

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Functional Area: Facility Operations	Reference Number: IIB04-0001	Revises Previous Effective Date: 10/6/08
Subject: Inmate/Probationer Mail And Receipt of Funds		
Authority: Owens/Hodges	Effective Date: 9/15/09	Page 1 of 26

I. POLICY:

- A. Under the Rules of the Board of Corrections, the Department is required to provide inmates/probationers with certain mail rights and privileges. Therefore the Warden or Superintendent of each facility/center housing inmates/probationers under the Department's jurisdiction will make provisions for receiving and dispatching inmate/probationer mail.
- B. The only restrictions to the right of correspondence will be those necessary to ensure the safety of the facility/center or other persons. All inmates/probationers must meet rules and regulations for mailing letters. Deliberate violations may result in disciplinary action or referral for prosecution by appropriate authorities.
- C. Postage and correspondence materials will be made available for purchase by inmates/probationers with funds, or provided to indigent inmates/probationers as indicated in the following procedures.
- D. Inmates/probationers may receive funds only through the mail and only in the form of United States Postal Money Orders, cashier's checks, or money orders issued by companies licensed to sell money orders in the State of Georgia. Personal checks, business checks, and cash are not acceptable for credit to an inmate's/probationer's account. The GDC Accounting and Payroll Section publishes annual updates that identify those approved companies and money order instruments (SOP IVG01-0021) that are authorized for receipt. A list of these companies will be posted at the facility/center at all times and made available to inmates/probationers and their visitors upon request.

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II. APPLICABILITY:

All State Prisons, County C.I.s, Private Prisons, Transitional Centers, Probation Detention Centers, Inmate Boot Camps and Probation Boot Camps, Parole Revocation Centers and any other facilities housing GDC inmates or probationers. For Boot Camps, SOP's IIB12-0001 through IIB12-0008 control where conflicts arise.

III. RELATED DIRECTIVES:

- A. GDC Rule 125-2-4-.06(c)(d), 125-3-1-.06(a), 125-3-3, 125-3-3-.04 (4), 125-4-6.03(d).
- B. Standard Operating Procedures; IIA05-0001, IIA14-0001, IIB01-0005, IIB01-0018, IIB01-0022, IIB02-0001, IIB02-0004, IIB05-0001, IIB06-0001, IIB06-0002, IIB06-0003, IIB12-0004, IIC05-0001, IVG01-0021, IVI01-0007, IK01-0005.
- C. ACA Standards: 3-4044, 3-4045, 3-4263, 3-4264, 3-4429, 3-4431, 3-4437, 3-4433, 3-4435, 3-4436, 3-4434.
- D. Case Law: *Amatel v. Reno* 156 F.3d 192 (D.C. Cir. 1998), cert. denied, 119 S.Ct. 2392 (1999); *Mauro v. Arapaio* 188 F.3d 1054 (9th Cir. 1999), cert. denied, 120 S.Ct. 1419 (2000) and *Waterman v. Farmer* 183 F. 3d 208 (3rd Cir. 1999).

IV. DEFINITIONS:

- A. Privileged mail is correspondence between an inmate/probationer and the Governor, Lieutenant Governor, Members of the General Assembly of Georgia, the President and Vice President of the United States, Members of the United States Congress, Members of the State Board of Pardons and Paroles, Members of the State Board of Corrections, the Commissioner of the Georgia Department of Corrections (GDC), the Assistant Commissioners of GDC, the Division Directors of GDC, the press, the Courts, the inmate's/probationer's attorney and all other governmental agencies.
- B. An inmate's/probationer's attorney will include any attorney with whom the inmate has had, or is attempting to establish, an attorney client relationship, and who is licensed to practice in State or United States courts, The U.S. Court of Appeals, or the U.S. Supreme Court. Also, an approved designee of such attorney, as defined in SOP VD01-0014, "Access to Courts."

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- C. Other governmental agencies are defined as agencies or instrumentality's of municipal, county, state or federal government.
- D. The term "press" is defined as newspapers, newsmagazines, news services, and radio and television stations.
- E. Contraband may be defined as any item or article in the possession of an inmate/probationer, or found within the facility/center, that has not been officially issued, purchased in the commissary, or approved by an appropriate staff member.
- F. An inmate/probationer may be classified as indigent if account records indicate that he or she has less than five dollars (\$5.00) in his or her account on the date of the mailing. Frozen funds will not be counted for these purposes. Referenced in Sections VI.G.1; VI.G.7; VI.I.4; VI.K.1; VI.K.3; and VI.L.2.e.
- G. Nudity is defined as a pictorial depiction where the human male or female genitals, pubic area, buttocks, or female breasts are exposed.
- H. Sexually explicit conduct is defined as a written or pictorial depiction of actual or simulated sexual acts, including, but not limited to, intercourse, sodomy (oral or anal) or masturbation.
- I. The Publication Review Committee (PRC) will consist of a representative of the Corrections Division, the Legal Office and the other sections of the Department, as needed. The purpose of this Committee is to review impounded publications to determine if they meet the criteria for rejection, to notify institutions of impounded publications, and to maintain and distribute information regarding approved and rejected publications.
- J. Immediate Family: A member of an inmate's family that falls into one of the following relationships - parents, brothers, sisters, spouse, grandparents, grandchildren, children.

V. ATTACHMENTS:

- Attachment 1 - Mail Items Rejection Form
- Attachment 2 - Funds Endorsement Form
- Attachment 3 - Request for Indigent Postage

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VI. PROCEDURE:

A. Mail Room:

1. **Authorization:** Mail rooms, will be off limits and out of bounds to all inmates/probationers and unauthorized staff.
2. **Mail Room Officer:** The Warden or Superintendent will designate a Mail Room Officer to process incoming and outgoing inmate/probationer mail. The Mailroom Officer will manage mail according to basic postal policies and GDC procedures governing inmate/probationer mail and will apply basic postal regulations governing the proper handling of the different classes of mail.
3. **Restriction on Inmates:** Inmates/probationers will not be utilized in the mail system.

B. Required addresses on all incoming/outgoing Inmate Mail:

1. All incoming/outgoing mail must have a complete name and address of the sender and receiver on the envelope. A complete address for outgoing/incoming mail will include the inmate's full name, GDC I.D. number, unabbreviated facility name, post office box, city/state, and zip code. A return address must be present on incoming mail so that undeliverable mail may be returned to the sender. (Board Rule 125-3-3-.02)

C. Receipt and distribution of inmate/probationer mail:

1. **Receiving and stamping:** Mail received at the facility/center will be delivered by the end of the next working day except as otherwise provided herein. Only incoming **privileged** mail will be date-stamped upon receipt. All postage stamps must be removed or defaced by designated staff before delivery to the inmate/probationer.
2. **Certified or Registered mail:** Incoming certified or registered mail for inmates/probationers will be processed as all other mail, but delivered to the addressees only after securing a signed receipt for same.

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3. **Delivery:** A designated staff person(s) authorized by the warden will deliver mail to the housing units. Correctional staff will distribute mail directly to the inmate/probationer addressee.
4. **Books and magazines:** An inmate/probationer may receive books and/or magazines only from the publisher, dealer, or established attorney of record. The inmate may receive these items without using his or her monthly package allowance. However, a request must be made for these items on a package request form. (With the exception of such items received from an established attorney of record). He or she will be limited by the personal property (SOP IIB06-0001) on how many books, magazines, printed material or photocopies he or she may keep in his or her cell or dormitory.
5. **Packages:** The handling of packages will be in compliance with SOP IIB06-0001, inmate/probationer Personal Property.
6. **Transferred Inmates:** Mail received and addressed to an inmate/probationer who has been transferred will be forwarded to the location where the inmate/probationer was transferred. Mail addressed to any inmate/probationer released from custody will be returned to the sender. (Refer to Section VI.L for more guidance)

D. Dispatch of outgoing inmate/probationer mail:

1. **Collection:** Outgoing inmate/probationer mail will be collected by an employee from locked mail boxes located in designated areas at least once each day after 7:00 a.m. Monday through Friday and dispatched to the United States Post Office that same day. Saturdays, Sundays, and holidays are excluded from the mail pick up and delivery schedule.
2. **End-of-Week:** On the last work day of each week, privileged mail will be picked up at both 7:00 a.m. and 1:00 p.m., and will be dispatched from the facility/center that same day to the United States Post Office in time for forwarding.
3. **Personal Mail:** Outgoing personal mail will be mailed sealed, but may be opened for inspection as indicated elsewhere in this SOP.

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4. **Unopened Mail:** All outgoing mail that is not opened, including all privileged mail and all unread personal letters, will have the following stamped on the back of the envelope:

(Name) _____ State Prison (or Center)

(Address) _____

"The enclosed letter was processed through special mailing procedures for forwarding to you. The letter has been neither opened nor inspected. If the writer raises a question or problem over which this facility/center has jurisdiction, you may wish to return the material for further information or clarification. If the writer encloses correspondence for forwarding to another addressee, please return the enclosure to the above address."

E. Privileged mail:

1. Identification:

- a. **Outgoing:** Outgoing privileged correspondence will be treated as privileged only if the name and official status of the recipient appears on the envelope. The mailing address of outgoing press mail must reflect the name of the newspaper, news magazine, news service, radio station or television station.
 - b. **Incoming:** Incoming privileged correspondence will be treated as privileged only if the name and official status of the sender appears commercially printed on the envelope.
2. Incoming privileged correspondence may be held until the end of the second working day after receipt, to allow verification of the privileged status of the sender.
 3. Outgoing privileged correspondence may be held until the close of business on the second working day after receipt to allow verification of the privileged status of the addressee.
 4. Privileged mail will not be subject to restriction as a disciplinary measure.

5. Inspection of privileged mail:

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- a. Mail to and from privileged sources may be externally inspected by fluoroscope, metal detecting device, or manual inspection for the purpose of detecting contraband. Following any external inspection, an appropriately designated staff member may open and inspect (but **not** read) all privileged mail in the presence of the inmate/probationer to whom it is addressed or from whom it originates.
- b. The inspection of privileged mail will not be permitted to create undue delays and will not prevent its delivery by the end of the next working day after receipt.

F. Mail Restrictions:

1. **General Guidelines:** Inmates/probationers may correspond with any person with no limitation on number of letters. However, limitations on correspondence funds available to indigent inmates/probationers will necessarily restrict such inmates/probationers' outgoing correspondence (Section VI.J.3 specifies available funds). Any and all material printed from the Georgia Department of Corrections website will be considered contraband. It will neither be received nor possessed by any offender.
2. **Printed Material or Photocopies:**
 - a. Printed material included with a letter will be limited to 25 sheets of paper, with the following exceptions.
 - 1) Court transcripts may be received in their entirety from any source. These transcripts must be for use in the offender's current case.
 - 2) If an offender sends legal documents outside the facility to be copied, the offender may receive all of those copies back in the mail in a single mailing. However, the offender must inform the mail room that the copies are being mailed to the facility.
 - 3) These volume limits do not apply to privileged mail.

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- b. All printed material or photocopies must meet the publication criteria as outlined in section VI.I of this procedure and it must be stored neatly in the offender's locker in such a way that does not pose a fire, safety, or sanitation hazard.
3. **Offender-to-Offender Correspondence:** Offenders will not be allowed to correspond with one another unless they are immediate family and each facility's Warden/Superintendent has approved it in writing. This written approval will be maintained in the offender's case file.
 4. **Investigations:** Offenders under investigation for a serious criminal charge will not be allowed to send out nor receive mail. Privileged mail will not apply to this restriction. If the offender receives privileged mail, it will be inspected in the presence of the offender prior to it being given to the offender. If the offender wishes to send out privileged mail to an attorney, the facility will verify that the address is for the attorney of record listed by the inmate in the institutional file or in the contacts section of SCRIBE. If the inmate claims to be attempting to establish an attorney client relationship, the facility will verify that the recipient is an attorney or is employed by an attorney. Restrictions of this nature will only be enforced with the written approval of the Field Operations Manager and the Facilities Operations Director.
 5. **Specific Restrictions:** No one will be limited to a list of approved correspondents. However, the Warden or Superintendent may maintain a list of restricted correspondents.
 6. **Restriction Approval:** Correspondence restrictions will be imposed only with the written approval of the Warden or Superintendent. This written approval will be maintained in the Warden/Superintendent's office.
 7. **Withdrawal of Mail Privilege:** An inmate's/probationer's mail privilege may only be withdrawn as a result of the following actions:
 - a. **Abuse:** When an inmate/probationer is found to have abused the mail privilege under the

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procedures and infractions described in SOP IIB02-0001, "Inmate Discipline";

b. **Termination Request:** When an individual requests termination of correspondence with the inmate/probationer; or

c. **Security:** On a case-by-case basis, the Warden or Superintendent determines that it is detrimental to the security, good order, or discipline of the facility/center, protection of the general public, or if it might facilitate criminal activity. Documentation MUST be kept to support this action.

8. **Segregation/Isolation:** Inmates/probationers housed in isolation, administrative segregation and protective custody will receive mail privileges in the same manner as the general population unless the inmate's/probationer's mail privilege has been withdrawn as a result of one or more of the above actions.

9. **Notification of Correspondents:** When an inmate's/probationer's mail privilege is suspended for disciplinary purposes, the facility/center will permit the inmate/probationer to notify persons to whom he or she regularly corresponds concerning the period of suspension. Completed notification cards of indigent inmates/probationers will be processed by the facility/center.

10. **Non-privileged Mail:** Any non-privileged mail received for the inmate/probationer during a period of suspension will be secured and retained by the Mail Room Officer until the suspension period is completed.

G. **Inspection of inmate/probationer mail:**

1. **Authorization:** The only facility/center staff authorized to inspect the contents of inmate's/probationer's mail are Mail Room officers, the Warden or Superintendent, Deputy Warden or designee. There will be no disclosure concerning the inspection or the contents of the correspondence observed except for official purposes. No Correctional Officer will read an inmate's/probationer's mail brought to the housing unit before distributing the mail to the inmates/probationers. After distribution to the

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inmate/probationer, delivered mail becomes subject to rules governing personal property, explained in SOP's IIB06-0001, IIB06-0002, and IIB06-0003.

2. **Inspection of non-privileged mail:**

a. Inmate letters and packages will be inspected to intercept cash, checks, money orders and any other contraband. Since credit cards, charge cards, debit cards, and similar devices qualify as negotiable instruments, they are contraband and will be confiscated. Inspection will also include the random reading of the mail. A portion of all incoming mail will be read each week.

b. All incoming packages will be opened for inspection by a staff member prior to the package leaving the administrative area of the facility/center. Packages addressed to inmates/probationers will not be opened in the presence of the inmate/probationer receiving the package.

Note: Upon review of all incoming mail to inmates/ offenders, the staff member reviewing these items will insure that at **no time, with no exceptions** will pre-stamped envelopes or packages be allowed to enter a Georgia Department of Corrections facility. This precaution is taken to reduce the introduction of contraband into our facilities/ centers.

c. Approved mail between two inmates/probationers or residents of any penal facility/center or facilities may be inspected for contraband or dangerous information. Any such mail withheld from the recipient will be handled strictly according to the procedures described in Section H, "Return of incoming mail or removal of items."

H. **Return of incoming mail or removal of items:**

1. **Failure to Comply:** Correspondence may be disallowed because of dangerous content or the inmate's/probationer's failure to comply with correspondence rules and regulations.

2. **Notification:** If a letter is totally or partially rejected, a written notice, signed by the official

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authorizing the rejection and stating the reasons, will be provided to the sender and the addressee.

3. **Return:** The facility/center may return the contraband or the entire letter (if the letter meets the criteria established in section VI.H.1 of this SOP) at the facility/center's discretion. If the contraband is retained at the facility/center and the sender does not indicate what its disposition should be within thirty (30) days, the contraband may be discarded or donated to charity, according to the procedures described in SOP IIB06-0002, "Management of Inmate Property and Contraband." All contraband, including stamps or rejected mail (except illegal contraband), may be returned to the sender, at the inmate's/probationer's expense, if he or she is not indigent. (See SOP IIB06-0002.)
4. **Documentation:** When any item or piece of incoming mail is removed or returned, the inspecting officer or Mail Room officer will document the action by recording the following information:
 - a. The inmate's/probationer's name and number;
 - b. a description of the mail in question;
 - c. a description of the action taken and the reason for such action;
 - d. the disposition of the item involved;
 - e. the signature of the officer; and
 - f. the inmate's/probationer's signature.
5. **Illegal Contraband:** Illegal contraband (ie: weapons, drugs, etc.) will be turned over to law enforcement authorities and disposed of according to SOP IIB06-0002, "Management of Inmate Property/Contraband." If illegal contraband is to be used for obtaining a warrant and application of criminal charges, then chain of possession procedures must be complied with, SOP IK01-0005 Crime Scene Preservation.

I. **Rejection of publications:**

1. **Criteria for Rejection:** A publication may not be rejected solely because its content is religious, philosophical, political, social, or because its content is unpopular or repugnant. Publications

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- a. **Weapons:** It depicts or describes procedures for the construction or use of weapons, ammunition, bombs, or incendiary devices.
- b. **Escape:** It depicts, encourages, or describes methods of escape from correctional facilities, or contains blueprints, drawings or similar descriptions of GDC facility/centers.
- c. **Bootlegging:** It depicts or describes procedures for the brewing of alcoholic beverages, or the manufacture of drugs or the manufacture of other unlawful substances.
- d. **Code:** It is written in code.
- e. **Violence:** It depicts, describes or encourages activities that may lead to use of physical violence or group disruption.
- f. **Crime:** It encourages or instructs in the commission of criminal activity.
- g. **Disruption:** The material is of a type that has demonstrably caused violence or other serious disruption of facility/center security.
- h. **Hatred:** The material advocates racial, religious, or national hatred in such a way so as to create a danger of violence in the facility/center.
- i. **Sexually Explicit Material:** Publications and materials featuring nudity or sexually explicit conduct. Nudity is defined as a pictorial depiction where the human male or female genitals, pubic area, buttocks, or female breasts are exposed. Sexually explicit conduct is a written or pictorial depiction of actual or simulated sexual acts, including, but not limited to, intercourse, sodomy (oral or anal) or masturbation. A publication will not be prohibited solely because it contains pictorial nudity that has a medical, educational, or anthropological purpose. Publications featuring nudity or sexually explicit conduct may be allowed in some circumstances if they have

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serious literary, artistic, political, educational or scientific value, and they do not appeal to the prurient (lascivious) interest, and do not describe human sexual behavior in a patently offensive way.

2. Publications may only be rejected on an issue-by-issue basis. No publications should ever be rejected on a subscription or publication basis. Each publication issue must be reviewed without consideration of prior issues.
3. The Warden/Superintendent or designee will impound/reject and not issue to inmates any publication found to be inadmissible pursuant to the criteria in VI.I.1. The decision to impound or reject a publication must be made within three (3) workdays of the receipt of the publication at the facility/center.
4. If a publication contains materials meeting the criteria for rejection the entire issue of the publication will be rejected. The mailroom officer will not remove the objectionable portions and allow the remainder of the publication into the facility/center.
5. When a publication is impounded/rejected by a facility/center because of subject matter content pursuant to VI.I.1., the publication will be treated as having been found to be detrimental to the security, order, disciplinary or rehabilitative interests of the Department.
6. If a facility/center cannot determine, utilizing the criteria as set forth in VI.I.1., the publication will be impounded for review by the Publication Review Committee (PRC). Any facility/center to impound a publication for the purposes of further review by the Publication Review Committee will be responsible for immediately notifying the Corrections Division representative of the Publication Review Committee by phone or e-mail (using GroupWise) to notify that the publication has been impounded. The phone number for the Corrections Division Representative is (404) 656-2809. Please refer to the GroupWise Address Book for the appropriate email address of the Corrections Division Representative. The Corrections Division representative of the Publication Review Committee will then immediately notify all facilities/centers

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that the publication has been impounded pending review by the Publication Review Committee.

- a. The impounded publication will not be allowed in at any facility/center pending this review unless the Publication Review Committee subsequently reverses the impoundment decision.

NOTE: Do NOT forward any publications for review by the Publication Review Committee unless notified to do so by the Corrections Division Representative.

- b. The Corrections Division Representative will notify the facility/center that impounds the publication to immediately forward the publication to the Publication Review Committee for further consideration. The sending facility/center will identify the section (s) of concern to expedite the review.

- c. Any facility/center impounding a publication will notify the inmate that a publication mailed to them was received and impounded pending review by the Publication Review Committee.

1) Attachment 1 of this SOP will be utilized to notify the inmate. Under section E of the attachment the reason for the impounding will be stated.

2) The facility/center is not required to notify the publisher in the event of the rejection of a publication or issue of a publication under this procedure.

- d. The Publication Review Committee will meet on an AS NEEDED basis to review impounded publications.

- e. The Publication Review Committee (PRC) will review each submitted impounded publication to determine if they meet the criteria for rejection in VI.I.1. Following review of a publication the PRC will either allow the publication or reject the publication. Specific reasons for rejecting a publication will be maintained by the PRC.

- f. Following review of a publication, the PRC will notify all facilities/centers of the result of

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that review. Upon completion of the review the PRC will return the publication to the sending facility/center for appropriate action in accordance with this procedure.

- g. The PRC will maintain a List of Approved/Rejected Publications. This list will be forwarded to all facilities/centers electronically.
- h. If a facility/center allows a publication that is subsequently determined to be a rejected, the facility/center should exercise their authority to confiscate the publication as contraband and handle pursuant to Standard Operating Procedures regarding inmate property and contraband.

J. Appeal of Rejection of Publications:

Any publications which are determined by the personal inspection of the Warden/Superintendent or his/her assistant to be threat to the security, discipline or good order of the institution or which violate laws of the state of Georgia can be excluded by the Warden/Superintendent. This decision will remain in force until such time the inmate makes an appeal. Notice will be given to the inmate of the Warden's decision. The inmate may submit in writing to the Warden/Superintendent reasons for authorizing receipt of the publication utilizing attachment one section F. of this Standard Operating Procedure. These written reasons will be forwarded to the Commissioner's designee (the Publication Review Committee) with the Warden/Superintendent's reasons for exclusion of the publication utilizing a copy of attachment one of this Standard Operating Procedure. Notice of final determination made by the Commissioner's designee (the Publication Review Committee) will similarly be given to the inmate upon receipt by the Warden/Superintendent. Publication review will not conflict, inhibit, nor replace the grievance process. No publication or documents related to the publication will be destroyed prior to the completion of the review and/or grievance process. The thirty (30) day time limit on property will not start until the end of the review and/or grievance process.

K. Postage and correspondence material:

- 1. **Delivery Outside U.S.:** All inmate/probationer mail, regular or indigent, which is destined for delivery

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outside the United States will have proper U.S. postage affixed to the correspondence when received by the facility/center mail room.

2. **Non-indigent inmates/probationers:**

- a. **Postage Limit:** An inmate/probationer may not possess or control more than 20 stamps at one time.
- b. **Bulky Items:** Postage service at the inmate's/probationer's expense will be available to inmates/probationers for mailing large quantities of privileged mail or bulky non privileged items so that the postage stamps in the possession of the inmate/probationer need not be used.
- c. **Store Restriction:** If an inmate/probationer is placed on store restriction for any reason, he or she will nevertheless be allowed to purchase stamps and correspondence material for both personal and legal mail.

3. **Indigent inmates/probationers:**

- a. **Funds:** Funds for non-privileged and privileged mail and privileged correspondence material will be provided to inmates/probationers classified indigent as defined in Section IV. Definitions, subsection F. on page 3 of this SOP. All requests for indigent postage/materials will be directed from the inmate/probationer to the facility business office. The facility counseling staff will **not** be part of this process.
- b. **Non-privileged Correspondence:** Upon request, indigent inmates/probationers will receive stationary and envelopes sufficient to mail UP TO three (3) first class letters per week with the maximum of three (3) first class stamps per week for non-privileged material, to maintain community ties. If more than one (1) first class stamp is required on a mailing, the inmate/probationer may elect to use his or her remaining weekly allotment (up to the total three stamps) to satisfy postage requirements. inmates/probationers not utilizing three (3) first class stamps in any one week may not accumulate the postage for any subsequent

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mailings. inmates/probationers must use the "Request for Indigent Postage" form (Attachment 3) to request postage.

c. **Privileged Correspondence:** Indigent inmates/probationers are allowed to mail privileged correspondence UNTIL FIVE (5) FIRST CLASS STAMPS PER WEEK ARE EXPENDED. If the inmate/probationer fails to utilize all of his or her weekly allotment, the remainder is forfeited.

1) One exceptional mailing per month is allowed at a reasonable postage cost. The exceptional mailing may include documents mailed to more than one party (requiring separate envelopes), but must be copies of the same pleading in the same lawsuit (i.e., an inmate/probationer cannot prepare various pleadings in various lawsuits and send them all out at once in the exceptional mailing). The purpose of the exceptional mailing is to permit, for example, a lawsuit with multiple defendants. Since the courts require an original plus a copy of the lawsuit for each defendant, the exceptional mailing would permit this. Materials submitted for the exceptional mailing can be inspected to determine compliance. The amount of postage used will be included on the "Request for Indigent Postage" form (Attachment 3) and returned to the inmate/probationer within a reasonable time period.

2) Indigent inmate/probationers will be allowed to send privileged mail as certified mail/return receipt requested to comply with the requirements set forth in O.C.G.A. 50-21-26(a)(2) which states: "Notice of claim will be given and will be mailed by certified mail or statutory overnight delivery, return receipt requested, or delivered personally to and a receipt obtained from the Risk Management Division of the Department of Administrative Services."

d. **Request for Assistance:** Indigent inmates/probationers who have an expressed need

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for postage or correspondence material for privileged legal mail will submit a written request to the Business Office. They may, on request, receive the following correspondence material allowances for privileged mail (controlled by SOP IIA14-0001). NOTE: SOP IIA14-0001 says a "reasonable amount" will be provided the following is deemed reasonable with no additional supplies required:

- 1) UP TO one pen monthly (to be exchanged on a one for one basis);
 - 2) 20 sheets of paper per week; and
 - 3) Any combination UP TO five (5) standard letter size or 10" X 13" envelopes per week.
 - 4) UP TO Five (5) sheets of carbon paper per week.
- e. **Legal Pads:** Legal pads may be purchased in the inmate/probationer store.
- f. **First Class Only:** Outgoing privileged correspondence initiated by an indigent inmate/probationer, will extend **only** to first class postage.
- g. **Accounting for Loans:** Funds for indigent postage and correspondence material will be obtained from the Inmate Benefit Fund as a loan. An accounting record will be kept of all postage provided.
- h. **Reimbursement:** If an indigent inmate/probationer receives funds in his or her account in excess of five dollars (\$5.00), excluding frozen funds, at any time after being provided with postage or correspondence material, whether privileged or non-privileged, the amount of assistance provided or any part thereof will be deducted from the inmate's/probationer's account and credited to the Inmate Benefit Fund.
- i. **Reimbursement After Transfer:** If an inmate/probationer receives funds after his or her transfer, collection will be made as

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described above and credited to the Inmate Benefit Fund of the facility/center holding the inmate/probationer at that time.

L. Receipt of funds:

1. **Authorization for Deposit:** Each new inmate/probationer will be interviewed on arrival at the correctional facility/center to which he or she is first permanently assigned for the purpose of completing an authorization for the deposit of funds received.

a. **Funds Endorsement Form:** A "Funds Endorsement Form" (Attachment 2) will be completed for each inmate/probationer on his or her arrival at the facility/center. The completion of the form will authorize the appropriate official to stamp or otherwise endorse money orders or cashier's checks made payable to the inmate/probationer for deposit. The form as well as the actual endorsement is only for the express and limited purpose of representing the inmate/probationer.

b. **Refusal to Sign:** If an inmate/probationer refuses to sign the authorization, the inmate/probationer will be ineligible to receive funds to be credited to his/her inmate/probationer trust account. Any funds received will be returned to the sender.

2. Receipt and processing of money orders:

a. Offenders may receive funds only from those individuals on their approved visitation list or from verified immediate family. Because visitation/contact lists have not been completed for offenders undergoing diagnostic processing, this requirement will not apply until the offender has completed the diagnostic process.

1) **Exceptions:** The Warden/Superintendent is authorized to make exceptions to this procedure in cases where undue hardship would be placed upon the offender. Such exception will be made on a case-by-case basis and will be documented in writing by the Warden/Superintendent.

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- b. No offender will send out money in excess of \$250.00 per month. Exceptions to this limit will be approved in writing by the Warden/Superintendent. (**Note:** This amount will not count towards, nor restrict, any financial obligation that the inmate/probationer has been directed to pay by the courts or any State Agency.) The business office staff will verify, in person, the identity of the inmate submitting the withdrawal slip. Counseling staff will **not** be involved in process of accepting and/or verifying money withdrawal slips.
- c. All money orders will be delivered to the mailroom for entry into the inmate's Scribe account. It will be the responsibility of the mailroom and business office staff to verify entry of money orders to the correct inmate account. After money orders are posted to his/her account, the inmate will be given a written receipt of verification. All checks (which include transfer checks from other facilities, government, etc.) will be delivered to the business office for verification before the business office staff posts the money to the inmates account.
- d. **Notification:** Money orders found in mail will be removed from the correspondence and replaced by a written notice which states the name of the sending party, the amount, and the date the money order was found in the correspondence. The money order will then be processed as in "a" and "b" above.
- e. **Verification of Legitimacy:** Money orders will be delivered to the Business Office for the purpose of verifying the legitimacy of the money order.

The legitimacy of money orders will be determined within five (5) working days unless the source of the money order has to be contacted because of considerations such as fraudulent intent, solicitation, fruits of previous crimes or rule violations, etc.

- f. **Disapproved or rejected money orders:**

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- 1) It will be the responsibility of designated staff to maintain records indicating the disposition of each disapproved money order. A copy of the money order and reason for disapproval will be placed in the inmate's/probationer's file.
 - 2) When money orders are rejected, the inmate/probationer will be notified in writing of the rejection. Such rejection will be subject to the grievance procedure. Rejected money orders will be returned to the sender.
 - 3) If an inmate/probationer is indigent, the money order will be returned at state expense, subject to the reimbursement provisions of this SOP. If the inmate/probationer is not indigent, his or her account will be charged for the return postage.
- g. **Fraudulent Money Orders:** In the event that a money order is received and it is determined to have been sent under false pretenses, the inmate/probationer will not have access to these funds.
- 1) Money orders may be considered fraudulent if it is determined through investigation that the sender is not the individual noted on the face of the money order.
 - 2) If it is determined that a money order is fraudulent after it has been deposited, a permanent freeze in the amount of the money order will be placed on the account. The inmate/probationer will continue to have access to funds in excess of the frozen amount.
 - 3) The freeze status will remain on the account until the inmate/probationer is released from the system, at which time the funds will be released to the inmate/probationer.
3. **Checks, etc.:** Periodically, inmates/probationers will receive checks or other negotiable instruments

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from various sources such as the Internal Revenue Service, Social Security Administration, and the Veteran's Administration. Also, checks may be received from an insurance company, the inmate's/probationer's attorney, the United States or the State of Georgia in payment of insurance claims, recovery in litigation or disability benefits. All checks, including checks from government agencies, will be intercepted and held for the inmate/probationer to forward as described below.

- a. **Forwarding:** These instruments will not normally be deposited and must be forwarded to a family member or other designated individual outside of the facility/center. The instrument may then be deposited into a private bank account or returned to the inmate/probationer in the form of an acceptable money order.
 - b. **Exceptions:** The Warden or Superintendent is authorized to make exceptions to this procedure in cases where an undue hardship would be imposed on the inmate/probationer. Such exceptions will be made on a case-by-case basis and will be approved in writing.
 - c. **Validity:** Prior to any such instrument being deposited into an inmate's/probationer's account, the Warden or Superintendent will insure that all reasonable steps are taken to verify the validity of the instrument.
 - d. **Freeze Period:** All such deposits into an inmate's/probationer's account will be held in a "frozen status" for thirty (30) days to insure that the instrument properly clears all banking procedures.
4. **CASH:** Cash sent to an inmate/probationer through the mail will be logged, then deposited in the facility's/center's petty cash/inmate benefit fund. A check will be made out to the sender (with postage deducted from the inmate's account; if the inmate's account has a zero balance then postage will be handled as indigent mail) and an accompanying letter of explanation will also be sent back to the sender explaining correct procedures for sending approved money orders to the inmate. The mailing of the check and letter will be logged by the facility/center business manager for tracking and administrative

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purposes. A copy of the letter will be placed in the inmate's/probationer's administrative case file.

5. **Unclaimed Funds:** All funds in an inmate/probationer trust account that have remained unclaimed by the owner, or a designated guardian of the owner, for more that five (5) years are to be presumed abandoned.

a. Efforts to locate the owner or designated guardian will be made and documented prior to initiating a claims process.

b. In such cases, the appropriate facility/center staff will initiate the claims procedure as established in GDC's Accounting and Payroll SOP.

6. **Transfer of Funds Between inmates/probationers:** There will be no transfer of funds between inmates/probationers, except when both inmates/probationers are immediate family members. All exceptions of this nature must have prior approval from the Warden before funds are transferred.

M. **Transferred inmates/probationers:** Mail or packages sent to an inmate/probationer who has been transferred will be forwarded within four working days to the inmate's/probationer's assigned location. Newly assigned location includes any custodial confinement such as a facility, center, jail, or out-of-state prison. The inter-facility/center mail system should be utilized when possible. If the inmate/probationer is released from custody, then the mail should be returned to the sender within four working days. A permanent log will be maintained by the Mailroom Officer to indicate letters, money orders, and packages received for inmates/probationers who have been transferred/released and the date forwarded.

1. Mail or packages received more than 35 days after the inmate is transferred should not be forwarded. Instead, mail sent more than 35 days after the inmate/probationer is transferred will be returned to the sender. Any time mail is returned to the sender, this should be conducted, within four working days. The requirements under this section apply to ALL mail/packages -- both privileged and non-privileged.

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VII. RETENTION SCHEDULE:

Attachments 1,2 and 3 of this SOP will be come part of the inmate's case history file which is kept according to the official records retention schedule for case history files.