



INTERNAL MANAGEMENT POLICY & PROCEDURE

Applicability: ☐ Adult Operation Only ☐ JUVENILE Operations Only ☒ DEPARTMENT-WIDE

IMPP #: 12-139D

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SECURITY AND CONTROL: Facility Mailroom Procedures

Original Date Issued: 04-30-23 Replaces IMPP Issued: 06-15-23 **CURRENT EFFECTIVE DATE: 09-06-23**

Approved By: , Secretary Next Scheduled Review: 04/2026

POLICY

Mail shall be processed in accordance with KAR 44-12-601 and this IMPP. Correspondence shall be encouraged between residents and their families, friends, and/or other associates. The only restrictions to this right shall be those necessary to ensure the management and safety of the facility or other persons.

DEFINITIONS

Legal Mail: Mail affecting the resident's right of access to the courts or legal counsel. This term shall be limited to letters between the resident and any lawyer, a judge, a clerk of a court, or any intern or employee of a lawyer or law firm, legal clinic, or legal services organization, including legal services for prisoners.

Official Mail: Any mail between a resident and an official of the state or federal government who has authority to control, or obtain or conduct an investigation of, the custody or conditions of confinement of the resident.

Privileged Mail: Any mail between the resident and the resident's physician, psychiatrist, psychologist, or other licensed mental health therapist.

PROCEDURES

I. Processing of General Incoming Mail

- A. All incoming mail that is not processed as legal, official, or privileged mail in accordance with section II. below, shall be ran through the opener in the mailroom and placed in a mail container.
- B. Designated staff shall examine the mail for contraband and make a photocopy of the mail as follows:
 1. General mail of letters, greeting cards, and envelopes shall be photocopied in black and white, and shall use both sides of the paper for letters and the envelope.
 2. Photographs, and pictures, including drawings, shall be examined for any violation of policy and any signs of altering. If none are present the item shall be photocopied in color on a separate piece of regular paper.
 3. Staples and or paperclips are not authorized; however, photocopier crimping of the corner of the pages to retain all copies together shall be acceptable.
 - a. Photographs, pictures, and drawings shall not be folded.
- C. The photocopies of the mail shall typically be delivered to the resident within 24 hours after its receipt at the facility, except weekends and holidays, or if the mail contains contraband.

1. Mailroom staff shall notify their supervisor when they receive high volumes of mail and submit daily reports to track incoming mail being processed in a timely fashion.
- D. Originals shall be banded together and placed in a storage box in the mailroom. The box with original correspondence shall be dated for future reference and stored for 60 days. After 60 days, all correspondence shall be disposed of.
 1. Residents may initiate disposition of an original piece of general mail by sending a form 9 to the mail room requesting such. Originals may be mailed out of the facility at the resident's expense.
- E. Letters, greeting cards, and other items mailed in that would normally be held for suspected contraband, stains, foreign substances and or glued items etc. shall not be copied and shall be held per current procedure.
- F. Correspondence with money orders, checks, or other items will be processed in accordance with current policy.
- G. Magazines, books, calendars and newspapers shall be processed per current procedures and shall not be affected by this procedure.

II. Processing of Legal, Official, or Privileged Resident Mail

- A. Mail determined to be legal, official, or privileged shall be treated as confidential and opened and inspected only in the presence of the resident, unless waived in writing.
 1. The warden of the facility from which such mail originates may choose to stamp any such mail disclaiming any administrative responsibility for the nature or contents of such mail.
- B. Mailroom personnel shall begin a Legal, Official, or Privileged Mail Delivery Form (Attachment A) for each piece of legal, official, and privileged mail by completing all parts of section A.
- C. All incoming legal, official, or privileged mail shall be screened by a member of the facility for unusual odor, stains, feel/touch, mailing address and/or postage discrepancies before being processed for distribution.
 1. If no discrepancies are noted, the staff member shall complete all parts of section B. of the Legal, Official, Privileged Mail Delivery Form indicating the mail has been inspected and cleared for delivery.
 2. If any discrepancies are noted, the item shall be tested for illicit substances through the outside of the unopened envelope
 - a. If the envelope tests positive for an illicit substance, it shall be held as evidence.
 3. If the discrepancy is based on visual observation or how the envelope is addressed, a team member shall initiate contact with the office of the addressee to verify if the privileged mail was sent by the addressee.
 - a. If the legal, official, or privileged mail was not sent from the addressee listed on the envelope, it shall not be considered legal, official, or privileged correspondence.
 - b. The contents shall be inspected for contraband and tested for illicit substances.

- c. If contraband or illicit substances are detected, all items shall be held as evidence and the facility EAI Special Agent Supervisor shall be notified immediately.
 - d. If contraband or illicit substances are detected, the mail shall be seized in accordance with KAR 44-12-601.
- D. To prevent contraband or illicit substances from entering the facility that were not detected from the process outlined above, the following shall occur:
 - 1. All prescreened legal, official, or privileged mail shall be delivered to a designated office for that specific unit to be distributed to the resident(s) by a member of the Unit Team.
 - a. The delivering unit team shall complete all parts of section C. of the Legal, Official, Privileged Mail Delivery Form.
 - 2. The designated location shall be a secure location having access to a photocopier and a document shredder.
 - 3. Residents assigned to general population housing shall be called accordingly to receive their legal, official, or privileged mail.
 - a. For individuals assigned to non-general population housing, staff shall deliver the mail to the resident in the housing unit in accordance with these procedures.
 - 4. Residents must present their ID to receive their legal, official, or privileged mail.
 - 5. The legal, official, or privileged mail shall be opened in the presence of the resident and inspected for contraband and illicit substances. The contents of the mail shall not be read.
- E. If no illicit substances are detected, the legal, official, or privileged mail shall be photocopied by the resident, to be provided to the resident after acknowledging acceptable quality of the photocopy.
 - 1. The copy shall be in black and white. Colored copies may be allowed in some instances as approved by KDOC legal counsel. At the resident's request, KDOC legal counsel shall review legal materials for appropriateness of colored copies.
 - 2. The resident shall then be presented with the Legal, Official, Privileged Mail Delivery Form to complete all parts of Section D. verifying receipt of the mail.
 - a. If the resident refuses to sign the form, another staff member shall note "resident refused to sign" and complete section E. on the Legal, Official, Privileged Mail Delivery Form as a witness.
 - 3. The original documents shall be shredded immediately by the resident.
 - a. All shredding shall be removed and properly disposed of daily.
- F. If there is evidence of illicit substances, the mail shall be tested for illicit substances.
 - 1. If the mail tests positive for illicit substances, it shall be held as evidence and the facility EAI Special Agent Supervisor shall be notified immediately.
 - 2. If the test is negative for illicit substances, the contents and envelope shall be processed in accordance with section II. E. above.

- G. Any contraband other than illicit substances which is removed from the incoming legal, official, and privileged mail which is not returned to the sender may be turned over to law enforcement authorities for possible prosecution. Contraband not returned to the sender or given to law enforcement shall be disposed of according to facility procedures.

III. Additional Mail Procedure Guidelines

- A. Personal Protective Equipment must be made available for use by all staff handling mail due to the potential of illicit substances being present.
- B. Incoming mail, including legal, official, or privileged mail, found to contain a raised (embossed) seal, or otherwise identified as identification, car titles, birth certificates, etc., shall not be provided to the resident, and shall be forwarded to Records and placed in the resident's file.
- C. All completed Legal, Official, Privileged Mail Delivery Forms shall be scanned to staff in the Records Department to be imaged, and the hard copy form shall be returned to the Mailroom.
- D. For private industry residents who do not get off work until after Unit Team staff have left for the day, designated Security Officers shall be trained and shall complete all processing of this mail, including completing sections C, D, and E of the Legal, Official, Privileged Mail Delivery Form with the resident; opening and inspecting the legal, official, or privileged mail; providing the mail to the resident, scanning the completed form to records, and sending the completed form back to the Mailroom in the correct expandable folder.
- E. All outgoing legal, official, or privileged mail will be logged by mailroom staff upon being sent from the institution.

IV. This IMPP must serve as final policy in all departmental facilities, and no General Orders shall be developed or implemented on this subject.

NOTE: The policy and procedures set forth herein are intended to establish directives and guidelines for staff, residents, and residents and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees, residents, or residents, or an independent duty owed by the Department of Corrections to employees, residents, residents, or third parties. Similarly, those references to the standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a Departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal Government and the state of Kansas. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

REPORTS

None.

REFERENCES

KAR 44-12-601

HISTORY

04-30-23 Original
06-15-23 Revision 1
09-06-23 Revision 2

ATTACHMENTS

Attachment	Title of Attachment	Page Total
A	Legal, Official, Privileged Mail Delivery Form	1 page

KANSAS DEPARTMENT OF CORRECTIONS
LEGAL, OFFICIAL, PRIVILEGED MAIL DELIVERY FORM

SECTION A: This section is to be filled out by mail room staff (please print):

Staff Name: _____ Signature: _____ Date: _____

Resident Name: _____ KDOC Number: _____ Athena Number: _____

Sender's Name: _____

Sender's Address: _____

SECTION B: Inspection and clearance by designated staff (please print):

Clear for processing: YES _____ NO _____

Staff Name: _____ Signature: _____ Date: _____

SECTION C: To be filled out by Delivering Staff (please print):

Staff Name: _____ Rank/Position: _____

Staff Signature: _____ Date: _____

SECTION D: Resident Acknowledgement (please print):

Please respond "Yes" or "No" to the statement below:

_____ Quality of photocopy is acceptable. _____ I am accepting my legal, official, privileged mail.

Resident Signature: _____ Date: _____

SECTION E: To be filled out by Witnessing Staff if Resident refuses to sign Section D (please print):

Staff Name as Witness (please print): _____

Staff Signature as Witness: _____

Noted Concerns: _____
