

MARIN COUNTY SHERIFF'S DEPARTMENT {PRIVATE}  
CUSTODY DIVISION POLICY AND PROCEDURES MANUAL

**CHAPTER 4 - HOUSING**

DATE 01-30-17

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**INMATE MAIL**

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**POLICY**

Inmates shall have access to the United States Mail. This access shall be provided to the extent that the reasonably safe and secure operation of the facility is not jeopardized. There will be no limits on the amount of mail an inmate may send or receive. The amount of newspapers, paperback books, magazines and other paper received through the mail that an inmate may have in their cell at any one time will not exceed five (5) paperback books, papers, and/or magazines with the exception of religious books and treatment material. No inmates shall deliver or handle mail of others in any manner whatsoever.

**DEFINITIONS**

**INDIGENT INMATE:** An inmate who is incarcerated without funds, or who has less than \$2.00 on his/her account, and who while incarcerated, has no monies deposited into that account and receive no outside commissary.

**PRIVILEGED MAIL:** Mail delivered to or from attorneys, judges, clerks of any court, or public officials acting in an official capacity. Privileged mail may also be referred to as "Legal Mail."

**NON-PRIVILEGED MAIL:** Any incoming or outgoing mail except correspondence to or from attorneys, Judges, clerks of any court, or public officials acting in an official capacity.

**INMATE-TO-INMATE MAIL WITHIN THE MARIN COUNTY JAIL:** Any written correspondence between inmates housed in the Marin County Jail.

**CONTRABAND:** Any item not provided or approved by the Facility Administrator, or an approved item, which has been altered, changed or misused.

**TEMP-OUT STATUS:** Any inmate temporarily removed from the Marin County Jail Facility, but still under the care and custody of the Marin County Sheriff's Office.

**BANNED MAIL:** This policy bans the acceptance and delivery to Marin County Jail inmates, catalogues, advertisements, brochures, and materials whose primary purpose is to sell a product or service and when taken as a whole, lack serious literary, artistic, political, educational, or scientific value. Unsolicited commercial mail containing all or some of the above is banned mail and will not be delivered to inmates nor distributed in bulk to housing units in the jail.

Banned mail also includes magazines, photographs, cartoons or drawings that are: pornographic, depict any exposure of male or female genitalia, exhibit acts of intercourse or other sexual activities, reveal excessive skin exposure, are gang related, and any writings that intend to incite murder, violence, racism or any form of violence.

## PROCEDURES

Inmates may write an unlimited number of letters for mailing. Mail is sent out of the facility in pre-stamped envelopes, which are purchased only through commissary. Indigent inmates are given two (2) free envelopes, paper, and a pencil on commissary day, once per week for use in corresponding with family or friends. Unlimited pre-stamped envelopes are given to indigent inmates for sending privileged mail out of the facility. Writing paper, envelopes and small pencils are stored in the deputies' stations in the pods.

Incoming and outgoing non-privileged mail may be opened and inspected for contraband, cash, money orders, and cashiers' checks. Additionally, the incoming and outgoing non-privileged mail may be read for inappropriate content, or other violations of facility rules or the law. Information obtained from inmate mail that has been read for valid security reasons, or which poses a threat to the safety of individuals or the public, may be used to assist law enforcement agencies in prosecuting or investigating a criminal charge. This mail may also be copied and forwarded to the assigned Operations Lieutenant or his designee for appropriate distribution. The screening of mail may take place with or without the presence or specific knowledge of the inmate.

Unless approved by the Operations Lieutenant, no written communication is allowed between inmates who are housed at the Marin County Jail at the same time. Mail is not to be sent via the U.S. Postal Service from one inmate to another inmate when both are housed at Marin County Jail at the same time. If an inmate has an urgent reason for communicating with another inmate, his or her reasons should be sent to the on-duty supervisor for consideration. The supervisor will determine if such communication is urgent, and, if so, will determine the appropriate action after consulting with the lieutenant.

The Post Office delivers all facility mail to the Jail Lobby. All non-privileged mail is opened and searched for contraband, cash, or money orders. Mobile Movement? Relief Deputies (MRDs) will document receipt of all received incoming money orders on a log. The MRDs will photocopy the log and money orders and submit the copies to Prisoner Services where the logs will be retained. The original money order log will be attached to the money orders and submitted to the Booking Sergeant to be processed. The Booking Sergeant will generate printed receipts that will be distributed to the inmates who received money orders.

All stamps and gummed areas of the envelopes are removed and placed in the contraband garbage. The mail is sorted and placed into the pod mail slots. If contraband is found in the mail, the Housing Sergeant will be notified for appropriate action. If the contraband is not illegal, it will be held and stored with the inmate's personal property until the inmate is released.

The graveyard pod deputies shall pick up inmate mail and scan it before delivering it to the inmates. Mail will be delivered after the breakfast meal is served and cleaned up. Mail will only be delivered by a deputy and only to the inmate addressee.

Privileged mail will only be opened in the presence of the inmate. If privileged mail is opened by accident, it will be taken immediately to the inmate. The deputy will explain what happened to the inmate. If the inmate is concerned about the opening of the privileged mail, the deputy will write an Incident Report and submit it to the Housing Sergeant for review. A copy of the report will be retained in the inmate's file.

Mail delivered to the facility or pod for an inmate who is no longer in custody or is on "temp-out" status will be returned to the sender intact, with the contents still inside. If the mail has been opened in error, the envelope will be resealed with tape before returning it to the sender.

Privileged mail delivered to the facility or pod for an inmate who is no longer in custody shall not be returned to the sender until such time as Prisoner Services has confirmed the inmate is not on "temp-out" status. Should the inmate

be on "temp-out" status, but still in the physical custody of the Marin County Sheriff's Office, the privileged mail shall be held until the prisoner's return to the facility or in the event of a protracted stay outside the facility, its delivery to the inmate at the temporary housing site has been assured.

For purposes of this order, "temp-out" status shall not include those inmates released to another law enforcement agency with a detainer from the Marin County Sheriff's Office.

Mail correspondence privileges shall not be withheld except in cases where the inmate has violated correspondence regulations, in which case the privileges may be suspended for no longer than 72 hours, without the review and approval of the Operations Lieutenant or his or her designee. In no case shall access to courts and legal counsel be suspended as a disciplinary measure. Inmates will place outgoing mail in the outgoing mailbox located in each pod's multi-purpose room. Deputies will empty the box each shift and stamp all letters with "Marin County Jail." Those letters shall be delivered to the central outgoing mailbox located in the Jail Lobby. No mail is held for more than 24 hours except on weekends or holidays. All outgoing mail must have the Marin County Jail's return address stamped or written on the envelope.

RELATED STANDARDS:

Title 15, Article 6, Section 1063

Custody Division Policy 3-6

DATE OF REVISIONS:

12-04-15

06-13-00

08-30-94

05-31-95

04-18-05

By order of

RICK NAVARRO

BUREAU COMMANDER