

# KENOSHA COUNTY SHERIFF'S DEPARTMENT POLICY & PROCEDURES MANUAL

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**CANCELS:** Mail Policy and Procedure – Issued 02/01/85

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## **PURPOSE:**

To ensure inmates/detainees the opportunity to maintain ties with family members and friends.

To ensure inmates/detainees the right to communicate with legal counsel, the courts, government officials and members of the news media, etc.

To identify guidelines to detect contraband items entering or leaving detention facilities operated by the Kenosha County Sheriff's Department.

To ensure conformance with requirements of state jail standards.

## **POLICY:**

Inmates/detainees shall be allowed full opportunity to correspond by mail with family, friends, attorneys, the courts, government officials, and others. The only restrictions on either incoming or outgoing mail shall be based on the requirements of adequate facility security and reasonable cost to the Kenosha County Sheriff's Department.

Except for limits that are necessary to ensure the safe, secure and tranquil operation of the detention facilities, and necessary space and storage constraints, there shall be no limits on the amounts of mail which an inmate may receive, nor the amounts of outgoing mail which an inmate may send out – except as limited by an inmate's/detainee's ability to purchase required postage.

All incoming general mail shall be opened and inspected for contraband. General incoming mail (as defined in this policy) shall only be read "word for word" if there is reasonable cause to believe that information in the mail threatens facility security or inmate safety, contains nudity or sexually explicit content, or in specific circumstances related to a pending investigation. US currency, cashiers checks or money orders discovered in incoming mail shall be removed and credited to the inmate's account. All other items of monetary value will either be stored in inmate's property or returned to sender at the inmate's expense.

Incoming privileged mail shall not generally be read. Such mail may only be read when there is reasonable suspicion to question the authenticity of the item, as actually being

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“privileged mail” (as defined in this policy). The purpose of reading the item shall be to aid the officer in making such a determination.

Incoming general mail (*envelopes or letters*) which exhibit apparent gang symbols shall not be given to inmates/detainees. Such *envelopes* shall be discarded. *Letters* that exhibit apparent gang symbols shall be stored in property until the inmate to whom the letter was addressed leaves jail custody – that is if the gang symbols cannot be removed from the body of the letter. To ensure that they do not contain information that may threaten facility security or inmate safety, jail staff may read letters containing gang symbols.

Outgoing mail shall be collected at least once per shift. Only mail submitted in an unsealed condition will be accepted. Mail will be inspected, logged and placed in a Postal Service deposit container no later than 24 hours from the time of initial pick-up.

General outgoing mail shall be cursorily inspected for the presence of contraband, but shall not be read. However, envelopes of outgoing mail shall be examined. Any envelope that contains artwork, graffiti, or possible gang symbols shall be returned to the inmate sending the item(s). Outgoing envelopes shall be free of any drawings, artwork, graffiti, or possible gang symbols.

Inmates/detainees may purchase postage, stationary and envelopes for outgoing mail through commissary. Indigent inmates/detainees shall be provided with appropriate postage, stationary and envelopes consistent with established policies.

**AUTHORITY:**

ACA Standards: 3-ALDF-5D-01 through 3-ALDF-5D-08  
Wisconsin DOC 346.18  
Wisconsin DOC 350.22

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## DEFINITIONS:

- **General Mail:** Correspondence with anyone other than courts, attorneys, elected officials, state probation and parole officials, other government officials, and members of the news media.
- **Privileged Mail:** Correspondence with courts, attorneys, elected officials, state probation and parole officials, other government officials, and members of the news media. Such correspondences must be sent to the aforementioned entities, individuals, or their authorized representatives in their official capacity.

If the envelope contains a *pre-printed return address* of any of the above, it is to be considered *privileged mail*. If the return address is *handwritten or typed* it will be referred to a Supervisor in an unopened condition for inspection and assessment.

- **Indigent Inmate/Detainee:** An inmate/detainee without sufficient funds to purchase necessary items in the jail.
- **Contraband:** Any item or article in the possession of an inmate/detainee or found within the facility that has not been officially issued, purchased from commissary, or approved by an appropriate staff member.

## PROCEDURES:

### I. INCOMING MAIL (GUIDELINES):

- A. All general mail deliveries to any either detention facility will be made by representatives of the U.S. Postal Service or private mail services, (e.g. UPS, Federal Express, etc.) Limited exceptions are authorized for hand delivered privileged mail. (See Civil Process section number V.D. and V.E. Privileged Mail: Hand Delivered.)
  1. Staff members are not permitted to bring in or mail correspondences for inmates/detainees.
  2. Staff members are prohibited from transferring mail correspondences from an inmate/detainee to another.

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- B. No packages for individual inmates/detainees that contain contraband will be accepted.
1. Items that are legal contraband will be promptly returned to the sender or placed in an individual inmate's/detainee's property.
  2. A supervisor may make exceptions on a case-by-case basis.
- C. Mailings for the general population will be accepted.
1. Mailings for the general population shall be turned over to the respective facility library for control and distribution.
  2. A supervisor may make exceptions on a case-by-case basis.
- D. Newspapers in a clearly labeled original mailing wrapper may be mailed to an inmate/detainee directly from the publisher.
- E. Unless special circumstances exist, staff will ensure that incoming mail is recorded, sorted, inspected and delivered to the housing unit no later than twenty-four hours after receipt by the respective facility.
- F. Mail received for inmates/detainees who are no longer in custody will be marked "NIC" (Not In Custody) in red lettering and returned to the post office.
- G. Mail returned to inmates/detainees for insufficient postage or incorrect address, etc., will be opened, inspected and delivered as any other incoming mail.
- H. Officers will record the time mail is distributed in the dormitory/zone logbook daily.
- I. If an inmate/detainee is out of the dormitory/cellblock when mail is distributed, it will be secured and given to the inmate/detainee when he/she returns.
- J. Restricted publications, including but not limited to books, newspapers, magazines, pamphlets and periodicals.

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1. Inmates/detainees may receive publications that do not violate this policy.
2. Inmates/detainees shall not receive publications that:
  - a. Teach or advocate violence and present a danger to facility security and/or inmate safety.
  - b. Teach or advocate behavior that violates the law of the United States, the State of Wisconsin, or the rules of the detention facilities operated by the Kenosha County Sheriff's Department.
  - c. Teach or describe the manufacture and/or use of weapons, explosives, drugs, or intoxicating substances.
  - d. Teach or describe the manufacture and/or use of devices that create a substantial danger of physical harm to others.
  - e. The material is of a type that has the potential to cause violence or other serious disruption of facility safety and security.
  - f. Contains photos or drawings depicting nudity, semi-nudity, or sexually-explicit content or other sexual content.
3. Supervision is authorized to redact any inappropriate material (nude or sexually-explicit content) in a publication which without such material would generally be allowed into the facility.

**K. Return or Denial of Books/Periodicals/Magazines**

1. Any item returned to the sender or placed in the inmate's/detainee's property will require a notice sent to the sender, explaining the reason that the item(s) was/were denied or returned.

**II. INSPECTION OF INCOMING GENERAL AND PRIVILEGED MAIL:**

**A. Gang Symbols:**

1. Officers shall check each envelope to see if it contains any apparent gang-related symbols. If so, remove the letter from the envelope and discard the envelope.

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2. If any apparent gang-related symbols are on the letter, remove the portion of the letter containing the symbols, if feasible.
    - a. Officers may then read the letter to see if it contains information that may be a threat to facility security or inmate safety. If the contents are acceptable, give the letter to the inmate/detainee.
  3. If it is not feasible to remove the portion of the letter containing the gang-related symbols, the letter shall be placed in the inmate's/detainee's property until the inmate/detainee to whom the letter was addressed leaves jail custody.
- B. General Mail (Inspection):
1. Remove each letter from the envelope, and shake it to see if it contains any items of contraband – including cash, checks, money orders, or other related items.
  2. If any contraband items are found in the mail, the officer will initiate appropriate disposition, depending on the nature of the contraband item(s).
    - a. Disposition may include placing item(s) in the inmate's/detainee's property, or seizure. In some cases, arrangements may be made to return the item(s) to the sender, at the inmate's expense. A supervisor may be consulted to make such a determination, if necessary.
- C. General Mail (Reading):
1. Under normal circumstances, general mail will not be read "word for word." It should be "scanned" unless there is suspicion to believe that it contains information that may be a threat to facility security or inmate safety. When a reasonable suspicion exists, the mail shall be read.
  2. Information which threatens facility security includes but is not limited to the following:

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- a. Plans for sending contraband in or out of the facility.
- b. Plans for criminal activity, including escape.
- c. Presence of apparent gang-related symbols on the envelope or letter or both.
- d. Other information which, if communicated, would create a clear and present danger to the security of the facility or inmate/detainee safety.

3. If any item of mail contains information that may be a threat to facility security or inmate safety, it will not be given to the inmate/detainee, but instead either: be stored with his/her property or confiscated. A supervisor may be consulted to make such a determination, if necessary.

**D. Privileged Mail**

1. Privileged mail from attorneys and the Courts, etc. will be opened and the contents removed by the inmate/detainee in front of the zone/dormitory officer who will observe the contents for contraband.
  - a. Other inmates/detainees should not be present.
2. Incoming privileged incoming mail shall not generally be read. The circumstance in which such mail may be read is if there is reasonable suspicion that an item of mail, which appears to be privileged mail, is actually not privileged mail. In such cases, the purpose of reading the item shall be to determine whether or not the item is actually privileged mail.

**III. MONEY:**

- A. All US currency, certified checks, money orders or traveler's checks found in incoming mail will be deposited into the respective inmate's commissary account in accordance with current fiscal policies.
  1. In all such cases the inmate/detainee shall receive a receipt.

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- B. Personal checks, as well as financial instruments (i.e. checks or money orders) not addressed properly or incomplete in nature shall be considered legal contraband. See Section IV (A) below for disposition.

**IV. CONTRABAND:**

A. "Legal" Contraband:

1. If legal contraband arrives in an inmate's/detainee's mail the Zone/Dormitory Officer will confiscate the item(s). The Officer shall then follow current procedures for recording and adding the item(s) to the appropriate inmate's/detainee's property.
2. Examples of "legal" contraband include but are not limited to:
  - a. Pens
  - b. Watches
  - c. Jewelry
  - d. "Polaroid" style photographs
  - e. Photographs larger than 8" x 10"
  - f. Electronic or non-standard sized greeting cards
  - g. Personal checks
  - h. Incomplete or improperly addressed checks or money orders

B. "Illegal" Contraband:

1. If illegal contraband arrives in the mail the Zone/Dormitory Officer will confiscate the item(s) and notify the Shift Supervisor.
2. The Shift Supervisor will examine the item(s) and decide whether a criminal act has been committed.

C. Removal of illegal contraband from Incoming mail:

1. When it is deemed necessary to confiscate any item from incoming mail, a written report shall be completed.



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2. If criminal in nature, the contents will be treated as evidence and a Kenosha County Deputy Sheriff will be notified to investigate.
3. In other circumstances, inventorying the item may be sufficient.
4. A supervisor may be consulted to determine appropriate disposition.

## V. OUTGOING MAIL (GUIDELINES):

### A. Outgoing Mail

1. All outgoing mail will be submitted to the Officer in an unsealed condition.
2. If the inmate/detainee bears the mailing cost, there shall be no limit to the amount of mail that they can receive or send out, except when there is reason to believe that limitation is necessary to maintain the safe, secure and tranquil operation of the facility, or necessary space or storage constraints.
3. The mail will be inspected for contraband. After being inspected, the Officer will seal the mail, place his/ her unit number on the **back** of the envelope and forward it to the appropriate location.
4. All mail must have a clearly marked return address.
  - a. **KCDC** inmates/detainees: The return address will include the inmate's correct name, (no nicknames), their inmate ID number and "KCDC" with dormitory number in the left hand corner of the envelope, followed by 4777 88<sup>th</sup> Ave. Kenosha, WI 53144
  - b. **PTF** inmates/detainees: The return address will include the inmate's correct name, (no nicknames), their inmate ID number, followed by 1000 55<sup>th</sup> St. Kenosha, WI 53140.
5. Mail will be free of any drawings or symbols on the envelope.

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6. Outgoing mail will be picked up at least once each shift. Mail will be inspected, logged and placed in a Postal Service deposit container no later than 24 hours from initial pick-up.
- B. Indigent Inmates/detainees
1. Upon request, indigent inmates/detainees shall receive postage and stationery sufficient to send up to 5 letters per week. These letters shall be processed and logged in the same way as normal mail.
  2. They will be forwarded to administration for postage due. Inmates/detainees requesting indigent mail privileges shall print NF (No Funds) where a stamp would normally be affixed.
- C. Disciplinary Segregation
1. Inmates/detainees on disciplinary status, or in the disciplinary housing unit, will be allowed to receive and send mail. Mail will be collected once a day.
- D. Civil Process
1. Civil Process must be coordinated through the Kenosha County Sheriff's Department Civil Process Bureau.
  2. Service will be made by a Kenosha County Deputy Sheriff. If a non-Deputy Sheriff arrived at either Detentions Facility with civil process, they will be referred to the Process Bureau of the Sheriff's Department.
- E. Privileged Mail: Hand Delivered
1. Occasionally hand delivered Privileged Mail may be brought to a Detentions Facility for delivery to an inmate/detainee within the facility.
  2. Such deliveries may be made by persons associated with law enforcement, Probation and Parole, the Public Defender's Office, an inmate's/detainee's personal attorney or the attorneys designee, etc. We will accept this mail. A supervisor may be consulted if clarification is needed.

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3. The following guidelines will be adhered to:
  - a. Obtain the identity of the person leaving the item, including the agency/office they represent.
  - b. Write the persons identity and agency/office information on a “post-it note,” and affix to the note to the correspondence. The note should indicate that the piece of mail was hand delivered and include the date, time and identify of the person who delivered the mail, as well as the agency or office that they represent.
  - c. This information will be entered in the mail transaction log book when the general mail is processed on third shift. **KCDC:** The mail should then be placed on the Office Associates desk in Administration. **PTF:** The mail will be forwarded to the admissions and release specialist in conference.
  - d. If an individual is unable to show either proper personal identification and/or proof of agency or office affiliation, attempt to call the respective agency or law firm in order to confirm the identity of the individual, and the purpose of his/her business at the facility. If you are unable to obtain verification via telephone, **do not** accept the piece of mail.
  - e. Inform the person that the mail will not receive priority service. It will be delivered with the normal inmate/detainee mail.
  - f. All procedures regarding the processing, delivery, and inspection of legal mail will apply.
  
4. If it is determined that an inmate/detainee received contraband via this mode of delivery, a report will be completed and forwarded to Detention’s Administration as soon as possible.

**DISTRIBUTION:**

All Department Personnel

