

Steven A. Kraemer, OSB No. 882476
E-mail: sak@hartwagner.com
Gregory R. Roberson, OSB No. 064847
E-mail: grr@hartwagner.com
HART WAGNER LLP
1000 S.W. Broadway, Twentieth Floor
Portland, Oregon 97205
Telephone: (503) 222-4499
Facsimile: (503) 222-2301

Of Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

PRISON LEGAL NEWS, a project of the
HUMAN RIGHTS DEFENSE CENTER,

No. 3:12-cv-0071-SI

Plaintiffs,

v.

DECLARATION OF JEFFREY M.
DICKERSON

COLUMBIA COUNTY; COLUMBIA
COUNTY SHERIFF'S OFFICE; JEFF
DICKERSON, individual and in his capacity
as Columbia County Sheriff,

In Support of Defendants' Response to PLN's
Motion for Partial Summary Judgment on
Declaratory and Injunctive Relief

Defendants.

I, Jeffrey M. Dickerson, declare as follows:

1. I have been Columbia County Sheriff since January 1, 2009, and I make this declaration from my personal knowledge.
2. Prior to taking office as Sheriff, I was a state police officer with the Department of Oregon State Police for twenty years. During that time, I served approximately fifteen years in patrol and five years as a detective assigned to a federal task force under the Bureau of Alcohol, Tobacco and Firearms.
3. My duties as Sheriff include establishing jail procedures at the Columbia County Jail.
4. Attached to this declaration as Exhibit A is a true and accurate copy of the Columbia County Sheriff's Office ("CCSO") Inmate Mail Policy J603-R09, effective June 18, 2012.

5. Attached to this declaration as Exhibit B is a true and accurate copy of the Columbia County Sheriff's Office ("CCSO") Inmate Mail Policy J603-R10, effective July 5, 2012. This policy was issued because although the rule that inmates were limited to three books in a single piece of mail was deleted in Policy J603-R09, there was still a reference to it on page 15, subparagraph 1.G(2). This reference was deleted in Policy J603-R10.

6. Columbia County does not oversee the Columbia County Jail, or establish inmate mail policies or practices. As Sheriff, I have authority over policies, practices, and personnel matters subject to budgetary control by the Columbia County Board of Commissioners.

7. As Sheriff, I have relied heavily on the Washington County Sheriff's Office ("WCSO") for upgrades to all policies and procedures, including for the Jail. WCSO's Jail Commander Marie Tyler, its previous Sheriff Rob Gordon, who retired in 2011, and its current Sheriff, Pat Garrett, are leaders for Oregon on jail practices and procedures. It is my understanding that the Oregon State Sheriff's Association Jail Command Council also relies on WCSO's expertise. Additionally, the WCSO is accredited nationally through the Commission on Accreditation for Law Enforcement Agencies (CALEA). Much of our current policies are direct adaptations of WCSO's policies.

8. When I took office as Sheriff, we were budgeted for 16 deputies, 5 technicians, 2 sergeants, 4 corporals and a half-time transport officer in the Jail. Currently, we have 15 deputies, 2 technicians and 2 lieutenants taking on all the duties of the previous workforce. We have lost a total of 8.5 positions -- nearly one-third of our workforce since 2009. These staffing reductions were caused by reductions in the Sheriff's Office's budget.

9. After the January 26, 2012 inmate mail policy was issued, the mail policy continued to be reviewed by legal counsel, myself, and supervisory jail staff. These discussions occurred through June, 2012. Among the major changes that resulted were a revision in the definition of "sexually explicit," mandatory supervisor approval of the rejection of any inmate mail before it is rejected, whether to cut-off or peel-off stamps, and to eliminate the cap on the number of books or periodicals that can be delivered to an inmate in a single day.

10. In 2012, The Sheriff's Office faced an approximate budget shortfall of \$700,000. As a result, in June, 2012, the sergeant's position was eliminated and replaced by two, non-union lieutenants. One deputy voluntarily left. The four persons in the sergeant's position – Bryan Cutright, Raquel Miller, Lee Rigdon, Sheryl Westfall – were laid-off, although Mr. Rigdon and Ms. Westfall were re-hired as deputies. Lieutenants Brooke McDowall and Tony Weaver, along with Undersheriff Moyer, now supervise inmate mail policies and practices.

11. The Sheriff's Office does not routinely keep drafts of policies or changes to policies. Once a new policy is finalized, there is no need to keep the interim drafts. Typically, the suggested changes to a policy are typed into an electronic WordPerfect document. Once the changes are accepted or rejected, the document is saved. The suggested changes are not kept in electronic or hard copy form.

12. The version of the inmate mail policy for the Washington County Sheriff's Office ("WCSO") used to draft the Sheriff's Office's January 26, 2012 inmate mail policy was in Microsoft Word format. I could not copy and paste the Word document into a WordPerfect document without losing significant formatting. WordPerfect is the official word processing program used by the Sheriff's Office. I made changes directly to the Word document to reflect the way our Jail operates and to re-label it as a Columbia County Sheriff's Office policy. Instead of having Undersheriff Andrew Moyer and Sergeants Bryan Cutright and Lee Rigdon each suggest changes to the document electronically, I printed out copies of the working draft and put it in their boxes. They did not make many suggestions, but I accepted all the changes that were in the drafts that I received back from them. The changes mostly related to modifying WCSO's language to conform to the language used by the Sheriff's Office. I threw away the drafts because they were interim policy changes.

13. The current inmate manual is available only in English. I have directed Undersheriff Andrew Moyer and Lieutenants Tony Weaver and Brooke McDowall to update the parts of it not dealing with inmate mail, to ensure they comply with the Sheriff's Office's policies.

14. Once the inmate manual is finalized, a translation of it in Spanish will be created and given to inmates who prefer to read in Spanish.

**I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS
TRUE AND CORRECT.**

Respectfully submitted this 16th day of October, 2012.

By:



Sheriff Jeffrey M. Dickerson

COLUMBIA COUNTY SHERIFF'S OFFICE
JAIL OPERATIONS
JEFF DICKERSON, SHERIFF

EFFECTIVE: JUNE 18, 2012

SUPERSEDES INMATE MAIL POLICY
 REVISED MAY 25, 2012

INMATE MAIL
 POLICY J603-R09 (06/18/12)

OJS: D-101 THRU D-117, D-105, D-212,
 D-302, F-101 THRU F-103

ACA: 3-ALDF-3D-16 THRU 5D-08

Applies to all staff.

POLICY

Jail mail handling procedures must support an inmate's need to communicate in writing to carry out legal business and maintain family and community ties. The procedures must also meet the Jail's need for efficient operations that preserve the good order, safety, and security of the facility, inmates, and staff.

DEFINITIONS

Book. A printed composition bound in a volume.

Contraband. 1) Controlled substances as defined in ORS 475.005(6). 2) Drug paraphernalia as defined by ORS 475.525(2). 3) Any currency or negotiable instrument. 4) Any item that a person in a correctional facility is prohibited by statute, rule, or order from obtaining or possessing, *and* whose use would endanger the safety or security of the facility or person in the facility. 5) An unauthorized item in an inmate's possession or in a cell, bunk, or common area. 6) An authorized item altered in any way. 7) More than the authorized number of an item.

Inmate Mail. Written correspondence to or from an inmate in the Columbia County Jail.

Indigent. An inmate who has less than \$5 in his or her inmate account and has not had more than that amount for seven days.

Inflammatory material. Written or printed materials that pose a threat to the security, safety, or good order of the jail because it may incite or advocate physical violence against others. This includes material that advocates the supremacy or hatred of a racial, religious, national, or other group of people. (Note: Criticism of jail operations, programs, or staff, on its own, is not inflammatory material. If the criticism involves an illegal act or violates a jail rule, staff will handle it as that type of prohibited mail.)

Jail Commander. The Columbia County Jail Commander or his/her designee.

Jail Supervisor. Any Corrections Deputy designated at the rank of sergeant or higher.

Junk mail/Bulk mail. Printed materials, often sent as mass mailings, such as catalog advertisements, brochures, circulars, newsletters, and pamphlets whose primary purpose is to sell, promote or solicit for, a product or service. Junk mail/bulk mail may come using a variety of postage rates, including but not limited to bulk mail rates. Junk Mail/Bulk Mail

J603-R09

June 18, 2012

may be solicited or unsolicited.

Legal mail. Incoming or outgoing mail addressed to or from an attorney.

Negotiable instrument. A written document that represents an unconditional promise to pay a specified amount of money upon the demand of its owner. Examples include checks and promissory notes. Negotiable instruments can be transferred from one person to another, as when a person writes "pay to the order of" on the back of a check in order to turn it over to someone else.

Official Mail. Incoming or outgoing mail addressed to or from the sheriff, jail command staff, probation authorities, district attorney, state attorney general, Governor, court, a court official, and other confining authorities, or addressed to or from the inmate's medical provider, or addressed to or from the inmate's religious leader, or addressed to or from the news media.

Periodical. A magazine, newspaper, newsletter, or other publication formed of printed sheets that is issued at regular, specified intervals by a publisher.

Prohibited Mail Notice. A written notice that is:

- A. mailed to the sender or intended receiver of inmate mail who is not incarcerated in the Columbia County Jail; and
- B. is also provided (by jail staff) to the current inmate who is a sender or intended receiver of inmate mail,

when said mail has been confiscated by the jail for any reason (See Prohibited Mail Notice at the end of this chapter). A Prohibited Mail Notice **MUST** be provided to the sender **AND** intended receiver of all incoming and outgoing mail that is confiscated by the jail.

Publication. Periodicals and books.

Sexually explicit: 1) A pictorial depiction of any of the following: actual or simulated sexual acts (including sexual intercourse, oral sex, anal sex, or masturbation); sexual penetration; bestiality; sexual violence; sadomasochistic behavior; excretory functions; and exposed genitalia (to include pubic hair), anus or female nipple or areola, unless the exposure is for legitimate medical, religious, or anthropological reasons. 2) Sex acts involving children. 3) Materials that violate state and local obscenity laws. (*Note:* Whether the material is commercially produced or is personally made or written has no bearing on this definition.)

PROCEDURES

INMATE MAIL

1. Inmate Mail Limits and Restrictions/Overview

The Columbia County Jail will normally not limit, censor, or restrict the volume, language, content, format or source of inmate mail. However, some limitations are necessary to assure the safety, and security of inmates, jail staff, and the public, as well as to assure the efficient operation of the Jail.

2. Specific Limitations on Inmate Mail

- A. Publications. Publications are permitted in the Jail, subject to the following

J603-R09

June 18, 2012

requirements:

- (1) An inmate must have someone outside the jail prepay for any publication he or she receives. An inmate may not engage in any delayed payment or credit ordering of publications while inside the jail
- (2) Books. Books must come directly from the publisher, a book club, or a bookstore. Books may be new or used. Books may not be larger than 9 inches by 12 inches. Books may not have plastic or metal bindings. Either hardback or paperback books are acceptable.
- (3) Periodicals. Periodicals must be new and be mailed directly from the publisher or bookstore.
- (4) No blanket prohibition. Mail handlers will determine whether a specific publication violates jail rules. However, this determination must be made on a case by case basis. There shall be no blanket prohibition on any publication.

B. Legal and Official Mail.

- (1) Jail staff must protect the rights of inmates to privileged, confidential communication with their attorneys, the courts, and confining authorities.
- (2) A sender of legal or official mail is responsible for legitimately, properly, and clearly marking and addressing legal and official mail so that jail staff recognize it and treat it as being confidential, as follows:
 - (a) The return address on all incoming legal and official mail must have the sender's job, agency, or firm title and address either commercially preprinted on the envelope or a label, or as an ink stamp. The sender's name should be handwritten if not preprinted.
 - (b) The words "Legal Mail," "Official Mail," or similar designation must appear on the address side of the envelope. Jail staff will not assume the contents of any letter from an attorney, law firm, or government official is legal or official mail without the designation of "Legal Mail" or "Official Mail" on the address side of the envelope.
- (3) Staff must not open recognizable legal or official mail outside the presence of the inmate. They may only open it in the presence of the inmate to inspect it for contraband, but they must not read its contents.
- (4) A staff member must write a Jail Incident Report if he or she inadvertently opens a piece of recognizable legal or official mail outside the presence of the inmate. If such inadvertent reading of legal or official mail occurs, the staff member responsible will also notify a supervisor as soon as practicable.
- (5) Before legal or official mail leaves the pod, staff must verify that any letter marked as legal or official mail is addressed to a person that qualifies for that privacy protection. Deputies will contact a Jail Supervisor if they suspect fraud.

3

CC001624

J603-R09

June 18, 2012

- (6) Jail staff will pursue administrative, criminal, and disciplinary actions, as fitting, against all those involved in the fraudulent use of legal or official mail designations.

C. Other Prohibited Content/Contraband

- (1) An inmate may not receive or send inmate mail that contains:
 - (a) Threats of physical harm, blackmail, extortion, or other criminal activity;
 - (b) Plans for escape, criminal activity, or activity that violates jail rules;
 - (c) Gang-related material;
 - (d) Information that, if conveyed, could result in physical harm to someone;
 - (e) Sexually explicit materials;
 - (f) Inflammatory material;
 - (g) Contraband including but not limited to such commonly mailed items as:
 - i. Books larger than 9 by 12 inches or with plastic or metal bindings;
 - ii. Controlled substances as defined by ORS 475.005(6);
 - iii. Foreign substances, such as bodily fluids, lipstick or perfume, glue or paint or anything with an unusual stain or odor that indicates a foreign substance may be present;
 - (h) Cash or negotiable instruments;
 - (i) Food or beverages, electronic devices, clothing or similar personal property.
- (2) An inmate may not send or receive inmate mail that:
 - (a) is written in code or suspected code;
 - (b) Was not sent through the United States Postal Service or other approved system;
 - (c) Is to or from a person with whom the inmate is prohibited from communicating;
 - (d) Would violate a court order;

J603-R09

June 18, 2012

- (e) May produce a hostile work environment by sexual harassment or otherwise;
- (f) Is a credit or deferred billing transaction, such as "bill me later" subscriptions or merchandise bought on credit or collect-on-delivery terms;
- (g) Is fraudulently marked as legal or official mail;
- (h) Includes logistical information about an inmate's upcoming health care appointment(s).

- D. **Sources of Incoming Mail.** Jail Staff will only accept incoming inmate mail that has been delivered by the U.S. Postal Service unless otherwise specifically authorized by the Jail Commander.
- E. **Postage-Due Mail.** The jail will not accept or pay for incoming inmate mail with postage due.

3. General Limitations on Inmate Mail

In addition to the specific limitations on inmate mail set forth above, additional limitations may apply in the following circumstances:

- A. There is reason to believe that such correspondence would jeopardize personal safety, jail security or good order, inmate treatment, or would facilitate violation of the law.
- B. Inmates may receive a disciplinary sanction that restricts non-legal and/or non official mail. (*See Policy J212, Rules and Discipline.*)

4. General Provisions for Inmate Mail

- A. **Indigent Inmate Mail.** Indigent inmates may obtain an indigent hygiene kit through the commissary program once per week. No inmate will be denied a weekly indigent hygiene kit based on an inability to pay. The indigent hygiene kit consists of 2 sheets of paper and two postage prepaid envelopes, a pencil and hygiene items. Additional paper and envelopes are available for purchase in accordance with Policy J605(Commissary).
- B. **Addressing Inmate Mail.** Incoming mail must have the inmate's booking name as part of the addressee information.
- C. **Return Address.** Incoming mail must have the name and address of the sender. The return address on legal and official mail must have the sender's job, agency, or firm title and address commercially preprinted or stamped.
- D. **Certified Mail/Special mail services.**

5

CC001626

J603-R09

June 18, 2012

- (1) The inmate must have sufficient funds in his or her account to pay for all special mail services. A Jail Supervisor may approve credit to allow an indigent inmate to send certified mail.
- (2) An inmate who needs to send a letter using certified mail must fill out an Inmate Request Form. Any Corrections Deputy or Supervisor can process the request in the following manner:
 - (a) Jail staff will verify if the inmate has sufficient funds in his or her account before processing any request. They will forward requests from indigent inmates to a supervisor. The inmate will fill out the necessary U.S. Postal Service forms—Receipt for Certified Mail (PS Form 3800) and Domestic Return Receipt (PS Form 3811). The letter and the forms will be forwarded to front office staff who will mail the letter and charge the inmate for the postal fees for these special services. The inmate request form will be the source document authorizing the charge.
 - (b) Jail Staff will provide the Domestic Return Receipt to the inmate when it returns in incoming mail. They will return the Domestic Return Receipt postcard to the post office if the inmate is no longer in Jail when it returns in the mail.
- E. **Inmate Request Form.** An inmate shall use an Inmate Request Form to request to mail oversize or overweight items, or for other special postal services. Funds will be drawn from the inmate's account to cover the costs.
- F. **Junk/Bulk Mail.** Jail staff will accept solicited and unsolicited junk mail and solicited and unsolicited bulk mail for inmates, unless it violates other mail restrictions (such as containing sexually explicit content).
- G. **Pre-Stamped Envelopes.** Jail staff will make pre-stamped First Class business size or manila envelopes available for inmates to buy from the commissary. Indigent inmates may obtain envelopes per paragraph 4.A.
- H. **Inmate Mail Written in a Foreign Language.** *Incoming and outgoing* mail written in a language other than English may be interpreted prior to delivery to determine whether the mail violates these rules.

PROCESSING INMATE MAIL

INCOMING INMATE MAIL

1. Mail Intake.

- A. Incoming Inmate Mail will be processed by night shift Corrections Deputies.
- B. Night Shift Corrections Deputies will confiscate unopened mail when:

J603-R09

June 18, 2012

- (1) The addressee cannot be identified because of missing or incomplete information;
 - (2) Prohibited items are affixed to the mail;
 - (3) Foreign substances or stains are on the mail;
 - (4) Odors, including perfume, are coming from the mail;
 - (5) The mail can otherwise be identified as being or containing prohibited mail before it is opened;
 - (6) The inmate is no longer in the jail.
- C. Night Shift Corrections Deputies will look up the inmate's name on the inmate list and write the inmate's pod number on the mail.
- D. Night Shift Corrections Deputies will review all inmate mail for prohibited content/contraband, and will remove *loose* postage stamps, *loose* flap-sealing tape, and *loose* gummed and adhesive address labels, leaving labels on legal and official mail. Deputies need not remove stamps, tape or labels that are firmly affixed to the mail.
- E. Night Shift Corrections Deputies will determine whether mail includes the name and return address of the sender. If the mail does not have the name and return address, the Corrections Deputy will confiscate the mail. The Deputy will open any envelopes without the sender's name and return address to attempt to identify the sender's name and address and to inspect the mail for prohibited content/contraband. If the sender's address can be identified, the mail will be returned to sender. If the sender's name and address still cannot be identified, the mail will be stored for the inmate, unless the inmate is no longer in jail in which case the mail will be returned to the post office and marked, "undeliverable." However, in the event an inmate is no longer in jail and the mail contains negotiable instruments or other valuables, and no sender can be identified, any written material inside the envelope will be returned to the post office and marked "undeliverable" but the valuables will be retained as abandoned property in the Sheriff's Office main property room to be disposed of according to law. The corrections staff member processing the abandoned property will fill out a property room property form and submit the property in the temporary evidence lockers. Before mail is returned, stored, forwarded, or destroyed under this section, the Corrections Deputy will get approval of a Jail Supervisor.
- F. Night Shift Corrections Deputies will open all inmate mail (except for legal and official mail) to inspect for prohibited content/contraband. Upon a determination that prohibited content/contraband is present, Night Shift Corrections Deputies will confiscate the mail.

J603-R09

June 18, 2012

- G. If cash or negotiable instruments are found in inmate mail, the mail and funds will be confiscated and returned to sender. The Prohibited Mail Notice shall include the amount of funds, number, and issuing institution of any negotiable instrument as well as the payee's name if it was not the inmate's.
 - H. Night Shift Corrections Deputies will remove publications from their mailing parcels.
 - I. Night Shift Corrections Deputies will place inmate mail written in a foreign language in the "translation required" box and will take steps to locate a staff member who speaks that language. If such mail cannot be translated within a reasonable time by a staff member, the Corrections Deputy will forward the mail to a Jail Supervisor for direction.
 - J. Night Shift Corrections Deputies will sort inmate mail by pod and place it in the pod folders in booking before 0800 hours (8:00 a.m.).
 - K. Before mail is returned, stored, forwarded, or destroyed under this section, the Corrections Deputy will get approval of a Jail Supervisor. Night Shift Corrections Deputies will fill out a Prohibited Mail Notice for each item of confiscated mail and place it in the "Needs Review" box for a Jail Supervisor's review. A Jail Supervisor will review each Prohibited Mail Notice. If the Jail Supervisor does not agree with the Prohibited Mail Notice, the mail will be delivered. If the Jail Supervisor does agree with the Prohibited Mail Notice, the Jail Supervisor will sign the Prohibited Mail Notice. The Prohibited Mail Notice will then be sent to the sender of the mail (if known). A copy of the Prohibited Mail Notice will also be provided to the inmate (if known and still in jail). A copy of the Prohibited Mail Notice will be retained in the inmate's file.
 - L. Day Shift Corrections Deputies will pick up the mail for their pods when coming on duty. They, or other staff if appropriate, will process the inmate mail for their pods as follows:
 - (1) Open recognizable legal and official mail in front of the inmate and inspect it only for contraband – not content (staff shall not read the contents);
 - (2) Deliver the mail as soon as practical upon receipt. Passing inmate mail under an inmate's door and placing books by the door is acceptable, except for legal and official mail;
2. **Grievances/Appeals.** Corrections Deputies will forward any grievances and/or appeals related to inmate mail to the Jail Commander for a determination of compliance with the Inmate Mail Policy and applicable legal requirements.

J603-R09

June 18, 2012

3. **Return to Sender.** Corrections Deputies will place mail to return to sender in the booking pickup box.
4. **Mail Delivery.** Staff should deliver mail to inmates within 24 hours of receipt at the Jail. Reasonable exceptions are allowed when special processing is required, such as for mail delivered late in the day, mail needing translation, or mail held as evidence in a criminal or disciplinary investigation, etc.

OUTGOING INMATE MAIL

1. General Mail Rules for Inmates

Inmates—

- A. May only use lead or colored pencils to write correspondence.
 - B. Must send inmate mail through the USPS or other approved system.
 - C. Must put their first and last name, booking number, and the jail address as the return address.
 - D. May not draw or write anything on the outside of an envelope other than name and address information and "legal" or "official" mail designations.
 - E. May not send out jail forms for others to fill out on behalf of the inmate.
 - F. May not send prohibited content or contraband. Inmates are subject to disciplinary action for doing so.
2. **Posting Outgoing Mail.** Inmates will place outgoing inmate mail, unsealed, in the designated mailbox located inside of their pod (except for the case of legal or official mail).
 3. **Processing Outgoing Legal/Official Mail.** Outgoing legal or official mail shall be processed in this manner:
 - A. Inmates must obtain a correction deputy's verification that any legal or official mail complies with this Policy prior to the mail being sealed and placed in the designated mailbox in their pod.
 - B. The corrections deputy shall inspect the inmate's legal and/or official mail in the presence of the inmate for contraband only. The deputy shall not review or read the content of legal or official mail.

J603-R09

June 18, 2012

- C. After inspecting the legal or official mail for compliance with this Policy, the corrections deputy will have the inmate seal the envelope and deliver it to the deputy. The deputy will then initial and write his or her DPSST number on the flap to show this verification.
- D. After verifying that the legal or official mail complies with this Policy and writing his or her initials and DPSST number on the flap, the deputy shall place this sealed envelope of legal or official mail in the outgoing mail box within the pod.

The Night Shift Corrections Deputies will pick up the mail out of the mailboxes in the pods and deliver it to the booking area to be processed.

4. Processing, Opening and Inspecting Contents of Outgoing Mail

- A. Corrections Deputies will not read outgoing legal or official mail unless they have the approval of the Jail Commander.
- B. Corrections deputies may read outgoing mail at any time and for any reason, except for legal or official mail. This may be by housing area, class of inmate, individual inmate, or other basis. It may also be on an ongoing or a random basis and for any length of time. However, the Jail Commander must approve any ongoing monitoring of a specific inmate.
- C. Corrections Deputies processing the outgoing mail will inspect the contents for contraband and/or other safety or security threats.
- D. Corrections Deputies will notify a Jail Supervisor if—
 - (1) They suspect outgoing mail contains contraband or otherwise violates this Policy.
 - (2) They suspect that the mail may present a safety or security issue based on the addressee.
 - (3) They have reasonable suspicion the mail may contain other contents of legitimate jail interest.
- E. A Jail Supervisor will determine whether inmate mail contains contraband or is otherwise prohibited by this Policy. If mail is deemed to be prohibited, a Jail Supervisor will notify the inmate and may give the inmate an opportunity to correct the problem(s). If the inmate refuses to correct the mail, the mail will be confiscated. If an inmate corrects the problem(s), the mail will be included in outgoing mail.
- F. Mail may be confiscated immediately if appropriate in the discretion of the Jail Supervisor.

10

CC001631

J603-R09

June 18, 2012

- G. Outgoing Inmate Mail will be sealed by the corrections deputy or deputies processing the outgoing mail and then placed in the outgoing mail basket and delivered to the front office for the regularly scheduled morning pickup on that same day as long as it is not a weekend or holiday. Outgoing mail should be processed within one business day after being received from the inmate.
- H. An inmate and addressee will be provided with a Prohibited Mail Notice whenever outgoing inmate mail is not mailed due to a violation of this Policy. However, if the inmate is allowed to correct a problem with the mail, the inmate will be notified, but a Prohibited Mail Notice is not required unless the inmate declines to correct the problem.

CONFISCATED MAIL

1. **Disposition.** Unless otherwise specified in this Policy, any inmate mail that is confiscated pursuant to this Policy may either be returned to the sender, or stored with the inmate's belongings in the Jail's sole discretion based on the best interest of the Jail. A Jail Supervisor may authorize the destruction of any item that presents a health or safety risk if stored in the jail, or return it to sender, or as otherwise authorized by this Policy.
2. **Prohibited Mail Notice Required.** If a Jail Supervisor signs a Prohibited Mail Notice, the sender and addressee of the confiscated inmate mail must be notified of the confiscation whether the disposition was to return the mail, store it, or destroy it. However, if the mail is evidence in a criminal investigation, no notification will be given. Notice will be given through delivery of a Prohibited Mail Notice in the form attached to this Policy. The Prohibited Mail Notice will give the reason for the confiscation and explain the appeal process.
3. **Confiscation in whole.** Corrections Deputies will confiscate inmate mail in whole rather than removing contraband or obliterating individual pages, passages, or words of prohibited content.
4. **Stored Inmate Mail.** Corrections Deputies will use a Prohibited Mail Notice to inform the inmate of the confiscation and use a copy as a tag for the items placed in storage.

ADMINISTRATION

1. **Mail as Nuisance Contraband.** Inmates are responsible for getting rid of any mailed item exceeding the number of items allowed in their cells as nuisance contraband under Policy J212, *Rules and Discipline*. An inmate may transfer items to their bin in the property room using procedures in Policy J208, *Secure Storage*

J603-R09

June 18, 2012

of Inmate Property.

2. **Gang-Related and Security Threat Group Materials in Mail.** Corrections Deputies will photocopy incoming or outgoing inmate mail with gang-related material and send a copy to the Gang Deputy.
3. **Mail Monitoring.** This section does not apply to legal or official mail.
 - A. The Jail may monitor an inmate's mail for investigatory purposes as follows:
 - (1) Upon receipt of a warrant; or
 - (2) When there is a legitimate penological or public safety reason to do so. Examples of legitimate penological interest include but are not limited to, the welfare and safety of the inmates or staff, the good order or security of the facility, the protection of property, the prevention of the commission of a crime or conspiracy to commit a crime, the prevention of the destruction or tampering with evidence, and the prevention of harassment or intimidation of witnesses.
 - B. If a request to monitor inmate mail comes from another law enforcement agency, the agency must complete a Request for Inmate Mail Monitoring. An approved request will expire 30 days after its approval date. The requester must submit a new request to continue monitoring. Jail staff will read the inmate's mail and decide if any of it applies to the request and will only forward copies of mail that does apply. The requester must pick up the copies in person if from an agency within Columbia County. The Jail Commander will coordinate the mail-monitoring program. The Jail Commander must approve the request.
4. **Mail Rules.** The Jail Commander will ensure mail rules are a part of inmate orientation and the *Inmate Manual* and will make copies of the Inmate Mail Guide available to the public.
5. **Mail Complaints.** Staff members will direct mail complaints from the public to a Jail Supervisor. The Jail Supervisor should attempt to respond to the complainant within two business days. Appeals related to receipt of Prohibited Mail Notices shall be addressed pursuant to paragraph 10, below.
6. **Mail Handler Supervision and Training.** A Jail Supervisor will supervise the day-to-day handling of inmate mail. He or she will assign staff to perform primary inmate mail duties. Staff who initially handle or open incoming inmate mail should attend training on the safe handling of strange or suspicious packages or receive similar training from another source. Those who open mail should also receive training on recognizing gang and security threat group symbols and signs.

J603-R09

June 18, 2012

7. **Change of Address Responsibilities and Forwarding Mail.** Inmates are responsible for submitting change of address requests to the publishers of publications they receive and to others that send them mail at the Jail. Corrections Deputies will normally not forward mail for inmates who are no longer in Jail custody. They will return correspondence and packages unopened to the sender and throw publications away.
8. **Holding Mail.** Corrections Deputies will normally not hold mail for inmates released or temporarily transferred to another facility. The Jail Commander may make exceptions.
9. **Returning Mail to Sender.** Before mail is returned to its sender, Corrections Deputies will obliterate any mail sorting bar code and will mark the mail "Return to Sender". A Prohibited Mail Notice will be mailed separately from mail that is returned unopened

To return mail that was opened, a Corrections Deputy must repackage it and send it at the expense of the Jail to the sender. The Corrections Deputy will include a copy of the Prohibited Mail Notice with repackaged mail.

10. **Appeals.**
 - A. By Inmates. Inmates wishing to appeal a decision to deny delivery of incoming inmate mail or the mailing of outgoing inmate mail must follow the normal grievance procedure set forth in the Inmate Manual and Policy J207, *Inmate Rights*.
 - B. By Others. If a person believes that any incoming or outgoing inmate mail was improperly confiscated by the Jail, they may appeal the action to the Jail Commander by sending a written letter stating the specific reason(s) why the action was improper. The letter must be received within 15 days from the date of the Prohibited Mail Notice. Or, if no Prohibited Mail Notice was received, the letter must be received within 15 days from the date the person knew or should have known of the appealed action. The letter shall include the sender's name and return address. The Jail Commander will consider the appeal and will issue a decision on the appeal within 15 days of receiving the letter. However, if the Jail Commander made the initial decision regarding the mail in question, the Sheriff will consider the appeal and issue the decision. The appeal process will be set forth in the Prohibited Mail Notice.

J603-R09

June 18, 2012



**COLUMBIA COUNTY
SHERIFF'S OFFICE**
Jeffrey M. Dickerson, Sheriff

Address: 901 Port Ave. St. Helens, OR 97051
Phone: (503) 366-4611 Fax: (503) 366-4644
Web Address: www.co.columbia.or.us/sheriff

PROHIBITED MAIL NOTICE

Date: _____

Because of rules contained in the Columbia County Jail Inmate Mail Policy,

we are ☐ returning or ☐ storing or ☐ destroying the ☐ letter or ☐ publication or ☐ other
described as: _____

sent ☐ to ☐ from inmate _____, Booking # _____

The mail was confiscated for the following reason(s):

- ☐ It contains sexually explicit material at page(s): _____
- ☐ It contains prohibited content or contraband: _____
- ☐ It did not come directly from a publisher, book club, or bookstore.
- ☐ Other _____

The reverse side of this letter is an Inmate Mail Guide which contains guidance on mail rules and appeal information. You may also go to the Jail's web page to find the information. The inmate has also received this notice and can appeal this decision through the Inmate Grievance Procedure set forth in the Inmate Manual.

APPEALS: Inmates can appeal decisions to confiscate mail through the Inmate Grievance Procedure set forth in the Inmate Manual. Others who believe that mail was improperly confiscated may appeal the decision by sending in a written letter stating the reasons it is believed that the decision was wrong within 15 days from the date of this Notice. The letter should identify specifically how our action was improper, and include the name and return address of the appealing party. Appealing parties are not required to provide a phone number, but it may be useful if we need further clarification. We will send the appealing party a decision on the appeal within 15 days of our receipt of the appeal. Please direct appeals to:

Jail Commander
ATTN: Confiscated Mail Appeal
Columbia County Sheriff's Office
901 Port Ave.
St. Helens, OR 97051

Mail Handler and DPSST # _____

Jail Supervisor and DPSST # _____

14

CC001635

J603-R09

June 18, 2012

This Guide is intended to be a summary of some of the provisions in the Inmate Mail Policy that may be of most interest to members of the public. The Guide IS NOT intended to be a complete description of all policies related to Inmate Mail. For detail please see the Inmate Mail Policy.

INMATE MAIL GUIDE

Policy

Jail mail-handling procedures support both the inmates' and the public's need to communicate in writing, to carry out legal and official business, and maintain family and community ties. Procedures also meet the Jail's need for efficient operations that preserve the good order, safety, and security of the facility, inmates, and staff. To that end, the following guide has been prepared to assist the public in complying with the Inmate Mail Policy.

The Jail's general Policy is that it will not limit, censor, or restrict the volume, language, content, format or source of inmate mail. However, some limitations are necessary for the security of inmates, jail staff, and the public, as well as for the efficient operation of the Jail.

Inmate Mail. Inmates may generally send and receive mail in any form delivered by the U.S. Postal Service. Personal property such as food, beverages, clothing and similar items are not allowed to be mailed to and from inmates and will be confiscated. Photographs are allowed provided they don't otherwise violate the Policy.

Publications. Inmates may receive publications, including but not limited to, books, magazines, newsletters and newspapers. However, the publication must be mailed directly from the publisher, book club or a bookstore.

Addressing Inmate Mail. Inmate mail must have the inmate's booking name as part of the addressee information. Incoming mail must have a return address including the name and address of the sender.

Prohibited Mail. Jail staff will not allow an inmate to receive or send mail that—

1. Contains—
 - A. Threats of physical harm, blackmail, extortion, or other criminal activity;
 - B. Plans for escape, criminal activity, or activity that violates jail rules;
 - C. Gang-related material;
 - D. Information that, if conveyed, could result in physical harm to someone;
 - E. Sexually explicit materials;
 - F. Inflammatory material;
 - G. Contraband materials including but not limited to such commonly mailed items as:
 - (1) Books larger than 9 by 12 inches or with plastic or metal bindings;
 - (2) More than three books in a single piece of mail;
 - (3) Controlled substances as defined by ORS 475.005(6);
 - (4) Foreign substances, such as: a) bodily fluids; b) lipstick or perfume; c) glue or paint; d) anything with an unusual stain or odor that indicates a foreign substance may be present;
2. Is written in code or suspected code;
3. Was a form of written communication not sent through the USPS or other approved system;
4. Is to or from a victim of a crime that the inmate is in custody for in either pretrial or sentenced status;
5. Would violate a court order;
6. May produce a hostile work environment, such as sexual harassment;
7. Is a credit or deferred billing transaction, such as "bill me later" subscriptions or merchandise bought on credit or collect-on-delivery terms;
8. Is fraudulently marked as legal or official mail.

For more specific information about prohibited mail please review the full Inmate Jail Policy J603-.

Appeals. Both the inmate and an outside person have the right to appeal a decision to confiscate inmate mail. With very limited exceptions, the Jail will provide a Notice of Prohibited Mail to both the sender and addressee when inmate mail is returned or confiscated. The Notice of Prohibited Mail will explain the reason why the inmate mail was returned or confiscated and will explain the appeals process. The appeal process for an inmate follows the Jail's normal grievance process. The appeal process for everyone else requires a letter explaining the reason for the appeal, and providing contact information. The letter must be received within 15 days from the date of the Prohibited Mail Notice. The Jail will respond within 15 days of receipt of the letter.

COLUMBIA COUNTY SHERIFF'S OFFICE
JAIL OPERATIONS
JEFF DICKERSON, SHERIFF

EFFECTIVE: JULY 5, 2012

SUPERSEDES INMATE MAIL POLICY
REVISED JUNE 18, 2012

INMATE MAIL
POLICY J603-R10 (07/05/12)

OJS: D-101THRU D-117, D-105, D-212,
D-302, F-101THRU F-103

ACA: 3-ALDF-3D-16 THRU 5D-08

Applies to all staff.

POLICY

Jail mail handling procedures must support an inmate's need to communicate in writing to carry out legal business and maintain family and community ties. The procedures must also meet the Jail's need for efficient operations that preserve the good order, safety, and security of the facility, inmates, and staff.

DEFINITIONS

Book. A printed composition bound in a volume.

Contraband. 1) Controlled substances as defined in ORS 475.005(6). 2) Drug paraphernalia as defined by ORS 475.525(2). 3) Any currency or negotiable instrument. 4) Any item that a person in a correctional facility is prohibited by statute, rule, or order from obtaining or possessing, *and* whose use would endanger the safety or security of the facility or person in the facility. 5) An unauthorized item in an inmate's possession or in a cell, bunk, or common area. 6) An authorized item altered in any way. 7) More than the authorized number of an item.

Inmate Mail. Written correspondence to or from an inmate in the Columbia County Jail.

Indigent. An inmate who has less than \$5 in his or her inmate account and has not had more than that amount for seven days.

Inflammatory material. Written or printed materials that pose a threat to the security, safety, or good order of the jail because it may incite or advocate physical violence against others. This includes material that advocates the supremacy or hatred of a racial, religious, national, or other group of people. (*Note:* Criticism of jail operations, programs, or staff, on its own, is not inflammatory material. If the criticism involves an illegal act or violates a jail rule, staff will handle it as that type of prohibited mail.)

Jail Commander. The Columbia County Jail Commander or his/her designee.

Jail Supervisor. Any Corrections Deputy designated at the rank of sergeant or higher.

Junk mail/Bulk mail. Printed materials, often sent as mass mailings, such as catalog advertisements, brochures, circulars, newsletters, and pamphlets whose primary purpose is to sell, promote or solicit for, a product or service. Junk mail/bulk mail may come using a variety of postage rates, including but not limited to bulk mail rates. Junk Mail/Bulk Mail

CC 001911

1

J603-R10

July 5, 2012

may be solicited or unsolicited.

Legal mail. Incoming or outgoing mail addressed to or from an attorney.

Negotiable instrument. A written document that represents an unconditional promise to pay a specified amount of money upon the demand of its owner. Examples include checks and promissory notes. Negotiable instruments can be transferred from one person to another, as when a person writes "pay to the order of" on the back of a check in order to turn it over to someone else.

Official Mail. Incoming or outgoing mail addressed to or from the sheriff, jail command staff, probation authorities, district attorney, state attorney general, Governor, court, a court official, and other confining authorities, or addressed to or from the inmate's medical provider, or addressed to or from the inmate's religious leader, or addressed to or from the news media.

Periodical. A magazine, newspaper, newsletter, or other publication formed of printed sheets that is issued at regular, specified intervals by a publisher.

Prohibited Mail Notice A written notice that is:

- A. mailed to the sender or intended receiver of inmate mail who is not incarcerated in the Columbia County Jail; and
- B. is also provided (by jail staff) to the current inmate who is a sender or intended receiver of inmate mail,

when said mail has been confiscated by the jail for any reason (See Prohibited Mail Notice at the end of this chapter). A Prohibited Mail Notice **MUST** be provided to the sender AND intended receiver of all incoming and outgoing mail that is confiscated by the jail.

Publication. Periodicals and books.

Sexually explicit: 1) A pictorial depiction of any of the following: actual or simulated sexual acts (including sexual intercourse, oral sex, anal sex, or masturbation); sexual penetration; bestiality; sexual violence; sadomasochistic behavior; excretory functions; and exposed genitalia (to include pubic hair), anus or female nipple or areola, unless the exposure is for legitimate medical, religious, or anthropological reasons. 2) Sex acts involving children. 3) Materials that violate state and local obscenity laws. (*Note:* Whether the material is commercially produced or is personally made or written has no bearing on this definition.)

PROCEDURES

INMATE MAIL

1. Inmate Mail Limits and Restrictions/Overview

The Columbia County Jail will normally not limit, censor, or restrict the volume, language, content, format or source of inmate mail. However, some limitations are necessary to assure the safety, and security of inmates, jail staff, and the public, as well as to assure the efficient operation of the Jail.

2. Specific Limitations on Inmate Mail.

- A. **Publications.** Publications are permitted in the Jail, subject to the following

J603-R10

July 5, 2012

requirements:

- (1) An inmate must have someone outside the jail prepay for any publication he or she receives. An inmate may not engage in any delayed payment or credit ordering of publications while inside the jail.
- (2) Books. . Books must come directly from the publisher, a book club, or a bookstore. Books may be new or used. Books may not be larger than 9 inches by 12 inches. Books may not have plastic or metal bindings. Either hardback or paperback books are acceptable.
- (3) Periodicals. . Periodicals must be new and be mailed directly from the publisher or bookstore.
- (4) No blanket prohibition. Mail handlers will determine whether a specific publication violates jail rules. However, this determination must be made on a case by case basis. There shall be no blanket prohibition on any publication.

B. Legal and Official Mail.

- (1) Jail staff must protect the rights of inmates to privileged, confidential communication with their attorneys, the courts, and confining authorities.
- (2) A sender of legal or official mail is responsible for legitimately, properly, and clearly marking and addressing legal and official mail so that jail staff recognize it and treat it as being confidential, as follows:
 - (a) The return address on all incoming legal and official mail must have the sender's job, agency, or firm title and address either commercially preprinted on the envelope or a label, or as an ink stamp. The sender's name should be handwritten if not preprinted.
 - (b) The words "Legal Mail," "Official Mail," or similar designation must appear on the address side of the envelope. Jail staff will not assume the contents of any letter from an attorney, law firm, or government official is legal or official mail without the designation of "Legal Mail" or "Official Mail" on the address side of the envelope.
- (3) Staff must not open recognizable legal or official mail outside the presence of the inmate. They may only open it in the presence of the inmate to inspect it for contraband, but they must not read its contents.
- (4) A staff member must write a Jail Incident Report if he or she inadvertently opens a piece of recognizable legal or official mail outside the presence of the inmate. If such inadvertent reading of legal or official mail occurs, the staff member responsible will also notify a supervisor as soon as practicable.
- (5) Before legal or official mail leaves the pod, staff must verify that any letter marked as legal or official mail is addressed to a person that qualifies for that privacy protection. Deputies will contact a Jail Supervisor if they suspect fraud.

J603-R10

July 5, 2012

- (6) Jail staff will pursue administrative, criminal, and disciplinary actions, as fitting, against all those involved in the fraudulent use of legal or official mail designations.

C. Other Prohibited Content/Contraband.

- (1) An inmate may not receive or send inmate mail that contains:
- (a) Threats of physical harm, blackmail, extortion, or other criminal activity;
 - (b) Plans for escape, criminal activity, or activity that violates jail rules;
 - (c) Gang-related material;
 - (d) Information that, if conveyed, could result in physical harm to someone;
 - (e) Sexually explicit materials;
 - (f) Inflammatory material;
 - (g) Contraband including but not limited to such commonly mailed items as:
 - i. Books larger than 9 by 12 inches or with plastic or metal bindings;
 - ii. Controlled substances as defined by ORS 475.005(6);
 - iii. Foreign substances, such as bodily fluids, lipstick or perfume, glue or paint or anything with an unusual stain or odor that indicates a foreign substance may be present;
 - (h) Cash or negotiable instruments;
 - (i) Food or beverages, electronic devices, clothing or similar personal property.
- (2) An inmate may not send or receive inmate mail that:
- (a) is written in code or suspected code;
 - (b) Was not sent through the United States Postal Service or other approved system;
 - (c) Is to or from a person with whom the inmate is prohibited from communicating;
 - (d) Would violate a court order;
 - (e) May produce a hostile work environment by sexual harassment or

J603-R10

July 5, 2012

otherwise;

- (f) Is a credit or deferred billing transaction, such as "bill me later" subscriptions or merchandise bought on credit or collect-on-delivery terms;
- (g) Is fraudulently marked as legal or official mail;
- (h) Includes logistical information about an inmate's upcoming health care appointment(s).

- D. **Sources of Incoming Mail.** Jail Staff will only accept incoming inmate mail that has been delivered by the U.S. Postal Service unless otherwise specifically authorized by the Jail Commander.
- E. **Postage-Due Mail.** The jail will not accept or pay for incoming inmate mail with postage due.

3. General Limitations on Inmate Mail.

In addition to the specific limitations on inmate mail set forth above, additional limitations may apply in the following circumstances:

- A. There is reason to believe that such correspondence would jeopardize personal safety, jail security or good order, inmate treatment, or would facilitate violation of the law.
- B. Inmates may receive a disciplinary sanction that restricts non-legal and/or non official mail. (See Policy J212, *Rules and Discipline*.)

4. General Provisions for Inmate Mail

- A. **Indigent Inmate Mail.** Indigent inmates may obtain an indigent hygiene kit through the commissary program once per week. No inmate will be denied a weekly indigent hygiene kit based on an inability to pay. The indigent hygiene kit consists of 2 sheets of paper and two postage prepaid envelopes, a pencil and hygiene items. Additional paper and envelopes are available for purchase in accordance with Policy J605 (Commissary).
- B. **Addressing Inmate Mail.** Incoming mail must have the inmate's booking name as part of the addressee information.
- C. **Return Address.** Incoming mail must have the name and address of the sender. The return address on legal and official mail must have the sender's job, agency, or firm title and address commercially preprinted or stamped.
- D. **Certified Mail/Special mail services.**
 - (1) The inmate must have sufficient funds in his or her account to pay for all special mail services. A Jail Supervisor may approve credit to allow an indigent inmate to send certified mail. An inmate who needs to send a

CC 001915

5

J603-R10

July 5, 2012

letter using certified mail must fill out an Inmate Request Form. Any Corrections Deputy or Supervisor can process the request in the following manner: .

- (a) Jail staff will verify if the inmate has sufficient funds in his or her account before processing any request. They will forward requests from indigent inmates to a supervisor. The inmate will fill out the necessary U.S. Postal Service forms—Receipt for Certified Mail (PS Form 3800) and Domestic Return Receipt (PS Form 3811). The letter and the forms will be forwarded to front office staff who will mail the letter and charge the inmate for the postal fees for these special services. The inmate request form will be the source document authorizing the charge.
 - (b) Jail Staff will provide the Domestic Return Receipt to the inmate when it returns in incoming mail. They will return the Domestic Return Receipt postcard to the post office if the inmate is no longer in Jail when it returns in the mail.
- E. **Inmate Request Form.** An inmate shall use an Inmate Request Form to request to mail oversize or overweight items, or for other special postal services. Funds will be drawn from the inmate's account to cover the costs.
 - F. **Junk/Bulk Mail.** Jail staff will accept solicited and unsolicited junk mail and solicited and unsolicited bulk mail for inmates, unless it violates other mail restrictions (such as containing sexually explicit content).
 - G. **Pre-Stamped Envelopes.** Jail staff will make pre-stamped First Class business size or manila envelopes available for inmates to buy from the commissary. Indigent inmates may obtain envelopes per paragraph 4.A.
 - H. **Inmate Mail Written in a Foreign Language.** *Incoming and outgoing* mail written in a language other than English may be interpreted prior to delivery to determine whether the mail violates these rules.

PROCESSING INMATE MAIL

INCOMING INMATE MAIL

- 1. **Mail Intake.**
 - A. Incoming Inmate Mail will be processed by night shift Corrections Deputies.
 - B. Night Shift Corrections Deputies will confiscate unopened mail when:
 - (1) The addressee cannot be identified because of missing or incomplete information;
 - (2) Prohibited items are affixed to the mail;
 - (3) Foreign substances or stains are on the mail;

CC 001916

6

J603-R10

July 5, 2012

- (4) Odors, including perfume, are coming from the mail;
 - (5) The mail can otherwise be identified as being or containing prohibited mail before it is opened;
 - (6) The inmate is no longer in the jail.
- C. Night Shift Corrections Deputies will look up the inmate's name on the inmate list and write the inmate's pod number on the mail.
- D. Night Shift Corrections Deputies will review all inmate mail for prohibited content/contraband, and will remove *loose* postage stamps, *loose* flap-sealing tape, and *loose* gummed and adhesive address labels, leaving labels on legal and official mail. Deputies need not remove stamps, tape or labels that are firmly affixed to the mail.
- E. Night Shift Corrections Deputies will determine whether mail includes the name and return address of the sender. If the mail does not have the name and return address, the Corrections Deputy will confiscate the mail. The Deputy will open any envelopes without the sender's name and return address to attempt to identify the sender's name and address and to inspect the mail for prohibited content/contraband. If the sender's address can be identified, the mail will be returned to sender. If the sender's name and address still cannot be identified, the mail will be stored for the inmate, unless the inmate is no longer in jail in which case the mail will be returned to the post office and marked, "undeliverable." However, in the event an inmate is no longer in jail and the mail contains negotiable instruments or other valuables, and no sender can be identified, any written material inside the envelope will be returned to the post office and marked "undeliverable" but the valuables will be retained as abandoned property in the Sheriff's Office main property room to be disposed of according to law. The corrections staff member processing the abandoned property will fill out a property room property form and submit the property in the temporary evidence lockers. . . Before mail is returned, stored, forwarded, or destroyed under this section, the Corrections Deputy will get approval of a Jail Supervisor.
- F. Night Shift Corrections Deputies will open all inmate mail (except for legal and official mail) to inspect for prohibited content/contraband. Upon a determination that prohibited content/contraband is present, Night Shift Corrections Deputies will confiscate the mail.
- G. If cash or negotiable instruments are found in inmate mail, the mail and funds will be confiscated and returned to sender. The Prohibited Mail Notice shall include the amount of funds, number, and issuing institution of any negotiable instrument as well as the payee's name if it was not the inmate's.

CC 001917

7

J603-R10

July 5, 2012

- H. Night Shift Corrections Deputies will remove publications from their mailing parcels.
 - I. Night Shift Corrections Deputies will place inmate mail written in a foreign language in the "translation required" box and will take steps to locate a staff member who speaks that language. If such mail cannot be translated within a reasonable time by a staff member, the Corrections Deputy will forward the mail to a Jail Supervisor for direction.
 - J. Night Shift Corrections Deputies will sort inmate mail by pod and place it in the pod folders in booking before 0800 hours (8:00 a.m.).
 - K. Before mail is returned, stored, forwarded, or destroyed under this section, the Corrections Deputy will get approval of a Jail Supervisor. Night Shift Corrections Deputies will fill out a Prohibited Mail Notice for each item of confiscated mail and place it in the "Needs Review" box for a Jail Supervisor's review. A Jail Supervisor will review each Prohibited Mail Notice. If the Jail Supervisor does not agree with the Prohibited Mail Notice, the mail will be delivered. If the Jail Supervisor does agree with the Prohibited Mail Notice, the Jail Supervisor will sign the Prohibited Mail Notice. The Prohibited Mail Notice will then be sent to the sender of the mail (if known). A copy of the Prohibited Mail Notice will also be provided to the inmate (if known and still in jail). A copy of the Prohibited Mail Notice will be retained in the inmate's file.
 - L. Day Shift Corrections Deputies will pick up the mail for their pods when coming on duty. They, or other staff if appropriate, will process the inmate mail for their pods as follows:
 - (1) Open recognizable legal and official mail in front of the inmate and inspect it only for contraband – not content (staff shall not read the contents);
 - (2) Deliver the mail as soon as practical upon receipt. Passing inmate mail under an inmate's door and placing books by the door is acceptable, except for legal and official mail;
2. **Grievances/Appeals.** Corrections Deputies will forward any grievances and/or appeals related to inmate mail to the Jail Commander for a determination of compliance with the Inmate Mail Policy and applicable legal requirements.
 3. **Return to Sender.** Corrections Deputies will place mail to return to sender in the booking pickup box.
 4. **Mail Delivery.** Staff should deliver mail to inmates within 24 hours of receipt at the Jail. Reasonable exceptions are allowed when special processing is required, such as for mail delivered late in the day, mail needing translation, or mail held as evidence in a criminal or disciplinary investigation, etc.

CC 001918

8

J603-R10

July 5, 2012

OUTGOING INMATE MAIL**1. General Mail Rules for Inmates**

Inmates—

- A. May only use lead or colored pencils to write correspondence.
- B. Must send inmate mail through the USPS or other approved system.
- C. Must put their first and last name, booking number, and the jail address as the return address.
- D. May not draw or write anything on the outside of an envelope other than name and address information and "legal" or "official" mail designations.
- E. May not send out jail forms for others to fill out on behalf of the inmate.
- F. May not send prohibited content or contraband. Inmates are subject to disciplinary action for doing so.

- 2. **Posting Outgoing Mail.** Inmates will place outgoing inmate mail, unsealed, in the designated mailbox located inside of their pod (except for the case of legal or official mail).

- 3. Outgoing legal or official mail shall be processed in this manner:

- A. Inmates must obtain a correction deputy's verification that any legal or official mail complies with this Policy prior to the mail being sealed and placed in the designated mailbox in their pod.
- B. The corrections deputy shall inspect the inmate's legal and/or official mail in the presence of the inmate for contraband only. The deputy shall not review or read the content of legal or official mail.
- C. After inspecting the legal or official mail for compliance with this Policy, the corrections deputy will have the inmate seal the envelope and deliver it to the deputy. The deputy will then initial and write his or her DPSST number on the flap to show this verification.
- D. After verifying that the legal or official mail complies with this Policy and writing his or her initials and DPSST number on the flap, the deputy shall place this sealed envelope of legal or official mail in the outgoing mail box within the pod.

CC 001919

9

J603-R10

July 5, 2012

The Night Shift Corrections Deputies will pick up the mail out of the mailboxes in the pods and deliver it to the booking area to be processed.

4. Processing, Opening and Inspecting Contents of Outgoing Mail

- A. Corrections Deputies will not read outgoing legal or official mail unless they have the approval of the Jail Commander.
- B. Corrections deputies may read outgoing mail at any time and for any reason, except for legal or official mail. This may be by housing area, class of inmate, individual inmate, or other basis. It may also be on an ongoing or a random basis and for any length of time. However, the Jail Commander must approve any ongoing monitoring of a specific inmate.
- C. Corrections Deputies processing the outgoing mail will inspect the contents for contraband and/or other safety or security threats.
- D. Corrections Deputies will notify a Jail Supervisor if—
 - (1) They suspect outgoing mail contains contraband or otherwise violates this Policy.
 - (2) They suspect that the mail may present a safety or security issue based on the addressee.
 - (3) They have reasonable suspicion the mail may contain other contents of legitimate jail interest.
- E. A Jail Supervisor will determine whether inmate mail contains contraband or is otherwise prohibited by this Policy. If mail is deemed to be prohibited, a Jail Supervisor will notify the inmate and may give the inmate an opportunity to correct the problem(s). If the inmate refuses to correct the mail, the mail will be confiscated. If an inmate corrects the problem(s), the mail will be included in outgoing mail.
- F. Mail may be confiscated immediately if appropriate in the discretion of the Jail Supervisor.
- G. Outgoing Inmate Mail will be sealed by the corrections deputy or deputies processing the outgoing mail and then placed in the outgoing mail basket and delivered to the front office for the regularly scheduled morning pickup on that same day as long as it is not a weekend or holiday. Outgoing mail should be processed within one business day after being received from the inmate.
- H. An inmate and addressee will be provided with a Prohibited Mail Notice

CC 001920

10

J603-R10

July 5, 2012

whenever outgoing inmate mail is not mailed due to a violation of this Policy. However, if the inmate is allowed to correct a problem with the mail, the inmate will be notified, but a Prohibited Mail Notice is not required unless the inmate declines to correct the problem.

CONFISCATED MAIL

1. **Disposition.** Unless otherwise specified in this Policy, any inmate mail that is confiscated pursuant to this Policy may either be returned to the sender, or stored with the inmate's belongings in the Jail's sole discretion based on the best interest of the Jail. A Jail Supervisor may authorize the destruction of any item that presents a health or safety risk if stored in the jail, or return it to sender, or as otherwise authorized by this Policy.
2. **Prohibited Mail Notice Required.** If a Jail Supervisor signs a Prohibited Mail Notice, the sender and addressee of the confiscated inmate mail must be notified of the confiscation whether the disposition was to return the mail, store it, or destroy it. However, if the mail is evidence in a criminal investigation, no notification will be given. Notice will be given through delivery of a Prohibited Mail Notice in the form attached to this Policy. The Prohibited Mail Notice will give the reason for the confiscation and explain the appeal process.
3. **Confiscation in whole.** Corrections Deputies will confiscate inmate mail in whole rather than removing contraband or obliterating individual pages, passages, or words of prohibited content.
4. **Stored Inmate Mail.** Corrections Deputies will use a Prohibited Mail Notice to inform the inmate of the confiscation and use a copy as a tag for the items placed in storage.

ADMINISTRATION

1. **Mail as Nuisance Contraband.** Inmates are responsible for getting rid of any mailed item exceeding the number of items allowed in their cells as nuisance contraband under Policy J212, *Rules and Discipline*. An inmate may transfer items to their bin in the property room using procedures in Policy J208, *Secure Storage of Inmate Property*.
2. **Gang-Related and Security Threat Group Materials in Mail.** Corrections Deputies will photocopy incoming or outgoing inmate mail with gang-related material and send a copy to the Gang Deputy.
3. **Mail Monitoring. This section does not apply to legal or official mail.**
 - A. The Jail may monitor an inmate's mail for investigatory purposes as follows:
 - (1) Upon receipt of a warrant; or

CC 001921

11

J603-R10

July 5, 2012

- (2) When there is a legitimate penological or public safety reason to do so. Examples of legitimate penological interest include but are not limited to, the welfare and safety of the inmates or staff, the good order or security of the facility, the protection of property, the prevention of the commission of a crime or conspiracy to commit a crime, the prevention of the destruction or tampering with evidence, and the prevention of harassment or intimidation of witnesses.
- B. If a request to monitor inmate mail comes from another law enforcement agency, the agency must complete a Request for Inmate Mail Monitoring. An approved request will expire 30 days after its approval date. The requester must submit a new request to continue monitoring. Jail staff will read the inmate's mail and decide if any of it applies to the request and will only forward copies of mail that does apply. The requester must pick up the copies in person if from an agency within Columbia County. The Jail Commander will coordinate the mail-monitoring program. The Jail Commander must approve the request.
4. **Mail Rules.** The Jail Commander will ensure mail rules are a part of inmate orientation and the *Inmate Manual* and will make copies of the Inmate Mail Guide available to the public.
5. **Mail Complaints.** Staff members will direct mail complaints from the public to a Jail Supervisor. The Jail Supervisor should attempt to respond to the complainant within two business days. Appeals related to receipt of Prohibited Mail Notices shall be addressed pursuant to paragraph 10, below.
6. **Mail Handler Supervision and Training.** A Jail Supervisor will supervise the day-to-day handling of inmate mail. He or she will assign staff to perform primary inmate mail duties. Staff who initially handle or open incoming inmate mail should attend training on the safe handling of strange or suspicious packages or receive similar training from another source. Those who open mail should also receive training on recognizing gang and security threat group symbols and signs.
7. **Change of Address Responsibilities and Forwarding Mail.** Inmates are responsible for submitting change of address requests to the publishers of publications they receive and to others that send them mail at the Jail. Corrections Deputies will normally not forward mail for inmates who are no longer in Jail custody. They will return correspondence and packages unopened to the sender and throw publications away.
8. **Holding Mail.** Corrections Deputies will normally not hold mail for inmates released or temporarily transferred to another facility. The Jail Commander may make exceptions.
9. **Returning Mail to Sender.** Before mail is returned to its sender, Corrections Deputies will obliterate any mail sorting bar code and will mark the mail "Return to Sender". A Prohibited Mail Notice will be mailed separately from mail that is

12

CC 001922

J603-R10

July 5, 2012

returned unopened

To return mail that was opened, a Corrections Deputy must repackage it and send it at the expense of the Jail to the sender. The Corrections Deputy will include a copy of the Prohibited Mail Notice with repackaged mail.

10. **Appeals.**

- A. By Inmates. Inmates wishing to appeal a decision to deny delivery of incoming inmate mail or the mailing of outgoing inmate mail must follow the normal grievance procedure set forth in the Inmate Manual and Policy J207, *Inmate Rights*.
- B. By Others. If a person believes that any incoming or outgoing inmate mail was improperly confiscated by the Jail, they may appeal the action to the Jail Commander by sending a written letter stating the specific reason(s) why the action was improper. The letter must be received within 15 days from the date of the Prohibited Mail Notice. Or, if no Prohibited Mail Notice was received, the letter must be received within 15 days from the date the person knew or should have known of the appealed action. The letter shall include the sender's name and return address. The Jail Commander will consider the appeal and will issue a decision on the appeal within 15 days of receiving the letter. However, if the Jail Commander made the initial decision regarding the mail in question, the Sheriff will consider the appeal and issue the decision. The appeal process will be set forth in the Prohibited Mail Notice.

CC 001923

13

J603-R10

July 5, 2012



**COLUMBIA COUNTY
SHERIFF'S OFFICE**
Jeffrey M. Dickerson, Sheriff

Address: 901 Port Ave. St. Helens, OR 97051
Phone: (503) 366-4611 Fax: (503) 366-4644
Web Address: www.co.columbia.or.us/sheriff

PROHIBITED MAIL NOTICE

Date: _____

Because of rules contained in the Columbia County Jail Inmate Mail Policy,

we are ☐ returning or ☐ storing or ☐ destroying the ☐ letter or ☐ publication or ☐ other

described as: _____

sent ☐ to ☐ from inmate _____, Booking # _____

The mail was confiscated for the following reason(s):

- ☐ It contains sexually explicit material at page(s): _____
- ☐ It contains prohibited content or contraband: _____
- ☐ It did not come directly from a publisher, book club, or bookstore.
- ☐ Other _____

The reverse side of this letter is an Inmate Mail Guide which contains guidance on mail rules and appeal information. You may also go to the Jail's web page to find the information. The inmate has also received this notice and can appeal this decision through the Inmate Grievance Procedure set forth in the Inmate Manual.

APPEALS: Inmates can appeal decisions to confiscate mail through the Inmate Grievance Procedure set forth in the Inmate Manual. Others who believe that mail was improperly confiscated may appeal the decision by sending in a written letter stating the reasons it is believed that the decision was wrong within 15 days from the date of this Notice. The letter should identify specifically how our action was improper, and include the name and return address of the appealing party. Appealing parties are not required to provide a phone number, but it may be useful if we need further clarification. We will send the appealing party a decision on the appeal within 15 days of our receipt of the appeal. Please direct appeals to:

Jail Commander
ATTN: Confiscated Mail Appeal
Columbia County Sheriff's Office
901 Port Ave.
St. Helens, OR 97051

Mail Handler and DPSST #

Jail Supervisor and DPSST #

CC 001924

14

J603-R10

July 5, 2012

This Guide is intended to be a summary of some of the provisions in the Inmate Mail Policy that may be of most interest to members of the public. The Guide IS NOT intended to be a complete description of all policies related to Inmate Mail. For detail please see the Inmate Mail Policy.

INMATE MAIL GUIDE

Policy

Jail mail-handling procedures support both the inmates' and the public's need to communicate in writing, to carry out legal and official business, and maintain family and community ties. Procedures also meet the Jail's need for efficient operations that preserve the good order, safety, and security of the facility, inmates, and staff. To that end, the following guide has been prepared to assist the public in complying with the Inmate Mail Policy.

The Jail's general Policy is that it will not limit, censor, or restrict the volume, language, content, format or source of inmate mail. However, some limitations are necessary for the security of inmates, jail staff, and the public, as well as for the efficient operation of the Jail.

Inmate Mail. Inmates may generally send and receive mail in any form delivered by the U.S. Postal Service. Personal property such as food, beverages, clothing and similar items are not allowed to be mailed to and from inmates and will be confiscated. Photographs are allowed provided they don't otherwise violate the Policy.

Publications. Inmates may receive publications, including but not limited to, books, magazines, newsletters and newspapers. However, the publication must be mailed directly from the publisher, book club or a bookstore.

Addressing Inmate Mail. Inmate mail must have the inmate's booking name as part of the addressee information. Incoming mail must have a return address including the name and address of the sender.

Prohibited Mail. Jail staff will not allow an inmate to receive or send mail that—

1. Contains—
 - A. Threats of physical harm, blackmail, extortion, or other criminal activity;
 - B. Plans for escape, criminal activity, or activity that violates jail rules;
 - C. Gang-related material;
 - D. Information that, if conveyed, could result in physical harm to someone;
 - E. Sexually explicit materials;
 - F. Inflammatory material;
 - G. Contraband materials including but not limited to such commonly mailed items as:
 - (1) Books larger than 9 by 12 inches or with plastic or metal bindings;
 - (2) Controlled substances as defined by ORS 475.005(6);
 - (3) Foreign substances, such as: a) bodily fluids; b) lipstick or perfume; c) glue or paint; d) anything with an unusual stain or odor that indicates a foreign substance may be present;
2. Is written in code or suspected code;
3. Was a form of written communication not sent through the USPS or other approved system;
4. Is to or from a victim of a crime that the inmate is in custody for in either pretrial or sentenced status;
5. Would violate a court order;
6. May produce a hostile work environment, such as sexual harassment;
7. Is a credit or deferred billing transaction, such as "bill me later" subscriptions or merchandise bought on credit or collect-on-delivery terms;
8. Is fraudulently marked as legal or official mail.

For more specific information about prohibited mail please review the full Inmate Jail Policy J603-.

Appeals. Both the inmate and an outside person have the right to appeal a decision to confiscate inmate mail. With very limited exceptions, the Jail will provide a Notice of Prohibited Mail to both the sender and addressee when inmate mail is returned or confiscated. The Notice of Prohibited Mail will explain the reason why the inmate mail was returned or confiscated and will explain the appeals process. The appeal process for an inmate follows the Jail's normal grievance process. The appeal process for everyone else requires a letter explaining the reason for the appeal, and providing contact information. The letter must be received within 15 days from the date of the Prohibited Mail Notice. The Jail will respond within 15 days of receipt of the letter.

CC 001925

15