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ADMINISTRATIVE REGULATION
NUMBER 448

OPR: MEN'S SERVICES AND
WOMEN'S SERVICES

INMATE MAIL

I. GENERAL

This Alabama Department of Corrections (ADOC) Administrative Regulation (AR) establishes responsibilities, policies, and procedures for inmate mail.

II. POLICY

It is the policy of the ADOC to allow inmates to receive and send written mail in accordance with U. S. Postal Service regulations and the guidelines set forth in this AR.

III. DEFINITIONS AND ACRONYMS

- A. **Contraband**: Any item that is not permitted by law or is either prohibited or not specifically authorized by ADOC or facility policy, including items not issued by the ADOC, not sold in the facility canteen, or not specifically authorized by the Warden/designee.
- B. **Correspondence**: Written communications to or from inmates (e.g., letters, post cards, greeting cards) delivered by a postal service.
- C. **Immediate Family**: For the purpose of this AR, mother, father, stepparents, foster parents, husband, wife, children, stepchildren, grandchildren, brother, sister, grandmother, grandfather, half-siblings, son-in-law, daughter-in-law, mother-in-law, and father-in-law, as documented in the institutional file of the inmate.
- D. **Internet Materials**: Downloaded copy from a web site.
- E. **Kiting**: Improperly sending or receiving mail with the contents of the mail addressed to be forwarded to a different party.

- F. **Legal Mail**: Letters to and from attorneys, courts, judges, clerks, and other officials of the courts and government agencies.
- G. **Mail**: For the purpose of this regulation, the term “mail” includes but is not limited to: items delivered by the U. S. Postal Service or any private carrier servicing the ADOC or delivered by hand.
- H. **Mail Clerk**: Staff member(s) assigned to handle the facility mail.
- I. **Nudity**: A pictorial depiction where genitalia, buttocks, or female breasts are exposed. Publications containing nudity illustrative of medical, educational, or anthropological content may be excluded from this definition.
- J. **Printed Materials**: Books, publications, magazines, newspapers, periodicals, circulars, and catalogues delivered by postal or delivery services.
- K. **Reasonable Suspicion**: The rational inference that a reasonably prudent person could make from specific objective facts.
- L. **Religious Materials**: Books, pamphlets, brochures, and religious study courses.
- M. **Sexually Explicit**: A picture or illustration of actual or simulated sexual intercourse, oral sex, masturbation, or other sex acts.

IV. **RESPONSIBILITIES**

- A. The Warden/Designee shall be responsible for developing their facility Standard Operating Procedures (SOPs), as necessary, for the implementation of this AR.
- B. The Warden/Designee shall designate a mail area and secure drop boxes for outgoing mail that is accessible to all inmates.
- C. The Mail Clerk is responsible for the collection, inspection, and distribution of incoming and outgoing mail and for the maintenance of the mail records.
- D. The Chaplain, or the Warden’s designee, is responsible for reviewing all mail entering the facility that is presumed to be religious materials for an inmate.

V. **PROCEDURES**

- A. General Guidelines:
 - 1. Inmates shall be permitted to send and receive correspondence unless there is reasonable suspicion that such correspondence may present a threat to the safety and security of the facility, public, staff, or inmates.

2. There is no limit on the volume of letters that the inmate can send or receive. However, AR 338, *Inmate Property*, prescribes the number of items that an inmate may have in possession at any time.
3. Mail between inmates and incarcerated immediate family members, whether state, county, city, out-of-state or federal, may only be allowed with the written permission of the Wardens/Designees involved.
4. Approved mail and packages addressed to an inmate who has been transferred or released to another known address should be forwarded to the inmate within 48 hours, excluding weekends and holidays.
 - a. If a forwarding address is not available, such mail and packages shall be returned to the sender.
 - b. If neither a forwarding nor return address is available, the mail and packages shall be refused and returned to the post office or deliverer.
5. All inmate mail shall remain under the supervision of staff until it is distributed. Inmates are not allowed in the mail area without supervision.
6. At no time shall mail be distributed or handled by an inmate or be accessible to any inmate other than the inmate addressee.
7. A staff member shall deliver incoming mail to the inmate to whom it is addressed.

B. Incoming Mail:

1. All incoming mail must be addressed with the inmate's name, AIS number, facility name, housing unit, and bed assignment.

Example:

Ralph Jones
AIS# 123456
Facility Name
Housing unit, bed assignment
Facility Address

2. Incoming mail addressed to an inmate with a legal name change must be addressed to the inmate's commitment name and the inmate's legal name, as in: Inmate's Commitment Name, AIS #123456, Inmate's Legal Name. (See AR 450, *Legal Name Changes*).

Example:

Ralph Jones
AIS# 123456
Sam Cloud
Facility Name
Housing unit, bed assignment
Facility Address

3. Checks will not be accepted through the mail for deposit to inmate accounts, but instead will be returned to sender.
4. Correspondence, printed material, inmate personal property, or money will not be delivered to inmates by visitors. The Warden/Designee may allow attorneys to hand deliver "Legal Mail" directly to the inmate, subject to it being searched for contraband.
5. Inmates will not receive mail stamped "Collect on Delivery (COD)".
6. Inmates are allowed to receive up to two (2) books of stamps per week in the mail.
7. Inmates are allowed to receive up to four (4) pages of internet material per letter. Excessive letters with the same content shall be rejected.
8. Inmates are not allowed to receive any form of writing pads or tablets, torn out magazine pages, news clippings, or writing instruments in the mail.
9. Inmates are allowed to receive no more than four sheets of loose-leaf paper and four envelopes per week in the mail.
10. Inmates are not allowed to receive checks and personal money orders unless approved by the Warden/Designee.
 - a. Personal money orders shall only be accepted from companies licensed by the Alabama Securities Commission as identified in the ADOC Accounting Manual.
 - b. Checks and personal money orders received from unauthorized individuals or unapproved companies shall be rejected.

C. Outgoing Mail:

1. All mail being sent from the facility must have a return address which includes the inmate's full name, AIS number, facility name, housing unit,

bed number, street address (or P.O. Box number as appropriate), city, state and zip code. Additionally,

2. Every piece of outgoing mail sent by inmates shall have the following disclaimer stamped on it:

“This correspondence is forwarded from an Alabama State Prison. The contents have not been evaluated, and the ADOC is not responsible for the substance or content of the enclosed communication.”

3. Outgoing mail from an inmate with a legal name change must list the inmate’s commitment name and the inmate’s legal name, as in: Inmate’s Commitment Name, AIS #123456, Inmate’s Legal Name. (See AR 450, *Legal Name Changes*).
4. Designated staff should collect outgoing mail once each business day.

D. Legal Mail:

1. Outgoing Legal Mail:

- a. Inmates shall be provided two (2) free stamps per week for legal mail only.
 - (1) The names of inmates receiving the free stamps shall be maintained in a log.
 - (2) The log shall reflect the name of the inmate, the mail recipient’s name and address, and the date.
- b. Each Warden/Designee shall designate a box for “Legal Mail.”

2. Incoming Legal Mail:

- a. A log shall be maintained by mail staff members that lists each piece of legal mail received with the sender’s name, the date inspected, the date delivered to the recipient inmate, and the recipient inmate’s signature.
- b. The inmate shall sign for all “Legal Mail” prior to receipt.
- c. All “Legal Mail” shall be opened and inspected for contraband in the presence of the inmate.
- d. Improperly addressed “Legal Mail” (to include, but not limited to, listing the incorrect AIS number, housing unit, or bed assignment) shall

be forwarded to the Warden/Designee for verification and delivery as appropriate.

- e. If incoming mail is suspected to have been altered or to contain unknown substances or contraband, the documents and envelope shall be copied, in the presence of the inmate if possible, however Legal Mail shall be copied in the presence of the inmate. The inmate will receive a copy of the documents and envelope instead of the original documents and envelope. The altered mail will be disposed of in accordance with AR 306, *Contraband and Evidence Management*.

E. Mail Limitations:

1. When inmate mail abuses are found, the Warden/Designee may prohibit further correspondence by the inmate with the person to whom the offending material was directed.
2. When the Warden/Designee receives a request to terminate correspondence with an inmate, the Warden/Designee shall notify the inmate of the request and inform the inmate that further correspondence with the individual shall cease.
3. The Warden/Designee shall provide documentation that will be placed in the mail area and in the inmate's institutional file of persons with whom the inmate may no longer correspond.

F. Inspection:

1. Incoming mail, including "Legal Mail," shall be inspected for contraband and for abuse of the mail privilege. Outgoing mail shall be randomly inspected for contraband. "Legal Mail" shall not be opened to inspect for contraband except in the presence of the inmate.
2. All contraband shall be disposed of in accordance with AR 306, *Contraband and Evidence Management*.
3. Every effort should be made to ensure that all incoming letters and packages are delivered to the inmate within 72 hours after receipt at the institution, excluding weekends and holidays.

G. Rejection:

1. In the event that any incoming mail is rejected, the mail clerk shall cite the policy violation and complete an ADOC Form 448-A, *Notification of Rejected Mail*, then forward to the inmate in a timely manner.

2. An inmate may appeal the rejection to the Warden/Designee for review and final determination using ADOC Form 448-A, *Notification of Rejected Mail*.
3. If the appeal is denied, the inmate shall have the option of returning the mail to the sender at the inmate's expense within thirty (30) days, or the mail shall be destroyed at the end of the thirty (30) day period in accordance with AR 306, *Contraband and Evidence Management*.
4. Incoming mail may be considered as a threat to institutional security if it does any of the following:
 - a. Incites violence based on race, religion, sex, creed, or nationality, or incites disobedience toward law enforcement officials or correctional staff.
 - b. Provides instructions for the manufacturing or use of intoxicants, weapons, explosives, drugs, drug paraphernalia, or other unlawful items or substances.
 - c. Contains obscene photographs, pictures, or drawings, nudity, or sexually explicit material, including publications and advertisements from distributors.
 - d. Contains plans to escape, unauthorized entry into the institution, or information or maps.
 - e. Contains information relating to security threat group activity or use of codes or symbols associated with security threat groups.
5. Before delivery of a publication may be denied, the Warden/Designee must review the publication in question and make a specific, factual determination that the publication is detrimental to prisoner rehabilitation or the safety and security of the facility.
6. Abuse of mail privileges by inmates may result in rejection of mail and possible disciplinary action in accordance with AR 403, *Procedures for Inmate Rule Violations*. Inmate mail privilege abuses include, but are not limited to the following:
 - a. Writings containing obscene, profane, or indecent language.
 - b. Writings containing threats, derogatory or personal attacks against any person.
 - c. Writings containing an escape plot or any other clear threats to the facility.

- d. Receipt of mail, identified as "Legal Mail," from an individual or agency not meeting the "Legal Mail" definition.
- e. Writings containing language purporting to solicit, claim, or demand money, goods, or services by false statements, threats, intimidation, or extortion from another person or firm.
- f. Kiting.

H. Publications and Books:

- 1. Inmates may receive no more than two (2) books and four (4) magazines or newspapers or combination thereof per month in accordance with AR 338, *Inmate Property*.
- 2. The publications should be received directly from the publisher or a recognized commercial distributor and must be pre-paid by a family member, friend, or from the inmate's Inmate Trust Fund (ITF) account.
- 3. Receipt of publications by inmates in restrictive housing units shall be determined by the provisions indicated in AR 433, *Administrative Segregation*, and AR 434, *Disciplinary Segregation*.
- 4. Inmates shall not be allowed to be members of, enter into contractual agreements with, or participate in book clubs.
- 5. Temporary Bans:
 - a. The Warden/Designee shall personally inspect each issue of a publication when a reasonable expectation that a particular issue or the publication violates the standards of this AR.
 - b. If it is determined that the issue of the publication violates these standards, then the Warden/Designee will temporarily exclude the particular issue or the publication. The Warden/Designee shall notify the inmate to whom the publication was addressed of the temporary ban.
 - c. If the inmate appeals the temporary ban using ADOC Form 448-A, *Notification of Rejected Mail*, the ban shall remain in effect pending a final resolution.
 - d. Upon notice of the appeal, the Warden/Designee shall furnish a copy of the documentation on the matter to the Associate/Deputy Commissioner/Designee of Men's Services or Women's Services, as

applicable, who shall review the appeal and documentation and render a decision. This documentation shall include copies of pages of the excluded issue or publication that contain material that has been identified as violating the restrictions.

- (1) If the temporary ban is upheld, the inmate, the Warden/Designee, all other facilities, and the Legal Division shall be notified that the particular issue or publication is permanently banned. The documentation supporting the ban shall be retained by the Legal Division and at the facility.
 - (2) If the temporary ban is denied, the issue or publication shall be given to the inmate.
- e. The permanent ban of an issue of a publication may not be relied upon to support an exclusion of a subsequent issue. For example, if the January issue of XYZ magazine is permanently banned, this ban may not be used to justify an exclusion of the February issue of XYZ magazine. Each separate issue must be evaluated independently in accordance with this AR.

I. Packages:

1. All religious materials, such as books, pamphlets, brochures, and religious study courses, shall be sent to the inmate in care of the facility Chaplain/Designee. The Chaplain/Designee shall distribute the materials after approval and property limits have been obtained from the Warden/Designee.
2. The Associate/Deputy Commissioners/Designees of Men's and Women's Services shall publish instructions concerning the receipt of incentive packages for inmates. Incentive packages will be provided through contracted vendors during the months of May, September, and December. The Associate/Deputy Commissioners/Designees of Men's and Women's Services may allow other packages as deemed appropriate.
3. The criteria for an inmate to receive incentive packages are as follows:
 - a. Inmates must have a clear record with no disciplinaries nor behavior citations for six (6) months prior to the designated month of each particular incentive package.
 - b. An inmate found guilty of rules violations for indecent exposure/exhibitionism, unauthorized possession of a phone(s)/accessories, assaults on staff, or other acts of violence of a

serious nature shall be restricted from receiving packages for one (1) year from the incident.

c. An inmate in restrictive housing units shall not receive nor be eligible to receive incentive packages.

4. An inmate may mail outgoing packages as outlined in the facility SOP implementing this AR. However, the packages shall be inspected for removal of unauthorized items prior to mailing. The inmate must provide postage for the mailing of packages.

VI. DISPOSITION

Any forms used will be disposed of and retained according to the Departmental Records Disposition Authority (RDA).

VII. FORMS

ADOC Form 448-A, *Notification of Rejected Mail*.

VIII. SUPERSEDES

This Administrative Regulation supersedes AR 448, *Inmate Mail*, dated October 20, 2008, and any changes.

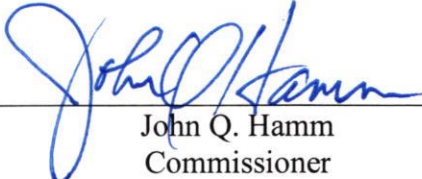
IX. PERFORMANCE

A. Code of Alabama 1975 § 14-1-1.1 *et seq.*

B. ADOC Accounting Manual.

C. American Correctional Association (ACA), Standards for Adult Correctional Institutions, 4th Edition, 4-4487, 4-4490, 4-4491, 4-4492, 4-4494, 4-4496.

D. U. S. Postal Service Regulations.



John Q. Hamm
Commissioner



ALABAMA DEPARTMENT OF CORRECTIONS

NOTIFICATION OF REJECTED MAIL

From: _____ Date: _____
Facility Mail Room

To: Inmate: _____ AIS #: _____
Cell/Dorm: _____ Bed#: _____

Correspondence From: _____

Date received at this Facility: _____

Is being returned to sender due to the following reason(s): _____

The inmate has seventy-two (72) hours from the above date to appeal the return of this mail.
State your reason(s) for appealing in writing below and return this form to the
Warden/Designee.

Inmate's Signature: _____ AIS #: _____ Date: _____

<u>Appeal: Denied</u>
Printed Name
Authorized Signature
Date returned to Inmate
The inmate has the option to return mail to the sender at the inmate's own expense within thirty (30) days or the mail shall be destroyed.

<u>Appeal: Upheld</u>
Printed Name
Authorized Signature
Date returned to Inmate
The mail shall be provided to the inmate.