

 <p style="text-align: center;">ADMINISTRATIVE POLICIES AND PROCEDURES State of Tennessee Department of Correction</p>	Index #: 507.02	Page 1 of 14
	Effective Date: June 1, 2012	
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Approved by: Derrick D. Schofield		
Subject: INMATE MAIL		

- I. AUTHORITY: TCA 4-3-603 and TCA 4-3-606.
- II. PURPOSE: To establish the procedures governing collection, distribution, and inspection of mail in an institutional mail room, and the sending and receiving of inmate mail.
- III. APPLICATION: Deputy Commissioner of Operations, Tennessee Department of Correction (TDOC) employees, privately managed facilities, and inmates.
- IV. DEFINITIONS:
 - A. Bulk Rate Mail: Mail, correspondence, or printed material that is not marked first or second class.
 - B. Cassette Tapes: Audio or video magnetic/recording tape devices used to record voice or video transmissions contained in transparent plastic containers commonly used in audio and video cassette recorders.
 - C. Censorship: The entire withholding or deletion of parts of inmate correspondence.
 - D. Commercially Packaged Foodstuffs: Canned or packaged consumable goods which are clearly the product of a bona fide manufacturer, and are not made, produced, or packaged at a home. The original decals and labels on such goods shall not have been tampered with, nor shall the package/container have been previously opened or unsealed.
 - E. Contraband: Any item which is not permitted by law or which is either prohibited or not specifically authorized by TDOC or institutional policy.
 - F. Correspondence: Written communication to or from inmates (e.g., letters, post cards, greeting cards) that is delivered by a postal service.
 - G. Features: Containing depictions of nudity or sexually explicit conduct on a routine or regular basis or promotes itself based upon such depictions in the case of individual one-time issues. Publications containing nudity illustrative of medical, educational, or anthropological content may be excluded from this definition.
 - H. Government Officials: Any person holding an elected or appointed position at the city, county, state, or federal level.
 - I. Inmate Personal Property: The items and amounts of clothing, equipment, mail, or supplies which an inmate is allowed to have in his/her immediate possession.
 - J. Mail: Correspondence, printed or other material (including pictures or packages) and the contents of envelopes and packages sent to or from inmates by means of a postal service or such items sent or received in conjunction with official business of staff.

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- K. Mail Clerk: Staff assigned to the institutional mail room.
- L. Nudity: Any depictions where genitalia or female breasts are exposed. Publications containing nudity illustrative of medical, educational, or anthropological content may be excluded from this definition.
- M. Printed Materials: Books, publications, magazines, newspapers, periodicals, circulars, catalogues, or clippings which are portions of same, delivered by a postal service.
- N. Privileged Mail: Correspondence clearly addressed to or from attorneys; law students on behalf of attorneys; courts; court clerks; legal aid clinics; or law schools operating such clinics; recognized legal defense funds; and governmental officials or agencies, including the Tennessee Claims Commission, provided such correspondence bears the appropriate name and title of the sender/receiver.
- O. Reasonable Suspicion: Rational inferences which a reasonably prudent person could make from specific objective facts.
- P. Security Threat Group (STG): Group of individuals possessing common characteristics which serve to distinguish them from other groups who have been determined to be acting in concert so as to pose a threat or potential threat to staff, other inmates, the institution, or the community.
- Q. Sexually Explicit: Any depictions of actual or simulated sexual acts including sexual intercourse, oral sex, or masturbation, or material which promotes itself based upon such depictions on a routine or regular basis or in individual one-time issues.
- V. POLICY: Each institution shall maintain a mail room for the sending, receipt, and distribution of staff and inmate mail. Inmates may exchange mail, other than packages, with any person and in any language, including Braille, provided that it does not jeopardize the safety, security, or operation of the institution or the safety of persons within or outside the institution.
- VI. PROCEDURES:
- A. Each institution shall designate a mail room.
- B. All mail addressed to inmates shall be delivered to the mail room, and all outgoing mail shall be collected at and posted from the mail room. Excluding weekends and holidays, correspondence shall be delivered to inmates within 24 hours of receipt. All incoming mail, excluding privileged mail, may be read by staff. Approved packages should be delivered within 48 hours, excluding weekend and holidays, to the inmate.
1. Designated staff should collect outgoing mail at least once each regular working day from all locked mail boxes. Such boxes are to be located in areas designated by the Warden and be accessible to all inmates.
 2. Disposition of mail and packages addressed to transferred, paroled discharged, and deceased inmates will be as follows:

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- a. Mail addressed to inmates who have been transferred to another facility within the TDOC will be forwarded to that institution. Mail addressed to deceased inmates will be returned to the sender. Mail addressed to inmates who have been discharged or paroled will be forwarded to the address provided by the inmate prior to release. The address should be available from TOMIS (LPDF or LCLA). All mail that meets the above-mentioned criteria shall be forwarded within 48 hours, excluding holidays and weekends.
 - b. Packages addressed to inmates who have been transferred to another facility will be sent to that inmate by the Central Transportation System (chain bus) within five working days. Packages addressed to inmates who have paroled or discharged will be held at the facility for a period of 30 days. A letter will be sent to the inmate informing them of the receipt of the package and that they have 30 days to retrieve the package or make arrangements for shipment to his/her address. Packages addressed to deceased inmates will be held in the property room for 30 days and the next of kin notified to make arrangements to retrieve the package. If the 30 day time period has elapsed and all attempts to notify next of kin have not been successful, the property will be disposed of in accordance with Policy #504.02, Inmate Personal Property Accounting System.
 - c. Inmates who are in the temporary custody of a local jurisdiction may request, in writing, that their mail be retained in the mail room for a maximum of 30 days. After 30 days, it will be mailed to the inmate.
3. Mail shall be held, stored, and handled in a secure manner which is intended to prevent theft, tampering, delay, or other interference.
 4. A staff person shall deliver incoming mail to the inmate(s) to whom it is addressed. At no time shall mail be distributed by an inmate or be accessible to any inmate other than the addressee.
 5. Inmates shall not be allowed to use the state messenger mail service to send any mail.
 6. No correspondence, printed material, inmate personal property, or money may be hand delivered to inmates by visitors. The Warden or his/her designees may allow attorneys of record to hand deliver privileged mail directly to the inmate, subject to examination for contraband.
 7. All staff mail received at an institution shall be checked for contraband by mail room staff utilizing the fluoroscope prior to release from the mail room to the intended recipient.
- C. Incoming mail shall be handled as follows:
1. Incoming privileged mail shall be opened only by a staff member in the presence of the inmate addressee in order to examine the contents for contraband, then documented. Any mail which has papers which are bound together by metal clips shall be disassembled by removing the metal clip. The staff members shall not read the privileged mail or listen to legal tapes unless the Warden has, on the basis of

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reasonable suspicion, determined that privileged mail or tapes may contain information relating to criminal activity. The privileged mail/tape may be read or listened to outside the presence of the inmate if doing so is necessary to avoid compromising an on-going criminal investigation. A bound ledger shall be maintained by mail room staff that lists each of privileged mail received/sent, the date inspected and delivered, and recipient's signature. Mail relating to the implementation of Policy #511.05 (Identification for Post Release) is not considered privileged mail.

2. All incoming inmate privileged mail, staff mail, and packages shall be fluoroscoped for contraband prior to leaving the mail room.
3. Incoming mail may be determined to be a threat to the security of the institution and returned to the sender if, in the opinion of the Warden, it could reasonably be considered to:
 - a. Be an attempt to incite violence based on race, religion, sex, creed, or nationality.
 - b. Advocate, facilitate, or otherwise present a risk of lawlessness, violence, anarchy, or rebellion against government authority, prison staff, and/or other inmates.
 - c. Be an attempt to incite disobedience toward law enforcement officials or prison staff.
 - d. Be an attempt to give instructions for the manufacturing or use of intoxicants, weapons, explosives, drugs, drug paraphernalia, other unlawful articles or substances, or any other items deemed as contraband.
 - e. Contain plans to escape, unauthorized entry into the institution, or information or maps which might aid an escape attempt.
 - f. Contain information relating to security threat group activity or use of codes and/or symbols associated with security threat groups.
 - g. Sexually explicit material or material which features nudity which by its nature or content poses a threat to the security, good order, or discipline of the institution, or facilitates criminal activity.
4. Incoming correspondence may include only photographs (no Polaroid-type pictures allowed), clippings from printed materials, or certified checks/money orders. No personal checks or cash may be accepted.
5. Printed materials may be received by inmates in an unlimited amount, provided they are mailed directly from the publisher(s) or recognized commercial distributor. Persons ordering printed materials for inmates should be careful to accurately identify the seller. Some materials offered on the website of recognized commercial distributors are listed for sale by third-party sellers, and when purchased will be mailed from the third-party seller who is not a recognized commercial distributor.

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6. Certified checks and money orders may be received from any person who is presently not incarcerated and/or under any parole or probation supervision of any jurisdiction.
 7. Certified checks/money orders shall be removed from incoming mail by mail room staff, restrictively endorsed at the time of receipt, and a receipt written from a series receipt book. A copy of the receipt shall be forwarded to the inmate and all checks/money orders shall be delivered to the institution trust fund custodian. (See Policy #208.01)
 8. Certified checks and money orders for which the identity of the inmate cannot be determined, (i.e. illegible or unidentifiable name and number, no TDOC number, etc.) will be returned to sender. If neither the sender nor the recipient of the mail can be verified, the mail in question will be handled as noted in Section VI.(G) of this policy.
- D. Books, magazines, and newspapers received directly from the publisher or a recognized distributor are assumed to have been purchased; therefore, when sent into the institution as bulk rate mail, these items will be accepted unless the printed material is denied by the Warden under the provisions outlined in Section VI.(C)(3) above. These items will not be considered packages. All other bulk rate mail will not be processed by institutional mail room staff. Unauthorized items sent by bulk rate with guaranteed postage paid if returned shall be returned to the sender. Other undelivered bulk rate mail shall be destroyed. Inmates who want to receive other items that are normally sent bulk rate mail must prepay first or second class postage for the material to be delivered by TDOC staff.
- E. Video cassette tapes are not permitted.
- F. Audio cassette tapes may be received in accordance with Policy #504.01, Inmate Personal Property, and under the following circumstances:
1. Inmates with a disability or other condition that prevents the inmate from being able to engage in written correspondence may receive communication tapes. Special approval is required by the Warden via the inmate's counselor.
 2. Religious/educational tapes may be received from recognized religious groups. (See Policy #118.01)
 3. Inmates participating in an approved educational correspondence course may receive audio cassette tapes mailed directly from the educational facility providing the course. (See Policy #117.02)
 4. Legal tapes may be received from attorneys of record.
 5. Musical tapes may not be received.
- G. All incoming mail must bear the inmate's committed name, TDOC identification number, and the correct institutional address of the inmate recipient. Aliases may be included when such have been legally changed through the court. Exception to the TDOC identification number requirement is allowed for incoming Form 1099s, which are issued by the federal government to indicate the inmate's earned wages. In this instance, the inmate's Social Security number has been indicated and will serve as proper identification. Every effort shall be made to deliver inmate mail; however, when neither the correct identity of the inmate

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recipient nor the sender can be determined, the mail/package in question shall be returned to the USPS as "undeliverable mail". Incoming mail that has been opened must be resealed and returned with postage paid by the facility.

1. Inmates may correspond with others who are incarcerated. Inmates will not be permitted to enclose stamps in correspondence to other inmates.
 2. Inmates in segregation may write and receive letters on the same basis as inmates in the general population.
- H. Packages may only be received by an inmate directly from the approved contract vendor. Individuals on the inmate's approved visitor list may also purchase items or packages from the approved contract vendor according to the guidelines below and according to Policy #504.01. All items ordered must meet the specifications listed on the Inmate Personal Property List, i.e., clear plastic TV, etc.
1. The number of packages which an inmate may receive is determined by the inmate's custody designation.
 - a. Inmates classified as maximum or close custody may receive no more than one package every six months. The Commissioner will designate the number of package(s) allowed in December. Wardens may designate months to level work load of staff.
 - b. Inmates classified as medium or minimum custody may receive no more than one package every three months. The Commissioner will designate the number of package(s) allowed in December.
 - c. Inmates that are still confined to a reception center in excess of ninety days and are awaiting transfer shall be allowed to order an approved package containing only a television, socks, and underwear, provided they are otherwise eligible to receive packages. Newly committed inmates may order grooming and toilet articles (Items 22 - 31 of the Inmate Personal Property Memo) at the discretion of the Warden.
 2. Printed materials, or approved arts and crafts material which are not otherwise prohibited, shall not count against the maximum number of packages per month permitted to be received.
 3. Inmates convicted of a disciplinary offense, excluding verbal warnings, shall not be eligible to receive any packages, except for clothing items (#1-#10) which are listed on the personal property memorandum during the number of consecutive months listed below:
 - Class C disciplinary six months restriction
 - Class B disciplinary nine months restriction
 - Class A disciplinary 12 months restriction

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4. The disciplinary committee may impose the following escalating sanctions for all convictions on cellular telephone or drug related charges:

First Offense - no packages for six consecutive months

Second Offense (within 18 months of first offense) - no packages for nine consecutive months

Subsequent Offenses (within 24 months of second offense) - no packages for 12 consecutive months

Inmates that are assigned to a substance abuse treatment program who test positive shall also be subject to these escalating sanctions

- I. The content of packages received shall be subject to the following limitations:
 1. Items, excluding shower shoes, brushes, and combs, which are the same as or similar to items available through the institutional commissary may not be received from the vendor.
 2. Clothing, equipment, and supplies permitted by policy will be acceptable subject to restrictions and provisions.
 3. Personal property packages received from the approved contract vendor will be subject to the imposed package limit.
- J. All incoming packages delivered by postal services shall be received in the mail room. They shall be checked and recorded by appropriate staff. Institutions with a security designation of Level II or higher shall fluoroscope all packages for contraband prior to entry into the compound. Packages exceeding two feet in height and two feet in length by one to one and one half (1 - 1½) feet in width will not be accepted unless specifically approved by the Warden. Packages shall be opened by mail clerks or property room staff only in the presence of the inmate addressee. A physical barrier should separate staff from the inmate when packages are opened for inspection.
 1. Packages for segregated inmates should be delivered within 48 hours, excluding weekends and holidays, of receipt at the institution. At such time, the package should be opened in the inmate's presence by appropriate staff.
 2. All other inmates should be called to a designated area within 48 hours, excluding weekends and holidays, of the package's delivery to the institution. At such time, the package should be opened in the inmate's presence by appropriate staff.
 3. Packages not accepted will be disposed of in accordance with the policy governing inmate personal property. (See Policy #504.02)

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K. Outgoing Mail:

1. Inmates shall be responsible for the contents of their outgoing mail. Correspondence should not contain any threats to the institution, staff, victims, victim families, inmates, or the public, or contain offensive material/items, language, photographs, or drawings. Coded mail shall not be allowed. All outgoing mail must bear the committed name, TDOC identification number, and the institutional address of the sender. Inmates may include an alias when the name has been legally changed through the court.
2. Indigent inmates assigned to reception centers may be provided with a maximum of four postage stamps. All other indigent inmates may receive two postage stamps per pay period through the Chaplain's office, upon written request.
3. Except as otherwise provided herein, when the inmate bears the cost of mailing, there is no limit to the number of letters the inmate can send or receive, or to the length, language, or content of mail. First class postage for outgoing legal mail shall be provided by the institution only for mail being sent by indigent inmates to the attorney, court, or offices involved in the inmates legal matter. Indigent inmates assigned to reception centers may be provided with a maximum of four postage stamps prior to the inmate receiving funds as defined in Policy #112.08.
4. Outgoing privileged mail shall have the envelope date stamped immediately upon its receipt by a designated employee, who will also make an entry in the log for privileged mail. The mail must be identified as privileged by the inmate, who may write "privileged" on the front of the envelope or who may inform the mail room staff. This requirement shall apply for all inmates, including those in segregation or protective custody status.
5. After the envelope has been date stamped, it shall not be returned to the inmate under any circumstances. The inmate will be notified when an envelope does not have the required amount of postage. The inmate will have two working days to provide the additional postage. The envelope will not be returned to the inmate. Remaining envelopes with insufficient funds will be disposed of after three working days.
6. Outgoing mail, excluding privileged mail, shall be opened for examination upon an order of the Warden when reasonable suspicion exists that the security, order, or programs of the institution are threatened or that it contains information relating to criminal activity. The inmate sender shall be present whenever outgoing mail is opened, unless the mail is being opened as part of an ongoing criminal investigation and so doing would compromise the investigation. All requests to open outgoing mail as part of a criminal investigation, whether the request is made by another agency or the TDOC, shall be approved by the Director of Internal Affairs, who will maintain documentation of the requestor, the nature of the investigation, a case number (if applicable), a begin date, and an end date. Should the investigation require that the mail be opened for a period that extends beyond 30 days, a new request must be submitted.

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7. Privileged mail may only be opened and/or read with the written permission of the Deputy Commissioner of Operations. A written request stating the reason for this action must be submitted by the Warden/designee to the Deputy Commissioner of Operations for approval. Excluding weekends and holidays, approval must be obtained within 24 hours of the mailrooms receipt of the outgoing correspondence.
8. The Warden will have stamped on the back of each envelope "THE DEPARTMENT OF CORRECTION HAS NEITHER INSPECTED NOR CENSORED AND IS NOT RESPONSIBLE FOR THE CONTENTS".

L. Mail rejected by the Warden will be handled as follows:

1. If the Warden determines that mail sent to an inmate could reasonably present a threat to the security, order, or programs of the institution, he/she shall notify both the inmate recipient and sender of his/her intent to reject the mail and return it to the sender, except bulk rate mail covered in Section VI.(D). This notice shall be in writing, dated, and include:
 - a. The name and address of the sender
 - b. The name of the inmate recipient
 - c. The date the mail was received at the institution
 - d. The reason the Warden intends to reject the mail
 - e. A statement that either the recipient or sender may appeal this decision to the Deputy Commissioner of Operations within 14 working days and that a failure to appeal will result in rejection of the mail and its return to the sender.
 - f. The name and address of the Deputy Commissioner of Operations to whom an appeal may be sent.
 - g. Rejection notices regarding magazines or similar publications must contain information to identify the specific issues or items being rejected (example, picture on page 7 is pornographic; article on page 8 contains information on weapons manufacture, etc.).
2. If the Warden orders the examination of outgoing mail, which will include, but not be limited to, privileged mail as set forth in Section (K)(6) and (7) above, an entry will be made in the ledger entitled "record of censored mail" as provided for in Section VI.(Q)(4)(a)(1-7), and the provisions outlined in (L)(1) (e-f) above will apply. The mail may be returned to the inmate or retained pending the resolution of a disciplinary report or a criminal investigation hearing.

- M. If a timely appeal is received by the Deputy Commissioner of Operations, he/she shall notify the Warden of the appeal, examine the mail in question, and consider the Warden's reasons for rejecting it. If the inmate elects to appeal the rejection, he/she shall send a copy of the appeal to the Warden at the time the original is sent to the Deputy Commissioner of Operations.

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- N. If the Deputy Commissioner of Operations agrees with the Warden's decision, he/she shall notify the Warden, sender, and inmate recipient, in writing, and the mail shall be returned to the sender. If the Deputy Commissioner of Operations determines that the mail should not be rejected, he/she shall notify the Warden, sender, and inmate recipient, in writing, and the mail shall be delivered to the inmate. The Deputy Commissioner of Operations should make his/her decision within 14 days of receipt of the appeal.
- O. Rejected mail may not be returned to the sender until either the time to appeal the Warden's decision has expired or the Deputy Commissioner of Operations has upheld the Warden's decision.
- P. Contraband which is discovered in mail shall be handled as follows:
1. Cash Monies
 - a. Cash monies shall be returned to the sender by certified mail, with an explanatory letter, at the expense of the institution.
 - b. Cash monies which were obviously hidden in the mail or property shall be deposited to the general fund. (See Policy #208.06) In those cases, a detailed description and photograph of the method used to conceal the money shall be made, and an explanatory letter will be provided to the sender and inmate involved.
 2. Items which appear to be in violation of law or policy may be held for evidentiary purposes.
 3. Disposition of information obtained from censored mail, both incoming and outgoing, shall be the responsibility of the Warden.
 4. With the exception of cash monies and illegal items, mail shall be marked "Refused" and "Return to Sender" if it is:
 - a. A package the inmate is ineligible to receive
 - b. Refused delivery on the basis of content by authority of the Warden.
 5. All property items that are clearly prohibited or not specifically permitted by policy, but are not otherwise illegal, excluding certified checks/money orders, may be marked "Refused - Return to Sender" or disposed of in accordance with the policy governing inmate personal property. (See Policy #504.01)
 6. In all instances, the intended inmate recipient shall be notified, in writing, of the refusal, return, and or disposition of such items.
 7. For items identified in Section VI.(O), the notice shall indicate why the items are prohibited and that the inmate has 14 days to request an opinion from the Deputy Commissioner of Operations that the item(s) in question is permitted by policy. The Deputy Commissioner of Operations shall respond to such inquiries within 14 days of receipt.

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Q. Organization and Record Keeping

1. The mail room staff is responsible for the receipt and distribution of all incoming mail, and for the sending of all outgoing mail, including that received and sent by state messenger service.

- a. Secure depositories for outgoing mail shall be maintained.
- b. Inmates or unauthorized staff shall never be permitted access to the mail, the mail room, or mail depositories.

2. Rubber stamps shall be maintained to mark:

- a. The date and time when each item of mail was received.
- b. "REFUSED"; "REFUSED DUE TO CONTENT"; "RETURN TO SENDER"; each with a signature line for the mail clerk.

3. A system of index cards shall be maintained for each inmate who is in the total assigned population of the institution:

a. The format shall be:

Custody

NAME: _____ TDOC# _____ Level : _____
(inmate)
Record of Packages Received
Date Name of Sender Signature of Employee

b. When a card is completely filled in or an inmate is transferred or released, the card shall be removed from the file and forwarded to the property room for inclusion with the inmate's property room documents.

4. A permanently bound ledger(s) titled "RECORD OF CENSORED MAIL" shall be maintained and shall contain the following entries:

a. Regarding mail which the Warden ordered to be read:

- (1) Inmate name and TDOC number
- (2) Name and address of sender addressee
- (3) Description of the item
- (4) Date the item was received by the mail room
- (5) Date the item was read
- (6) Signature of staff who read the item
- (7) Approving signature of Warden

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b. Regarding mail or items removed from the mail, other than prohibited bulk rate mail:

- (1) Inmate name and TDOC number
- (2) Name and address of sender/addressee
- (3) Description of the item
- (4) Date the item was received by the mail room
- (5) Date the item was removed from the mail
- (6) Disposition of the item (i.e. returned to sender; to property room; to Warden as illegal contraband, etc.)
- (7) Signature of mail clerk
- (8) Signature of Warden, if applicable regarding illegal contraband

5. The following forms and letters shall be utilized as specified:

- a. A form letter on institutional letterhead with CR-2782 will be completed and mailed to senders of cash monies. The cash shall be enclosed and returned. A copy shall be sent to the inmate addressee and a copy shall be filed in the mail room.
- b. Personal Property Notification, CR-1415, will be completed and given to an inmate indicating the removal of contraband items from mail, and specifying the disposition which has been or is to be made. A copy shall be filed in the mail room.
- c. A supply of rules governing inmate receipt and sending of mail shall be copied onto institutional letterhead, dated as revised, and kept in sufficient supply to ensure that any inmate requesting a copy will receive one. Inmates shall be encouraged to send this to correspondents.

6. A series receipt book or bound ledger, as appropriate, shall be maintained to record the following:

- a. Privileged mail sent or received
- b. Certified or registered mail sent and/or received
- c. Certified checks and money orders received for deposit in the inmate's trust fund

R. Receiving Mail: Inmates not personally known by staff who receive mail or who sign receipts for mail shall be required to present an institutional identification card.

VII. ACA STANDARDS: 4-4274, 4-4275, and 4-4487 through 4-4496.

VIII. EXPIRATION DATE: June 1, 2015.

(INSTITUTION LETTERHEAD)

MEMORANDUM

TO:

_____ (Inmate Name / TDOC Number)

_____ (Name of Sender)

_____ (Sender's Address)

FROM:

Mailroom Clerk

DATE:

SUBJECT:

Green Money / Personalized Check

The enclosed money was found in mail addressed to inmate:

Name: _____ TDOC# _____

By Department of Correction Policy #507.02, No personal checks or cash may be accepted. *Certified checks and money orders may only be received.* Cash money found in the mail or property shall be returned to the sender.

Sincerely,

Mailroom Clerk

_____ Institution

Enclosure:

Green Money \$ _____ Amount

Personalized Check \$ _____ Amount

Check Number _____

Date Mailed Out: _____

