubble-wrap, and packing peanuts, with no notice to clients.
- g) Clients are responsible for costs related to the return of an item, including repackaging fees.
- h) If a Special Services staff determines an incoming mail item is unallowable, s/he issues a Contraband Notice (420-5250b, attached) to the client. An item without a recipient's name listed on the outside of the package is stamped and returned to the sender.
- i) Incoming cards, letters or e-mail containing descriptions of sexual conduct, or promoting sexual violence, child molestation, or incest as defined in the media policies is secured on a Notice and Receipt of Secured Items form (420-5250a, attached) and routed to the client's primary therapist for review. The primary therapist, with the support of the clinical supervisor, may deem these items contraband and require a client to dispose of cards or letters containing these materials or, alternatively, to send them to an attorney of the client's choice. If a client refuses to choose a disposition, the items are routed to Special Services and moved to a Contraband Notice.
- j) Staff dispose of contraband found in incoming bulk rate mail with no notice to the client.
- k) Consistent with applicable policies, Special Services staff may route questionable items for review to one of the following:
 - (1) Media Review Committee (see MSOP Policy 302.230, "Media Possession by Clients");
 - (2) Allowable Items Committee (see MSOP Division Policy 420-5252, "Allowable Items Committee");
 - (3) Security Committee; or
 - (4) the client's primary therapist or to the unit team.

2. Sorting Incoming Client Mail

- a) Special Services staff may return mail to the sender when the mail is not addressed to the client's legal name or a version of the client's legal name.
 - (1) Staff will accept and process mail to a client under his/her former legal name for up to 90 calendar days following a legal name change order.
 - (2) Clients may not use the facility address as any form of a personal business address. No business name or position title may be identified at the facility

address. Special Services staff return any incoming mail so addressed to the sender.

- b) Mailroom staff discard incoming bulk rate mail not addressed to a specific client, subscribed periodicals, newspapers and magazines. If any of the following notices are on the envelope, mailroom staff stamp the item "Refused" and return it to the Post Office:
 - (1) Address Service Requested;
 - (2) Forwarding Service Requested;
 - (3) Charge Service Requested;
 - (4) Address Correction Requested; and/or
 - (5) Return Service Requested.

3. Forwarding Mail for Transferred Clients or Clients Who Have Left the Facility

- a) Special Services staff forward first class mail, priority mail, express mail, and subscribed periodicals to the client's forwarding address 12 months after the client has transferred or left the facility. After 12 months, or if a forwarding address is unavailable, Special Services staff return these items to the sender.
- b) Special Services staff dispose of third class, fourth class, nonprofit, and bulk mail.
- c) Special Services staff forward mail and c-mail for clients on escape status to the Office of Special Investigations (OSI).
- d) Staff forward mail and c-mail to the officer of the day (OD) for clients transferred to, or temporarily held at, another facility and under the direct supervision of MSOP staff for delivery to the clients by the coverage staff, unless other arrangements are approved by the facility director or designee.

C. Distribution of Mail

- 1. Special Services staff process and deliver all incoming and outgoing mail and c-mail (except unallowable items) within 24 hours of receipt, excluding weekends, holidays, or emergencies.
- 2. Designated staff deliver mail and c-mail to and from the mailroom and the residential units. Clients do not sort or distribute mail.
- 3. Mail and c-mail refused by the client and returned to the mailroom is placed on a Contraband Notice.

D. Outgoing General Mail

- 1. Clients must leave outgoing mail, excluding privileged mail, unsealed and place it in the general outgoing mailbox on the residential units or at the Centralized Distribution Center. Staff return outgoing sealed general mail to the client.
- 2. Special Services staff visually check and scan all outgoing mail.

3. In the course of scanning mail, Special Services staff read outgoing mail if there is a reasonable suspicion (as defined in MSOP Division Policy 415-5010, "Searches – Clients") the contents constitute a risk to the safety and security of the facility, specific individuals or the general public, or when there is a reason to believe the client or the recipient is involved in criminal activity.
4. Special Services staff stamp all outgoing client mail to indicate the item has been mailed from a secure treatment facility (excluding CPS).
5. Special Services staff forward outgoing mail to the local post office daily Monday through Friday, excluding holidays or emergencies.
6. Clients may correspond by letters, post cards and signed greeting cards with other MSOP clients within the same site by using the designated client-to-client envelopes provided by MSOP. Clients corresponding between program sites must use the United States Postal Service.

E. Postage

1. When incoming mail requires additional postage, Special Services staff notify the client the incoming mail requiring additional postage is being held. The client can choose to pay the additional postage or have the item returned to the sender.
2. When outgoing mail requires additional postage, Special Services staff return the mail to the client.

F. Non-Delivery of Incoming/Outgoing Client Mail

1. Staff identifying unallowable or suspicious mail or e-mail constituting an imminent and serious risk to the safety and security of the facility, specific individuals or the general public, must notify the OD and place these item(s) into evidence in accordance with DCT Security Policy 145-1035, "Evidence Handling by Staff," write an Incident Report, and refer the item(s) to OSI for disposition. Mail meeting this criteria is not returned to the sender or delivered to the intended recipient. Special Services staff notify the client within a 24-hour period when an item is secured for this reason unless notice would inhibit an investigation of potential criminal behavior or other conduct in violation of facility rules.
2. When unallowable incoming or outgoing mail is detected and not delivered, Special Services staff send the client a Contraband Notice (420-5250b, attached) stating the reason(s) for non-delivery. Staff do not need to send notices for unopened mail returned to the sender because of improper name or address. When a package or item received in the mail contains contraband, Special Services staff remove the contraband item(s), route the rest of the package or item to the client, and process the contraband item(s) per MSOP Division Policy 420-5250, "Client Property," Section B. If the contraband is something illegal or may be used in perpetrating a crime, Special Services staff place the entire package into evidence and notify OSI (refer to DCT Security Policy 145-1035, "Evidence Handling by Staff").

G. Limitations on Incoming/Outgoing Letters/Packages

1. Clients may not send/receive money or property in any form to/from:
 - a) any other MSOP client;
 - b) a client who has been temporarily transferred to another facility,
 - c) another client's immediate family;
 - d) any business run by a client's immediate family member; or

- e) any relative within an immediate family member's household unless the two share the same immediate family member.
- 2. Special Services staff must secure mail containing a drivers' license, state identification card, birth certificate, social security card, passport, or copies of these items, complete a Notice and Receipt of Secured Items form (420-5250a), attached) and place these items in the client's personal documents file.
- 3. Clients may not receive correspondence addressed to multiple clients.
- 4. Clients may not send mail addressed from multiple clients.
- 5. MSOP participates in the IRS Blue Bag Program for all outgoing, non-certified tax returns addressed to the Internal Revenue Service.

H. Mail Monitoring

1. Approval

Mail monitoring of a client or sender of mail may be used only when based on articulated objective information. All mail monitoring must be pre-approved in writing by the MSOP Executive Director prior to implementation.

- a) OSI must submit a written Mail Monitoring Request (420-5030b), attached) to the Executive Director and Legal and Records Director for review and notifies the facility director of the mail monitoring request.
- b) The request must include the following criteria:
 - (1) there is a reasonable suspicion mail to or from the monitored individual constitutes a safety or security risk to the facility, specific individuals, or the general public; and/or
 - (2) there exists a reasonable basis to suspect the client or sender is involved in criminal activity.
- c) The Executive Director and Legal and Records Director review the request for mail monitoring and approve or deny the request. The request is then forwarded to the OSI Director/designee who notifies the facility director of the outcome.

2. Implementation

- a) If a client or sender of mail is on mail monitoring, all mail to or from that person, with the exception of privileged mail, is reviewed by OSI prior to coming into or going out of the facility, consistent with section F.1 above.
- b) OSI maintains a list of each individual on mail monitoring. The list includes the date mail monitoring was approved and implemented, the reason for monitoring, and a summary of all monitored mail.

3. Expiration/Extension of Mail Monitoring Authorization

- a) Approved mail monitoring requests expire 30 days after Executive Director approval. The Executive Director may approve 30-day extensions of the mail monitoring authorization.

- b) Staff must follow the process and approval in section H.1 above for any extension request.
- c) The Executive Director may impose conditions for the extension.

I. Processing Legal and Privileged Client Mail

1. Each facility residential unit designates an area and weekday schedule for opening incoming privileged client mail.
2. A designated staff meets with the client, verifies the client's identity by comparing the client's face to the client's identification badge and verifies the client's name corresponds with the addressee on the privileged mail.
3. Upon verification of client addressee, the designated staff opens the privileged client mail in the client's presence, removing and scanning the contents and envelope to ensure it contains no contraband or additional enclosed letters or envelopes.
 - a) If the privileged client mail is free of contraband and/or additional enclosed letters/envelopes, the staff gives the client the privileged mail and envelope.
 - b) If the privileged client mail contains contraband or additional enclosed letters/envelopes, the staff informs the client the privileged mail is unallowable and provides a Contraband Notice (420-5250b, attached).
 - c) Privileged mail is tracked daily by Special Services staff. Each client receiving privileged mail signs a Receipt of Privileged mail verifying receipt. If a client refuses to sign the Receipt of Privileged Mail, staff still give the client his/her mail and document the refusal on the form. The signed copies are returned to, and retained by, the Special Services staff according to the retention schedule.
 - d) If the privileged client mail is not picked up within five business days the mail is returned to sender without further notice to the client.
4. Clients in the High Security Area receive their privileged mail unless prohibited in the client's Levels of Observation order (see MSOP Policy 203.270, "Levels of Observation"). Staff open, inspect, and deliver privileged mail at the client's door instead of the unit designated area.
5. All privileged mail, incoming and outgoing, is stamped with the date Special Services staff received and processed it.

REVIEW: Annually

REFERENCES: MSOP Division Policy 420-5250, "Client Property"
MSOP Policy 602.300, "CPS Client Property"
DCT Security Policy 145-1035, "Evidence Handling by Staff"
MSOP Division Policy 415-5010, "Searches - Clients"
DCT Policy 120-1000, "Contraband in DCT Facilities"
MSOP Division Policy 415-5030, "Contraband"
MSOP Policy 602.310, "CPS Contraband"
MSOP Policy 303.010, "Client Behavioral Expectations"
MSOP Policy 301.087, "High Security Area"

MSOP Policy 302.230, "Media Possession by Clients"
MSOP Policy 602.230, "Media Possession by CPS Clients"
MSOP Division Security Policy 415-5310, "Incident Command System (ICS)"
MSOP Division Security Policy 415-5165, "Terroristic Incident Response"
MSOP Procedure 103.030ML, "Staff Mail"
MSOP Policy 302.035, "Client C-Mail"
MSOP Division Policy 420-5252, "Allowable Items Committee"
MSOP Policy 302.100, "Visiting"
MSOP Policy 602.100, "CPS Client Visits"

ATTACHMENTS: Mail Monitoring Request (420-5030b)
Contraband Notice (420-5250b)
Notice and Receipt of Secured Items (420-5250a)
Receipt of Privileged Mail (MSOP Mail Tracking database)

SUPERSESSION: MSOP Policy 302.030, "Client Mail," 11/4/14.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

/s/
Nancy A. Johnston, Executive Director
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