

STANDARD 5.1

CORRESPONDENCE AND OTHER MAIL

I. POLICY

All facilities will ensure that detainees can send and receive correspondence in a timely manner, subject to limitations required for the safety, security, and orderly operation of the facility. Other mail will be permitted, subject to the same limitations. Each facility will make available its guidelines concerning correspondence and other mail.

II. STANDARDS AND PROCEDURES

A. General

The quantity of correspondence a detainee may receive or send at his or her own expense will not be limited. However, for reasons of safety, security, and the orderly operation of the facility, non-correspondence mail (such as packages and publications) may be subject to certain restrictions.

B. Detainee Notification

The facility shall notify detainees in a language or manner that they understand of its policy on correspondence and other mail, and shall include information on sending and receiving correspondence in the facility handbook.

At a minimum, the notification shall specify:

1. That a detainee may receive mail, the mailing address of the facility, and instructions on how envelopes should be addressed;
2. That a detainee may send mail, the procedure for sending mail, and instructions on how outgoing mail must be addressed;
3. The process for inspecting general correspondence;
4. That special correspondence may only be opened in the detainee's presence, and may be inspected for contraband, but not read;
5. The definition of special correspondence, including instructions on the proper labeling for special correspondence;
6. Facility policy on packages;

7. A description of mail which may be rejected by the facility and which the detainee will not be permitted to keep in his or her possession;
8. How to obtain writing implements, paper, and envelopes; and
9. The procedure for purchasing postage (if any), and the rules for providing indigent and certain other detainees free postage.

C. Processing

Detainee correspondence and other mail shall be delivered to the detainee and to the postal service on regular schedules.

Barring extraordinary circumstances, incoming correspondence shall be distributed to detainees within 24 hours of receipt by the facility. Outgoing correspondence shall be delivered to the postal service no later than the day after it is received by facility staff or placed by the detainee in a designated mail depository, excluding weekends and holidays. An exception may be made for correspondence or other mail that requires special handling for security purposes. For example, in exceptional circumstances, special correspondence may be held for 48 hours, to verify the addressee or sender.

D. Packages

Each facility shall implement policies and procedures concerning detainee packages.

E. Inspection of Incoming and Outgoing Correspondence and Other Mail

1. General Correspondence and Other Mail

All facilities shall implement procedures for the inspection of all incoming general correspondence and other mail (including packages and publications) for contraband.

Outgoing general correspondence and other mail may be inspected and/or read if the addressee is another detainee or if there is reason to believe the item might present a threat to the facility's secure or orderly operation, endanger the recipient or the public, or facilitate criminal activity.

2. Special Correspondence

“Special correspondence” is the term for detainees’ written communications to or from private attorneys and other legal representatives; government attorneys; judges; courts; embassies and consulates; the president and vice president of the United States, members of Congress, the Department of Justice (including the immigration courts); the Department of Homeland Security (including ICE/ERO, IHSC, the DHS Office for

Civil Rights and Civil Liberties, and the DHS Office of the Inspector General); administrators of grievance systems; and representatives of the news media. Correspondence will only be treated as special correspondence if the title and office of the sender (for incoming correspondence) or addressee (for outgoing correspondence) are unambiguously identified on the envelope, clearly indicating that the correspondence is special.

All facilities shall implement procedures for inspecting incoming special correspondence for contraband. Any such inspection shall be in the presence of the detainee.

Outgoing special correspondence will not be opened, inspected, or read, consistent with facility policy. If a need exists, any inspection shall be undertaken in the presence of the detainee.

Staff shall neither read nor copy incoming or outgoing special correspondence. The inspection shall be limited to the purposes of detecting physical contraband and confirming that any enclosures qualify as special correspondence

F. Rejection of Incoming and Outgoing Mail

All facilities shall implement policies and procedures addressing the issue of acceptable and non-acceptable mail. Procedures shall cover the rejection of incoming and outgoing mail for reasons of facility order and security. Incoming and outgoing general correspondence and other mail may be rejected by the facility to protect the security, good order, or discipline of the institution; to protect the public; or to deter criminal activity.

The affected detainees shall be notified when incoming or outgoing mail is confiscated or withheld (in whole or in part). The detainee shall receive a receipt for the confiscated or withheld item(s).

G. Contraband Recording and Handling

When an officer finds an item that must be removed from a detainee's mail, he or she shall make a written record.

Prohibited items discovered in the mail will be handled in accordance with Standard 2.3, "Facility Security and Control." However, at the discretion of the facility, soft contraband may be returned to the sender.

Newspaper articles that depict or describe violence in a detainee's country of origin may be relevant to a detainee's legal case and should not automatically be considered contraband.

Identity documents (passports, birth certificates, etc.) shall be turned over to ICE/ERO. A copy shall be provided to the detainee and a copy shall be placed in the detainee's file.

H. Postage Allowance

The facility shall not limit the amount of correspondence detainees may send at their own expense, except to protect public safety or facility security and order.

The facility shall provide a postage allowance at government expense for indigent detainees. Ordinarily, a detainee is considered "indigent" if he or she has less than \$15.00 in his or her account for ten days. A facility shall make a timely effort to determine indigence.

The facility shall establish procedures to provide indigent detainees the ability to mail a reasonable amount of mail each week at government expense, including the following:

1. At least three pieces of general correspondence;
2. At least five pieces of special correspondence or legal mail; and
3. Packages containing personal property, when the facility determines that storage space is limited and that mailing the property is in ICE/ERO's best interest.

Free postage is generally limited to letters weighing one ounce or less, with exceptions allowed for special correspondence. In compelling circumstances, the facility may grant exceptions for general correspondence and other mail.

I. Writing Implements, Paper, and Envelopes

The facility shall provide writing paper, writing implements and envelopes at no cost to detainees.

J. Detainees in Special Management Units

Detainees in administrative or disciplinary segregation shall have the same correspondence privileges as detainees in the general population.

K. Notaries, Certified Mail, and Miscellaneous Needs Associated with Legal Matters

If a detainee without legal representation requests certain services in connection with a legal matter (notary public, certified mail, etc.) and has no family member, friend, or community organization to provide assistance, the facility shall assist the detainee.

If it is unclear whether the requested service is necessary in pursuit of a legal matter, the facility should consult with ICE/ERO.