



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

APPLICABILITY  
**PRISON**  
OFFENDER/SPANISH MANUALS

REVISION DATE  
12/31/09

PAGE NUMBER  
1 of 14

NUMBER  
**DOC 450.100**

**POLICY**

TITLE  
**MAIL FOR OFFENDERS**

**REVIEW/REVISION HISTORY:**

- Effective: 2/1/83 DOC 450.020
- Revised: 9/1/83
- Revised: 10/24/83
- Revised: 2/20/84
- Revised: 11/6/87
- Revised: 1/1/92 DOC 450.100
- Revised: 11/1/92
- Revised: 11/1/93
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- Revised: 11/1/94
- Revised: 1/10/99
- Revised: 1/5/00
- Revised: 5/1/04
- Revised: 1/22/07
- Revised: 4/26/07 AB 07-013
- Revised: 6/7/07 AB 07-016
- Revised: 7/30/07 AB 07-022
- Revised: 9/12/07 AB 07-028
- Revised: 5/19/08
- Revised: 8/11/08 AB 08-022
- Revised: 10/1/09
- Revised: 12/31/09

**SUMMARY OF REVISION/REVIEW:**


Attachment 1 - Adjusted throughout to include state registered domestic partnership, and removed restriction of packages containing items available through the offender store

**APPROVED:**

Signature on file

\_\_\_\_\_  
**ELDON VAIL**, Secretary  
Department of Corrections

12/28/09  
\_\_\_\_\_  
Date Signed

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## REFERENCES:


DOC 100.100 is hereby incorporated into this policy; [RCW 72.02.260](#); [RCW 72.09.450](#); [WAC 137-36](#); [WAC 137-48](#); [ACA 4-4275](#); [ACA 4-4487](#); [ACA 4-4488](#); [ACA 4-4489](#); [ACA 4-4490](#); [ACA 4-4491](#); [ACA 4-4492](#); [ACA 4-4493](#); [ACA 4-4494](#); [ACA 4-4495](#); [ACA 4-4496](#); [DOC 200.000 Trust Accounts for Offenders](#); [DOC 200.210 Facility Offender Stores](#); [DOC 280.510 Public Disclosure of Records](#); [DOC 290.100 Patents, Copyrights, and Royalties](#); [DOC 420.375 Contraband and Evidence Handling](#); [DOC 440.000 Personal Property for Offenders](#); [DOC 450.050 Prohibited Contact](#); [DOC 450.120 Packages for Offenders](#); [DOC 590.500 Legal Access for Offenders](#)

## POLICY:

- I. The Department has established procedures governing mail services for offenders, defining staff responsibility for managing mail and maintaining safety and security of the public, staff, offenders, and facilities. [4-4487]

## DIRECTIVE:

- I. General Requirements
  - A. Offenders will be responsible for informing their correspondents regarding the rules governing offender mail, including legal mail.
  - B. When the offender bears the mailing cost, there is no limit on the volume of letters s/he can send or receive, or on the length, language, content, or source of mail or publication, except when there is reasonable belief limitation is necessary to protect public safety or facility order and security. [4-4488]
  - C. An offender's writing privileges to a particular person or group may be withdrawn for the following reasons:
    1. At the request of the recipient,
    2. If the recipient is a minor and his/her parents or legal guardians have requested, in writing, that the privilege be terminated,
    3. To comply with a court ordered restriction, or
    4. For specific cause supported by criteria in this policy.
  - D. Offender mail will not be processed or handled by offenders other than the writer or the offender to whom the mail is sent.

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E. [4-4495] Excluding weekends and holidays or emergency situations (i.e., incidents which create a significant disruption of normal facility or Department procedure, policy, or activity caused by riot, escape, fire, natural disaster, employee action, or other serious incident), mail will be processed as follows:

1. Incoming first class mail will be distributed to the offender within 48 hours of receipt,
2. Outgoing first class mail will not be held for more than 48 hours, and
3. All other mail will be delivered to the offender within 3 to 5 days.

## II. Correspondence Between Incarcerated Offenders

A. There will be no correspondence between offenders confined in a correctional facility in state, Out-of-State, or out of the country, except as approved in writing by the appropriate Superintendents/designees. This includes, but is not limited to, Prisons, Work Releases, jails, juvenile facilities, federal correctional centers, and detention facilities. Mail to and from residents of the Special Commitment Center is allowed.

1. Offender to offender correspondence will not be considered, unless:
  - a. The offenders are immediate family members,
  - b. The offenders have a child together, as proven through a birth certificate, and only if the parental rights of neither parent has been terminated by the court or the Department of Social and Health Services,
  - c. The offenders are co-parties in an active legal matter, or
  - d. One offender is providing a relevant witness affidavit in the other offender's active legal matter.
2. An offender requesting correspondence with another offender will complete DOC 21-746 Request for Offender to Offender Correspondence Approval and submit it to his/her Counselor/Community Corrections Officer (CCO).
  - a. The Counselor/CCO will verify the request meets policy requirements and forward the request to the Superintendent/designee for a final decision.
3. If an offender has been approved to correspond with another offender, the approval may be accepted by any receiving facility upon the offender's


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transfer. Documentation of such approval will be maintained in the offender's central file and a copy sent to the mailroom. The approval may be revoked for cause.

4. A termination date will be set for offender to offender correspondence for co-parties in an active legal matter or for the purpose of providing a witness statement. When this expires, offenders must establish that the basis for correspondence is still active.
  5. Each piece of offender to offender correspondence, including correspondence with witnesses or prospective witnesses, will be read and approved/denied by the Superintendent/designee.
  6. Approved correspondence with co-party offenders and witnesses or prospective witnesses will be specifically limited to the legal matter involved. Other than brief greetings, the mail will not include correspondence of a personal nature, discussions of other litigation, or other communications not directly related to the legal matter involved.
  7. In cases where approved co-party communications contain documented security concerns, the Superintendent may seek permission through the appropriate Deputy Director to deny further communications.
- B. Mail received from organizations that specialize in facilitating offender to offender correspondence will be rejected.

### III. Inspection

- A. [4-4491] [4-4493] [4-4494] Designated facility staff are authorized to inspect and read incoming and outgoing mail to prevent:
  1. Receiving or sending contraband or any other material that threatens the security and order of the facility through the mail, and
  2. Criminal activity.
- B. Letters will not be censored to eliminate opinions critical of Department policy or staff. [4-4491]
- C. [4-4493] Cash or personal checks will be logged and processed for return/disposal per the Restriction of Incoming and Outgoing Mail section of this policy. Other checks and money orders will be logged and sent directly to the facility Business Office for processing. Receipts will be prepared immediately and forwarded to the offender with the incoming mail.

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#### IV. Content and Structure of Offender Mail

##### A. Incoming Offender Mail

1. Mail to offenders will be addressed with the full committed name and DOC number. Staff will make reasonable efforts to identify the offender for whom the mail is intended. Mail not adequately addressed and for whom the intended recipient cannot be identified will be returned to the sender with the reason for return noted on the outside of the envelope.
  - a. Money orders received in mail to offenders must have the receiving offender's name and DOC number on them. Offenders are responsible for writing their name and DOC number on all other enclosures (e.g., photographs, newspaper clippings, etc.) immediately upon receipt.
  - b. Mailroom staff will remove enclosures such as social security cards, marriage/birth/death certificates, and visitor questionnaires and forward to staff designated by the Superintendent (e.g., Visiting Sergeant, Records Manager, etc.) for processing and/or safekeeping. The offender will receive a receipt for the removed item and notice of its disposition.
  - c. Address labels on the outside of the envelope are allowed unless the facility can note or document a security concern.
2. Incoming mail for offenders must have a viable return address as defined by the United States Postal Service. Mail without a viable return address will be rejected. The intended offender will be notified of the rejection on DOC 05-525 Mail Restriction Notice and will be given the opportunity to provide an address to return the item at the offender's expense.
3. Any attempt to use the mail to disseminate large amounts of information to a facility's entire offender population is inherently suspect. If the Superintendent has reasonable cause to believe an attempt is intended to cause disruption or otherwise threaten the order and security of the unit or the facility, the mass mailing material will be restricted.

##### B. Outgoing Offender Mail

1. Letters from offenders must have a complete return address that includes the full committed name, DOC number, housing assignment, and the full name and address of the facility. The return address may include any other legal name, as long as it is listed below the offender's full committed


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name. The offender is responsible for instructing his/her correspondents to use the correct address as posted on the return address of the offender. Envelopes will be stamped with the following or similar message: "This was mailed by an offender confined at a Washington State Department of Corrections facility. Its contents are uncensored."


- a. Letters from offenders must be written in English, unless the offender or recipient is unable to correspond in English. Letters in languages other than English may be reviewed by an approved and certified translator.
- b. The salutation/opening of correspondence other than legal mail must contain the name of the person that appears on the envelope.
- c. Offenders must use DOC 21-473 Offender's Kite or the United States Postal Service to correspond with staff. Offender use of campus or inter-office mail is prohibited.

#### V. Legal Mail

- A. Offenders have the right to correspond by means of legal mail. Legal mail must meet all of the following requirements:
  1. Correspondence to or from courts and court staff, attorneys, the Indeterminate Sentence Review Board (ISRB), established groups involved in the representation of offenders in judicial proceedings (i.e., American Civil Liberties Union, Disability Rights Washington, legal services groups, etc.), the President or Vice President of the United States, members of the United States Congress, embassies and consulates, the United States Department of Justice, state attorneys general, governors, members of the state legislature, law enforcement officers in their official capacity, the Washington State Office of Financial Management's Tort Claims Division, and the Prison Rape Elimination Act Unit at Headquarters. [4-4275] [4-4492]
  2. Mail between offenders verified to be co-parties to the same legal proceeding that contains personal legal documents/papers and/or a legal pleading and have been approved for offender to offender correspondence.
  3. Incoming mail must have the return address on the front of the envelope clearly indicating that it is from one of the above listed sources.

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4. The front of the envelope must be clearly marked “Legal Mail”, “Attorney/Client”, “Confidential”, or similar designating the item as legal mail.
  - a. Mail readily identifiable as being from a court will be handled as legal mail regardless of whether it has been marked legal mail.
  
- B. [4-4492] Incoming legal mail will be opened in the presence of the offender by designated correctional staff and outgoing legal mail will be sealed in the presence of staff. Staff will be authorized to inspect the contents of the legal mail to ensure they:
  1. Do not contain contraband or any other material that would threaten the security and order of the facility, and
  2. Meet the policy requirements for legal mail. If there is a question whether the mail qualifies as legal mail, it may be retained for not more than 24 hours, excluding weekends and holidays, to resolve the question.
  
- C. Legal mail containers that permit mailing of 8” x 11” envelopes will be provided in designated areas.
  1. Outgoing legal mail will be handled as follows:
    - a. Offender presents the documents and envelope to staff,
    - b. Staff determines the documents are legal mail and there is no contraband,
    - c. Offender seals the envelope,
    - d. Staff signs or initials over the sealed flap of the envelope,
    - e. Staff logs out the mail in the presence of the offender, and
    - f. Staff observes offender deposit envelope in the legal mail container, or offender observes staff deposit envelope in the legal mail container.
  2. Staff will ensure that outgoing legal mail procedures are followed in IMU/Segregation.
  
- D. Offenders are required to demonstrate to the appropriate Superintendents/designees that they are co-parties in an active legal matter in order for offender to offender mail to be handled as legal mail.
  1. A copy of the pleading that was submitted to the court with the cause number assigned must accompany such verification requests. Upon verification, the Superintendent/designee will notify the mailroom and/or other Superintendents, as necessary.

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2. Offender to offender legal mail will be scanned, but not read, with closer scrutiny than other legal mail to ensure the correspondence relates solely to legal issues and otherwise complies with this policy.

E. Video/audio recordings of offender court proceedings and ISRB hearings may be received through the mail directly from the court/ISRB.

1. Video recordings will not be retained by the offender, but will be handled per DOC 590.500 Legal Access for Offenders.

2. Audio CD recordings may be retained by the offender, provided the CD has an approved identifying label or emblem containing the offender's name and DOC number.

#### VI. Unauthorized Mail

A. [4-4491] Mail to or from offenders will be restricted based on legitimate facility interests of order and security and/or for any reason identified in Unauthorized Mail (Attachment 1).

B. An item printed off the Internet will not be automatically rejected.

C. Offenders will not send photocopies in outgoing mail, unless it has been determined the photocopies have been paid for in advance by the offender through appropriate processes identified in facility operational memorandums regarding photocopies, DOC 280.510 Public Disclosure of Records, and DOC 290.100 Patents, Copyrights, and Royalties, or unless the copy has been received by the offender through normal facility channels. Photocopies will not be sent from offender to offender unless they meet the criteria for offender to offender legal mail.

#### VII. Restriction of Incoming and Outgoing Mail


A. If any portion of an offender's incoming or outgoing mail is restricted, mailroom staff will provide written notice to the offender and the sender using DOC 05-525 Mail Restriction Notice. [4-4491] This notice will:

1. Include the reason for the restriction.


2. Inform the offender and sender that:

a. S/he has the right to appeal the restriction to the Superintendent/designee, in writing, within 10 calendar days of the initial restriction decision,



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- b. Restricted outgoing written correspondence is automatically reviewed by the Superintendent and Secretary/designee and does not require an appeal request, and
    - c. It is his/her responsibility to notify the mailroom of an appeal to ensure the restricted item(s) are kept secured until the appeal process is completed.
  3. Include the name and address of the sender.
- B. The Superintendent's designee will review the restriction within 10 calendar days of the initial restriction decision and either uphold the restriction or allow delivery. If restriction is upheld, the Superintendent will notify the offender on DOC 05-525 Mail Restriction Notice.
  1. For restricted outgoing offender correspondence, the Superintendent will forward the letter to the Secretary's designee (i.e., the Correctional Manager responsible for Department offender mail operations), who will affirm or reverse the action taken at the facility and notify the offender in writing. Correspondence sent for review will be:
    - a. Mailed to the addressee within 7 days, or
    - b. Returned to the sending facility to retain in a separate file for 2 years, after which it will be destroyed.
  2. For all other mail, if the offender and/or sender appeals, the Superintendent/designee will affirm or reverse the action taken at the facility and notify the offender and/or sender, in writing, within 10 working days of receipt of the written request.
    - a. The offender and/or sender may appeal the Superintendent's decision, in writing, to the Assistant Secretary for Prisons within 10 calendar days of the decision.
      - 1) Offenders may use DOC 21-757 Appeal of Mail Restriction to notify the mailroom an appeal has been made.
    - b. Upon receipt of the appeal, the Assistant Secretary for Prisons/designee will affirm or reverse the action taken at the facility and notify the offender or sender, in writing, within 10 calendar days of receipt of the written request.
- C. Incarcerated offenders will be financially responsible for disposing of their unauthorized incoming mail by sending it to a non-incarcerated person

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designated by the offender, at the offender's expense, within 30 days of receipt of the final restriction decision.

1. If the offender is without funds, refuses to pay the required postage, or refuses to designate an individual to receive the items, such items will be donated to a charitable organization or destroyed.

- D. If any contraband or illegal item is found within the outgoing correspondence, it should be handled per DOC 420.375 Contraband and Evidence Handling, and the remaining documents will be sent for review after administrative processes have occurred.

#### VIII. Publications Received by Offenders [4-4490]

- A. Offenders housed in stand-alone minimum facilities (i.e., Cedar Creek Corrections Center, Larch Corrections Center, Mission Creek Corrections Center for Women, Olympic Corrections Center, and Pine Lodge Corrections Center for Women) may receive a reasonable number of new or used books from a publisher or approved vendor. Offenders may receive a reasonable number of new books, newspapers, and other publications sent directly from the publisher, provided they meet the requirements of this policy and facility requirements regarding property retention.
  1. Multiple copies/subscriptions will not be allowed. Offenders may receive only one copy of each book, newspaper, magazine, or other publication.
  2. Books, newspapers, magazines, and other publications may be restricted for offenders housed in the Reception Diagnostic Centers due to their transient placement.
- B. Publications will be restricted for reasons outlined in Unauthorized Mail (Attachment 1).
  1. Publications deemed a threat to legitimate penological objectives, or sexually explicit per Attachment 1, must be immediately sent to the Headquarters Correctional Manager responsible for Department offender mail operations for a decision on restricting the publication Department wide.
    - a. Mailroom staff will complete and submit DOC 05-809 Publication Restriction Notice along with the publication.

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- b. The decision made regarding a particular issue of a publication will be binding for all Prisons. The final reviewer will promptly issue a Department wide notice when the decision is made.
    - c. Decisions regarding Department wide publication and catalog restrictions may be appealed to the Assistant Secretary for Prisons.
  - 2. Items such as product samples, CDs, DVDs, etc., will be removed from publications and discarded before delivering to the offender, if they can be removed without altering the publication. Blown in flyers may be removed based on staffing resources.
    - a. If the item cannot be removed without altering the publication (e.g., tearing a page from the publication), or if the item potentially has value (e.g., CDs included with books), the entire publication will be restricted.
- C. No publications will be withheld solely on the basis of their appeal to a particular ethnic, racial, religious, or political group or sexual orientation.
- D. Items found in an offender's possession/cell that violate the requirements of this policy will be confiscated per DOC 420.375 Contraband and Evidence Handling.
- E. If subscription mail is rejected or restricted because of an offender's custody level, s/he will be notified on DOC 05-525 Mail Restriction Notice.
- F. Subscription publications will be held for at least 90 days for offenders in the Intensive Management Unit (IMU) who are not permitted to possess subscription publications due to their custody level. If an offender does not promote to a custody level permitting receipt of subscription publications within 90 days, the publication(s) will be disposed of per the Restriction of Incoming and Outgoing Mail section of this policy.
- G. Offenders may receive gift subscriptions and/or publications from any party other than another offender, or the friends or family of another unrelated offender.
  - 1. While an offender may be the beneficiary of a gift subscription and/or publication, the offender may be temporarily deprived of actual receipt or possession of the publication while in IMU or Segregation, or if s/he is subject to other restrictions regarding property, consistent with the specific temporary property restrictions placed on the offender.

IX. Forwarding Mail



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- A. Offenders are responsible for informing their correspondents, including publishers, of any change of address.
  - B. [4-4496] Facilities will forward first class mail for a period of 90 days, consistent with the United States Postal Regulations, if the offender has provided the facility with a forwarding address.
    1. Legal mail will be forwarded daily. Mailroom staff will log the items forwarded and the address to which they were sent.
    2. Other forwardable mail will be forwarded at least weekly.
    3. Mail for offenders out to court will be forwarded to the county jail where they are being held.
  - C. If mail is unopened, the new address will be noted on the envelope and returned to the United States Postal Service for forwarding. State funds will not be used to forward unopened mail.
  - D. Opened mail will be placed in an envelope and mailed to the new address at the facility's expense.
- X. Mail Records
- A. The Superintendent/designee will be responsible for maintaining a continuous chronological written record of the following types of incoming and outgoing offender mail:
    1. Legal mail,
    2. Packages, and
    3. Items of monetary value (e.g., money orders, cash, cashier's checks, etc.).
  - B. The continuous written record will show:
    1. Source,
    2. Destination,
    3. Date received/sent,
    4. Description,
    5. Printed name and initials of staff person distributing, and
    6. Signature and printed name of offender receiving/sending legal mail, packages, or items of monetary value.
  - C. The continuous written record books will be maintained in the mailroom, living unit office, or mail sorting area by the staff designated by the Superintendent to handle mail delivery, receipt, and control.

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## XI. Mail Costs

- A. Offenders must pay for their own postage costs. Offenders will purchase pre-franked envelopes at cost from the facility offender store to mail first class, one ounce letters. Offenders may possess up to 40 pre-franked envelopes. Envelopes may not be used as currency.
  1. Offenders will use DOC 02-003 Postage Transfer for additional postage fees.
- B. Non-indigent offenders will be allowed to incur a postage debt for outgoing legal mail.
- C. Offenders will be permitted to receive and use pre-paid envelopes if they are received from vendors or public agencies for the purpose of direct return mail service. Direct return mail envelopes with altered addresses will be treated as contraband and are prohibited for outgoing mail. This does not include pre-addressed envelopes that require the addition of postage.
- D. Mail arriving at the facility with postage due may, at the Superintendent's option, be delivered to the offender. The facility will either pay the postage due or hold the mail for a reasonable period of time to allow the offender to arrange for payment. If such arrangements are not made within the time provided, the mail/package may be donated to charity or discarded.
- E. Legal mail arriving at the facility with postage due will be delivered to the offender without undue delay.
- F. Indigent offenders with outgoing mail, including legal mail, may receive postage credit up to the equivalent of 5 first class pre-franked envelopes per week for mailing costs. [4-4489] This allowance cannot accumulate from week to week. Indigent postage will not include specialized services provided by the United States Postal Service (e.g., certified, return receipt requested, etc.).
  1. If an indigent offender has used all the postage allowed for mailing legal mail, s/he may receive postage equal to 15 or more additional first class pre-franked envelopes per week for legal mail if the offender:
    - a. Demonstrates to his/her Counselor that the legal document being mailed is a personal restraint petition complaint, amended complaint, answer or reply to an answer in a habeas corpus action, or a civil rights action challenging the offender's conditions of confinement, or

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- b. Has insufficient funds in his/her account to send the legal document and agrees, by filling out a disbursement request, to use all funds currently in his/her account to immediately pay postage for the requested legal mail.
  
- G. The Department will recoup indigent postage for letters, postage for non-indigent offender legal mail, and any expenditures made by the facility for postage due on incoming mail. Postage recoupment, including indigent postage, will occur at the time the Business Office posts withdrawals from the offender's account. Withdrawals and debts will be handled per DOC 200.000 Trust Accounts for Offenders.

**DEFINITIONS:**

The following words/terms are important to this policy and are defined in the glossary section of the Policy Manual: Contraband, Immediate Family, Indigent, Legal Mail, Legal Pleadings, Letters, Mail, Packages, Standard Mail. Other words/terms appearing in this policy may also be defined in the glossary section.

**ATTACHMENTS:**

[Unauthorized Mail \(Attachment 1\)](#) [4-4490] [4-4491]

**DOC FORMS:**

[DOC 02-003 Postage Transfer](#)

[DOC 05-525 Mail Restriction Notice](#) [4-4490] [4-4491]

[DOC 05-809 Publication Restriction Notice](#)

[DOC 21-473 Offender's Kite](#)

[DOC 21-746 Request for Offender to Offender Correspondence Approval](#)

[DOC 21-757 Appeal of Mail Restriction](#)