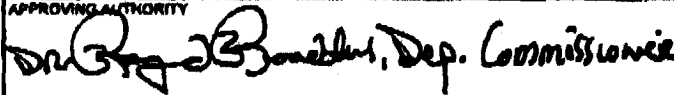
 <p style="text-align: center;">STATE OF NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES</p> <p style="text-align: center;">DIRECTIVE</p>	TITLE <p style="text-align: center;">Inmate Correspondence Program</p>		No. 4422
	SUPERSEDES Dir. #4422 dtd. 04/27/93	DISTRIBUTION <p style="text-align: center;">A B</p>	PAGE 1 OF 8 PAGES
REFERENCES (includes but are not limited to): Dir. #4421, "Privileged Correspondence" Dir. #4913, "Inmate Pers. Prop. Limits"	APPROVING AUTHORITY 		

I. **PURPOSE.** This directive contains and describes the policies and procedures governing the correspondence program available to all inmates. The exchange of correspondence between an inmate and another person or business must be in accord with the regulations contained in this directive. (For the policies and procedures governing "privileged correspondence," see Directive #4421, "Privileged Correspondence").

II. POLICY

- A. These regulations are specified for staff, inmates, and the general public to provide efficient mail service to all concerned.
- B. Correspondents are personally responsible for the contents of their mail. Violation of the regulations governing inmate correspondence or the standards of inmate behavior through correspondence will be considered a serious offense and may result in disciplinary proceedings and/or the monitoring of outgoing correspondence for a specified period of time. Inmates and all correspondents are advised that sending obscene, threatening, or fraudulent materials through the mails may be a crime under state and federal laws. The Department will urge prosecution whenever such mail is brought to its attention.
- C. The sending and receiving of mail by inmates will be restricted only to the extent necessary to prevent a threat to the safety, security, and good order of the facility or the safety or well being of any person, and to prevent unsolicited and unwanted mail.
- D. The Superintendent shall have the overall responsibility for the administration of the correspondence program at his or her facility. Specific responsibilities may be delegated by the Superintendent.

III. GENERAL CORRESPONDENCE PROCEDURES

- A. General Correspondence is mail between an inmate and someone other than a person approved for privileged correspondence (see Directive #4421, "Privileged Correspondence"). For the purpose of this directive, outgoing mail purporting to be privileged correspondence will not be considered to be privileged correspondence until it has been placed in the control of the administration for processing.
- B. Outgoing Mail
 1. An inmate may submit correspondence to be sent to any person or business, subject to the conditions and limitations herein.
 2. Whenever the recipient of an inmate's correspondence indicates, in any manner, that he or she does not wish to receive further correspondence from the inmate, both the correspondence unit and the inmate shall be notified. An appropriate entry shall be made in the inmate's folder to document this notification.
 3. **Negative Correspondence and Telephone List:** The Negative Correspondence and Telephone List shall contain the name of any person or business that has indicated, in any manner, that further correspondence from the inmate is not desired. If such a person or business indicates, at a later time, that further correspondence from the inmate is not objectionable, the

Superintendent or his designee may, but need not, direct that the name of that person or business be removed from the Negative Correspondence and Telephone List.

NOTE: A parent, custodian, or legal guardian of an inmate's child who requests that the facility prohibit correspondence between the inmate and the inmate's child should be informed that their request cannot be granted absent a court order. However, if an inmate violates Department correspondence procedures, correspondence may be limited as with any other person.

4. No inmate shall continue to submit mail to be sent to a person or business that currently appears on his or her Negative Correspondence and Telephone List. Any inmate who continues to submit mail to be sent to a person or business that currently appears on the Negative Correspondence and Telephone List may be subject to disciplinary action and/or monitoring of outgoing mail for a specified period of time.
5. Correspondence by an inmate to the following persons requires the special advance approval indicated:
 - a. Unrelated minor persons under 18 years of age: Written approval of the minor's parent or legal guardian must be obtained prior to correspondence with an unrelated minor.. The inmate may address a letter to the parent or legal guardian to obtain such approval.
 - b. Persons under probation or parole supervision: Authorization from the Superintendent and the Probation or Parole Officer must be obtained before the inmate may correspond with a probationer or parolee. Such correspondence will usually be limited to immediate family members.
 - c. Inmates in New York State, Federal, or other correctional facilities: Authorization from the Superintendents concerned must be obtained before an inmate may correspond with another inmate (see Section III-C for the complete policy and procedure relating to inmate-to-inmate correspondence.)
6. Except for oversize envelopes and parcels, outgoing correspondence may be sealed by the inmate.
7. Oversize correspondence, defined as mail which cannot be enclosed in a standard business envelope, shall be inspected in the presence of the inmate by a designated security staff person for the presence of contraband. The superintendent may designate block, law library, package room, correspondence unit, "legal mail," "notary public," or other staff to conduct these inspections. Inspections shall be completed as soon as possible, but not later than 24 hours after request. Legitimate correspondence may be sealed by the inmate after inspection, and the inspecting staff person shall then sign the back of the envelope or parcel certifying inspection, and promptly deliver or forward the mail to the correspondence unit or business office as appropriate.
8. Outgoing correspondence shall not be opened, inspected, or read without express written authorization from the facility Superintendent.
 - a. The Superintendent shall not authorize the opening or inspection of such outgoing mail unless there is a reason to believe that the provisions of this or any directive or inmate rule or regulation have been violated, that any applicable state or federal law has been violated, or that such mail threatens the safety, security, or good order of a facility or the safety or well being of any person. Such written authorization by the Superintendent shall set forth specific facts forming the basis for the action.
 - b. If after inspecting the contents of outgoing mail it is determined that the provisions of a directive, rule or regulation, or state or federal law have been violated, or that such correspondence threatens the safety, security or good order of the facility or the safety or well being of any person, then the correspondence may be confiscated. The inmate

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must be informed in writing unless doing so would interfere with an ongoing investigation.

Where the inmate has been so notified, he or she may appeal the action to the Superintendent.

9. All outgoing inmate mail will be stamped with the name, and address of the correctional facility from which it is being sent and a postage meter star symbol.
10. Outgoing mail should include the full address of the person to whom it is addressed. It should include the name, address, city, state, and zip code. Inmates shall not submit correspondence to be sent to a post office box without a specifically identified addressee; the addressee (either a person or a business) shall be clearly identified. An insufficiently addressed envelope shall be opened to ensure that the letter is returned to the originator.
11. An inmate may use envelopes and writing paper provided by the facility, or personal writing paper. Any printing on personalized writing paper is limited to the inmate's commitment name (unless the inmate's name has been legally changed), Department Identification Number, and facility address. Personalized writing paper (not envelopes) may be ordered by the inmate from a commercial source.
12. It is the responsibility of each inmate to print or type his or her return address on the front upper-left-hand corner and on the back flap of each outgoing envelope exactly as illustrated below. The inmate shall use his or her commitment name unless it has been legally changed. Failure to include all return address information in the order indicated may result in the opening and return of the mail to the inmate. If the correspondence unit is unable to identify the inmate sender, the mail will be destroyed by the facility.

Great Meadow Correctional Facility
Box 51
Comstock, New York 12821-0051
John Doremi, 78-X-999

(Envelope - front - upper left)

Great Meadow Correctional Facility
John Doremi, 78-X-999

(Envelope - back flap - centered)

13. A facility may restrict what appears on the outside of an outgoing envelope.
14. Inmates who are unable to read or write may request the assistance of a staff member, volunteer, or another inmate for correspondence purposes.
15. Inmates shall not conduct a mail order or other business while under the custody of the Department. Superintendents may direct Administrative Services, Program Services, or Security Services Deputies to monitor correspondence patterns and financial accounts to detect any irregularities which would indicate this type of activity. Violation of this policy by an inmate may result in disciplinary action and/or the monitoring of outgoing correspondence for a specified period of time.
16. Inmates shall not be permitted to use their correspondence privileges to solicit or otherwise commercially advertise for money, services, or goods.
17. Correspondence privileges shall not be used by an inmate to engage in any form of gambling or to participate in any lottery, sweepstakes, or chain letter operation.
18. An inmate may send, at their own expense, a certified or registered letter, and the inmate will be provided with a "return receipt" if requested and after the delivery has been made.

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19. An inmate shall not include any written material in outgoing mail not specifically intended for the addressee identified on the exterior of the envelope. Likewise, an inmate shall not include in outgoing mail any written material for an inmate not specifically identified as the sender on the exterior of the envelope. This practice, sometimes known as "kiting," may be the basis for disciplinary action.
20. Outgoing correspondence that does not comply with this directive will be opened and returned to the inmate. The Correspondence Unit shall indicate the reason for return.

C. Inmate-to-Inmate Correspondence

1. **Approval for Inmate to Inmate Correspondence.** The Superintendent or chief administrator at each facility may designate a staff member to process inmate-to-inmate correspondence requests. These requests will be investigated by both facilities to determine that the exchange of such correspondence will not create problems relating to the safety, security, or good order of the facilities, or the safety or well-being of any individual before any inmate-to-inmate correspondence is authorized. Authorization for such correspondence must come from the involved Superintendents or their designees.
 - a. **Exception.** Only the approval of the Superintendent of the facility where our inmate is housed is required when they request to correspond with inmates who are under the custody of the New York City Department of Corrections. This exception is based on the New York City Department of Corrections' policy that permits inmates to write to whomever they choose, including other inmates.
 - b. **Restrictions.** Inmates are only permitted to correspond with immediate family members and codefendants in active cases. For the purposes of this Directive, immediate family members are defined as spouses, children, parents, siblings, and grandparents. Other inmate-to-inmate correspondence may only be approved in exceptional circumstances. Changes to the inmate-to-inmate correspondence lists are permitted only on a quarterly basis at the time of the inmate's scheduled interview. Photographs should not be included in inmate-to-inmate correspondence.
 - c. **Transfer of Inmates.** When an inmate is transferred, his/her approval to correspond with other inmates will remain in effect. The Guidance staff at the receiving facility will notify their Correspondence Unit of the names of those inmates with approvals for inmate-to-inmate correspondence.
2. **Denials of authorization for inmate-to-inmate correspondence shall include a statement of reasons for the denial, and shall be placed in both inmates' files. Such denials may be appealed to the Commissioner or his designee, in writing, within thirty days.**

Authorization to correspond may be withdrawn by the Superintendent in particular cases when it is demonstrated and documented that one or both inmates have violated facility or departmental rules or regulations, that the safety, security or good order of a facility is jeopardized, or that the safety or well being of any individual is jeopardized. Such documentation shall be placed in both inmates' files.

3. **Inmate to inmate correspondence must not be sealed. If it is sealed, it may be opened and returned to the inmate sender.**
4. **Inmate to inmate correspondence may be read by the Superintendent or designee of either the sending or receiving facility or both. No inmate-to-inmate correspondence shall be deemed in any way to be privileged correspondence.**
5. **There shall be no exchange of funds or packages between inmates, except as authorized in Directive #4761, "Inmate Charitable Contributions and Gifts."**

D. Postage**1. Purchase/Possession of Stamps**

- a. Inmates may not receive stamps through the mail or through inmate packages.*
*Note: A postage-prepaid envelope received within privileged correspondence from a court or an attorney which has been pre-addressed by the court or attorney may be received (subject to inspection by the security staff) and used by the inmate for the intended return correspondence.
- b. The maximum value of stamps in any inmate's personal possession should not exceed \$20.00 (see Departmental rule #113.16).
- c. Postage shall be made available by the sale of stamps in the commissary. Inmates may purchase up to 50 domestic first class stamps for one ounce letters per commissary buy.
- d. An inmate may purchase postage by attaching an IAS 2706 disbursement form to a letter only in the following circumstances:
 - (1) the inmate is newly arrived at a facility, has no stamps, and has not yet had an opportunity for a commissary buy; or
 - (2) the inmate has had commissary buy privileges suspended and is not eligible for or does not get a special commissary stamp buy; or
 - (3) a particular letter or parcel, because of size, weight, special handling, or any other special postal feature requires an unusual amount of postage; or
 - (4) there are extenuating circumstances which, in the discretion of the Superintendent, warrant processing a disbursement form; and
 - (5) sufficient funds are available in the inmate's account.
- e. An inmate who has lost commissary privileges, including one who has been admitted to a Special Housing Unit, shall be able to make a monthly "stamp buy" of up to 50 domestic first class stamps for one ounce letters. This special buy shall be offered within 72 hours of the imposition of the penalty and every 30 days thereafter.

2. Free Postage

- a. Inmates may receive some free postage for privileged correspondence (see Directive #4421, "Privileged Correspondence").
- b. Inmates received at reception/classification facilities (except cadre) shall be allotted free postage in an amount equivalent to five (5) domestic first class letters of one ounce per week for personal correspondence for a period not to exceed four weeks. Inmates may not accumulate, from week to week, credit for unused postage.

3. Advances for Legal Mail Postage. Funds may be advanced to an inmate for the purpose of sending legal mail in accordance with the procedures detailed in Directive #4421, "Privileged Correspondence," and Directive #2788, "Collection and Repayment of Inmate Advances and Obligations."

4. **Advances for Personal Postage. Funds may be advanced to an inmate for postage for one first class one-ounce letter per month in the following circumstances:**
 - a. the inmate has been confined to SHU for discipline or administrative segregation for 30 days or more, and has a zero or negative account balance; or
 - b. the inmate has been in keeplock status for 30 days or more, has lost telephone privileges, and has a zero or negative account balance; or

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- c. the inmate has lost telephone privileges, has a zero or negative account balance, and has not refused to accept available program assignments.
5. Inmate Organizations. Inmate organizations must pay the postage costs for all of their outgoing mail.
- E. Business Mail. All correspondence addressed to a business entity, other than a member of the Media, shall be considered business mail and shall be processed as follows:
1. All requests by an inmate to obligate the inmate's funds (e.g., requests to an outside vendor for goods or services, requests to join a book or record club, etc.) must be approved by the Superintendent or his designee.
 2. All business mail obligating the inmates' funds must have attached to it an approved IAS 2706 Disbursement Form. When processing this business mail, the facility must ensure that the inmate has sufficient funds, and if sufficient funds are available, a check or money order will be drawn against the inmate's account and inserted in the envelope as advance payment.
 3. Inmates are prohibited from using business correspondence to order any items on credit or installment plans, and are also prohibited from obligating their funds for anything more than the immediate purchase which is being reviewed. For example, inmates may not join a club or purchase plan in which items are automatically sent to the facility along with invoices for payment each week, month etc. Inmates may, however make one single, initial payment for items which will be delivered over an extended period of time, provided that there is no additional billing for the items being delivered in the future.
 4. All business mail, except business mail addressed to the media will be submitted by the inmate unsealed. Such business mail is subject to inspection.
 5. All business mail addressed to the media may be submitted by the inmate sealed. Such business mail shall not be subject to opening, inspection, or confiscation, except in accordance with the provisions of Section III-B-6 above.
 6. Notwithstanding the above mail addressed to a box number in care of a media entity shall not be considered to be mail addressed to the media.
- F. Collection of Mail. Outgoing inmate mail shall be collected from mail boxes, placed in convenient locations in the facility, by a correctional employee at least once a day, except Saturdays, Sundays, and state and postal holidays; mail service on Saturdays and state holidays is optional. At no time shall an inmate collect the mail. Collected mail shall be processed and forwarded to a post office at least once a day, except as noted above.
- G. Incoming Mail
1. All incoming general correspondence will be opened and inspected for cash, checks, money orders, newspaper clippings, or contraband. Prior to opening the mail, it should be checked to make sure that the inmate is currently at the facility. The inmate's presence is not required during the inspection of incoming general correspondence. (See Directive #4421, "Privileged Correspondence," for the procedure to be followed for the opening of privileged correspondence. See Directive #4572, "Media Review," for publications deemed to be unacceptable.)
 2. When, in the course of inspection, cash, checks, or money orders from a clearly identifiable source are found, they shall be removed and credited to the inmate's account as appropriate. All anonymously received monies will be considered contraband and handled accordingly. (See also Directive #4910.)
 3. When, in the course of inspection, newspaper clippings are found, the entire contents of such correspondence may be delayed through the correspondence unit for up to 6 days

while the clippings are subject to Media Review guidelines (see Directive #4572, Media Review, Section III-K, "Source of Publication").

Note: A limit of 5 newspaper clippings (5 cut-out pieces of newsprint) or 5 pages of photocopies of newspaper clippings may be received within a piece of regular correspondence. In order to facilitate media review, the clippings must not be taped, glued, or pasted together or to other papers.

4. When, in the course of inspection, contraband is found, it shall be removed and given special handling according to type:
 - a. Third party mail - defined as correspondence from a party who is not identified as the sender in the return address. The facility shall return the entire correspondence to the sender with a letter explaining that third-party mail is considered contraband, is against Department rules, and therefore will not be delivered to the inmate.
 - b. Unauthorized items - shall be either returned to the sender at the expense of the inmate, or otherwise disposed of. Such will be the choice of the inmate and accomplished at the inmate's expense. An inmate should be allowed 30 days to obtain funds to pay the cost of disposing of the contraband. If after 30 days, the inmate is unable to pay for disposal of the contraband, it will be donated or destroyed.
 - c. Illegal items (drugs, weapons, etc.) - shall be forwarded to the security office, with appropriate chain-of-custody documentation. When appropriate, the New York State Police or appropriate police agency shall be notified.
 - d. Anonymously received money - cash, checks or money orders will be confiscated, labeled, and forwarded to the fiscal office for safekeeping. An investigation will be conducted in an attempt to verify the source. If after proper investigation no source is identified, the monies will be turned over to the State Treasurer as miscellaneous receipts on a AC-909 Form.
5. Incoming general correspondence, other than inmate-to-inmate letters and inmate business mail, will not be read unless there is evidence that the correspondence may contain one or more of the following:
 - a. plans for sending contraband in or out of the facility;
 - b. plans for criminal activity including escape; and
 - c. information which, if communicated, would create a clear and present danger to the safety of persons and/or the security and good order of the facility.
6. Written authorization from the facility Superintendent to read incoming mail must be placed in the inmate's file specifying the reasons such action is considered necessary and whether all mail or certain correspondence shall be read. Such authorization shall be for a 60 day period subject to renewal by the Superintendent. The Superintendent shall request documentation from the person recommending inspection to determine that there are sufficient grounds for reading the mail, that the reasons for reading the mail are related to the legitimate interests of safety, security, and order, and that the reading is no more extensive than necessary to further these interests.
7. When incoming general correspondence is withheld by the designated staff member for any of the above listed reasons, notification shall be sent to the sender and the intended correspondent of the action taken and reasons therefore, unless doing so would interfere with an ongoing investigation. The sender and inmate may appeal this action by writing the Superintendent.
8. Correspondence privileges with a particular person may be withheld, by the disposition of a Superintendent's Hearing, where the inmate has been involved in improper conduct in connection with correspondence with such person.

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9. At the Superintendent's discretion, a record of incoming and outgoing mail may be kept by the correspondence unit.
 10. Mail received at a facility from which an inmate has been transferred or released shall be handled in accordance with the procedures indicated in Directive #4015, "Forwarding Inmate Mail."
 11. Inmates are authorized to retain all of their personal correspondence, subject only to the limitations expressed in Directive #4913, "Inmate Personal Property Limits," and any other applicable rule or regulation.
 12. Incoming mail that is deemed to constitute a form of gambling, lottery, sweepstakes, or chain letter operation is prohibited from coming into the facility. Such mail shall be stamped "RETURN TO SENDER" upon entering the facility.
 13. When an inmate's incoming correspondence is stamped "RETURN TO SENDER" or something similar the Correspondence Unit should take precautions to ensure that the letter is not an attempt to circumvent the Department's inmate-to-inmate correspondence procedures. When such mail is opened to check for contraband it shall be inspected to determine if it was written by the inmate to whom it is being "returned." If it was not written by that inmate, it shall be withheld.
- H. Distribution of Mail. Incoming general correspondence will be delivered to inmates on normal business days by a correctional employee. Inmates are not permitted to deliver mail to other inmates.

If the incoming general correspondence is registered or certified, the inmate to whom it is addressed shall sign a receipt for such correspondence. If the inmate refuses to sign a receipt, the correspondence shall be returned to the Postal Service marked "Refused."