

**SOCORRO COUNTY
BOARD OF COUNTY COMMISSIONERS
RESOLUTION № 2012-76**

**A RESOLUTION RELATING TO ADOPTION AND ESTABLISHMENT OF AN
INMATE MAIL POLICY AT THE SOCORRO COUNTY DETENTION CENTER**

PREAMBLE

WHEREAS, the Board of County Commissioners met in a regularly scheduled meeting on Tuesday, July 24th at 6:00 p.m. in the Socorro County Annex Building, 198 Neel Ave., Socorro, New Mexico; and,

WHEREAS, NMSA 1978, Section 4-38-18 (1876) vests a county's management in its Board of County Commissioners; and,

WHEREAS, NMSA, 1978, Section 33-3-1 (1981) provides in pertinent part that "[t]he common jails shall be under the control of the respective sheriffs, independent contractors or jail administrators hired by the board of county commissioners or other local public body or combination thereof, and the same shall be used as prisons in the respective counties;" and,

WHEREAS, Section 4-37-1 *et seq.* NMSA 1978 provides that counties may adopt those resolutions and ordinances, not inconsistent with statutory or constitutional limitations placed on counties, to discharge those powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the county and its inhabitants; and,

WHEREAS, in Thornburgh v. Abbott, 490 U.S. 401, 407 (1989) the US Supreme Court stated that "[p]rison walls do not form a barrier separating prison inmates from the protections of the Constitution nor do they bar free citizens from exercising their own constitutional rights by reaching out to those on the "inside. We have recognized, however, that these rights must be exercised with due regard for the "inordinately difficult undertaking" that is modern prison administration. In particular, we have been sensitive to the delicate balance that prison administrators must strike between the order and security of the internal prison environment and the legitimate demands of those on the "outside" who seek to enter that environment, in person or through the written word." (internal quotations and citations omitted); and,

WHEREAS, the efficient, orderly administration of the county jail, the safety and rehabilitation of its inmates, the safety of county inhabitants and the protection of person's, including inmates, first amendment rights, causes the Board to adopt said Resolution to provide parameters for the implementation of an inmate mail policy.

NOW THEREFORE BE IT RESOLVED THAT, the following policy is hereby adopt

INMATE MAIL POLICY

Purpose: To describe the procedures that will be used by Detention Staff to process inmate correspondence and packages.

1.0 POLICY - To describe the procedures that will be used to correspond with family, friends, officials and other significant community contacts with a minimum of interference with those contacts, consistent with the legitimate security needs of the Detention Facility.

2.0 PROCEDURE - The facilities correspondence program operation is the Detention Administrator's responsibility. The Administration will ensure all mail received will be picked up and taken to the Main Office of the Detention Center where all mail and packages will be received, inspected, sorted and redistributed.

a. Unless there is a reasonable belief that some limitation is needed to protect Public Safety or the Facility's Security and Orderly Operation, there will be no limit on the amount of incoming or outgoing social or regular mail an inmate may receive or send, as long as the inmate can afford to purchase the postage and as long as it fits in the inmates personal property bin. This includes all classification of inmates in all housing areas.

b. The Administrative Officer will establish a mail system in the Facility that provides for deposit and distribution every business day. (All Mail should be delivered each work day not later than 10:00 p.m. including Protective Custody and Maximum Security)

c. The Officer assigned to distribute the mail will maintain a current roster, updated daily, so as to expedite the delivery of the mail.

d. All mail received in the facility will be distributed to the inmate within twenty-four hours of arrival, excluding weekends and holidays.

2.1 INSPECTION AND RESTRICTION OF INCOMING MAIL

a. All incoming mail will be monitored and inspected for security purposes, including for the interception of cash, money orders, physical contraband, or to uncover threats that may disrupt the orderly operation of the facility. During this process the following items will be removed from all mail, staples (if removal of staple will damage the article it will be returned), paper clips, metal clamps, clasps, and questionable labels.

b. Only money orders or cashier's checks will be accepted in the mail when directed to the inmate for deposit in the inmate's account. Any cash monies will be returned to sender. Money Orders or Cashier's Checks must have the detainee/inmate's name in the memo section and be made payable to the Socorro County Detention Center. Money Orders and Cashier's Checks that are incorrectly completed will be returned to sender. Inmates will receive notification of all items returned to sender and or placed into their property including monies received.

c. All Packages received at the Detention Center will be opened and inspected. Reading material sent to the inmate must not contain inappropriate content such as listed in the restricted section of this policy. If mail processors have a question concerning the appropriateness of material, their Supervisor will be consulted.

d. No hardcover books. Books will be in the form of soft cover format.

e. Magazines and newspapers will be accepted as long as they meet the following requirements and do not contain restricted material.

1. Magazines that have a regional or national circulation; and/or, sold by public vendors; and/or, by mail subscription to the general public.

2. Newspapers that have a circulation among the general public and publishes news of a general interest to the public (such as news of political, religious, commercial, or social affairs); or, qualifies for the purpose of publishing legal notices in the community in which it is located or the area to which it is distributed.

3. Newspapers will be delivered on a one for one exchange due to an accumulation of Newspapers being a fire hazard.

4. All reading material must fit in the personal property box.

f. Contraband enclosures concealed in letters will form a basis for restricting correspondence and possible referral for prosecution.

g. All contraband will be disposed in accordance with the Facility's policy on that subject. Criminal Charges may be filed.

h. Certified or Registered Mail will be accepted and signed for and processed in accordance with General or Special/Legal Mail requirements.

i. Detainees or Inmates will not correspond with other Detainees or Inmates housed in any other Federal, State, or Local Correctional Facilities without the prior approval of the Detention Director or designee. Married persons and immediate family members who are Detainees or Inmates housed at the Detention Center may request to correspond with each other, via letter, with the approval of the Administrator or designee. This type correspondence will be treated like all other incoming correspondence.

j. Incoming correspondence may be returned based on a court order or if it contains the following:

1. Information regarding the manufacture of explosives, weapons or drugs.

2. Content intended to encourage or assist the disruption of the orderly operation of the Facility, such as through a criminal act, riot, work stoppage or other breach of the Facility's rules.

3. No images depicting sexual activity, exposed genitalia, buttocks, or female breasts.

4. If the Detention Director determines the contents may constitute illegally mailed material, the item will be referred to the Postal Authorities or law enforcement authorities. Incoming mail containing illegal contraband will be documented on an incident report, turned over using a chain of custody to document the items(s), and placed into the evidence box for further disposition.

5. Photographs depicting illegal activity, drug use, gang activity, hate group publications, items that would incite disruptive behavior, etc. at the discretion of the Detention Director.

6. No food items, stamps, or unusual stick on type material will be allowed via the mail, or mail that has unusual odors, that is obviously discolored, or presents as a possible method of introducing chemical type drug agents into the facility.

7. Photographs larger than 8 1/2" X 11" will not be allowed. Detainees and Inmates may have up to six (6) photographs at a time (may be exchanged upon request after being at the Detention Center for over six months).

8. Musical, flashing, sound, voice recordings, metallic coverings, any type glitter, and battery operated greeting cards will not be allowed, or any substances that may allow introduction of illegal substances.

k. "Postage Due Mail" will not be accepted and returned to sender. Third Class Mail (addressed to resident, occupant, etc. not specifically addressed to an individual) will not be distributed to detainees or inmates.

l. Inmates may receive newspapers if purchased by subscription only via U.S. Postal Service.

m. Inmate correspondence privileges will not be withdrawn as punishment. However, abuses could result in administrative disciplinary action.

n. Photos - Inmates/detainees are permitted to have photos sent to them by mail only.

1. Each inmate/detainee can have up to a maximum of six photos not larger than 8 1/2" X 11".

2. The following applies to the type of photos that shall be accepted:

- a) No Polaroid type photos (easily hides contraband, drugs, etc.)
- b) No displaying of illegal products or illegal activities
- c) No images depicting sexual activity, or intending to depict sexual activity

- d) No exposed genitalia, buttocks, or female breasts.
- e) No displaying of gang activity
- f) Multiple photos sent on one sheet 8 ½" X11" will be counted as one photo. (not by each individual photograph)
- g) Photos glued to other items will not be accepted

2.2 PROCESSING MAIL

a. Incoming Mail

1. The Programs Officer or designee will sort all incoming mail, before opening to ascertain if the inmate is incarcerated at the Detention Center and identify special or legal mail.

2. The Programs Officer or designee will notate on the outside of the envelope the name of the housing unit where the inmate is housed.

3. If an inmate is no longer incarcerated the Programs Officer or designee will stamp on the envelope "Out of Jail" and "Return to Sender" and place it in the outgoing mail for the next mail pickup.

4. The mail-processing person will open and inspect all general mail. Any mail that does not meet requirements will be returned using the return section of this policy.

5. All mail will be turned over to the night shift supervisor for delivery to detainees and inmates.

b. Outgoing Mail

1. All outgoing mail will be placed into designated mail boxes in each living area and will be collected each day the mail is processed.

2. Mail will be inspected for proper addresses and return addresses (the address and return address cannot be the same).

3. Mail will be inspected for contraband utilizing a plain feel technique. If mail is suspected of containing contraband, the individual detainee or inmate will be present if the mail is opened for inspection. If the item is property of the Detention Center the detainee or inmate will face administrative action.

4. Contents of materials mailed by detainees or inmates are not the responsibility of the County Detention Center.

5. Written complaints from citizens that have received harassing, threatening, sexually insulting, etc. mail may cause loss of mail privileges to the complaining citizen.

The Administrative Officer or Detention Director will review and or approve all such requests.

2.3 SPECIAL MAIL / LEGAL MAIL

a. The Administrator will establish procedures to ensure that sealed, uninspected mail may be sent to the Officials of the Federal, State and County Courts: The President of the United States; County, State Officials and Officers, including the Governor and County Commissioners, The Inmate's Attorney, (all mail in this category must be clearly marked "ATTORNEY CLIENT MAIL" or "Legal Mail" – must be opened in the presence of the detainee or inmate).

b. Incoming correspondence from any of the above parties will be delivered and the detainee or inmate will sign the item was delivered unopened, the delivering Officer will then open the item in the presence of the inmate and inspect for contraband, but not read for content.

c. A warrant may be sought to open and read any such correspondence that is ordinarily unread based on establishing probable cause. Ordinarily, justification for that action will be the potential use of information contained in correspondence that may be used to plan, facilitate, or affect a serious breach of Facility Rules or to plan to violate Federal or State Laws.

2.4 WRITING MATERIALS

a. Inmates will be permitted to retain writing materials and stamps in their possession in reasonable amounts, received through the commissary.

b. All outgoing mail must bear the return address of the jail and inmates name (the return address and address cannot be the same).

c. To assist in maintaining community ties, the detention center will furnish indigent inmates postage as set forth herein. Indigent postage includes two stamped envelopes per week. Detention Center staff and volunteers will not provide postage to any detainee other than as provided in this policy. Such an inmate will be provided materials for legal mail, at no charge, when it can be demonstrated there is a need to communicate with the courts or an attorney.

2.5 PACKAGES

a. Personal packages addressed to inmates will only be accepted if they contain reading material only. All other listed restricted items will be returned, the Programs Officer or designee will stamp the inmate personal package "Return to Sender" utilizing the return process and will place the package in the outgoing mail for the next mail pick up. The only exceptions to this will be pre-approved requests for medical reasons. The inspection requirements will be the same for any and all other mail.

2.6 APPEAL PROCESS FOR RETURNED MAIL

- a. If incoming mail is returned for one of the reasons listed under section 2.1 (j.), both the sender and detainee or inmate will receive notification of the opportunity to appeal. The notification will be given in the form of written "Notice" to the sender, detainee or inmate.
- b. The notice to the detainee or inmate will contain the name of the publication or item, the detainee or inmate's name, the date that the publication was returned, the reason for the return and the name of the person authorizing the return. It will also include instructions how the detainee or inmate may appeal the return by following the facility Grievance Procedures.
- c. The detainee or inmate may appeal the return decision within five (5) business days of the receipt of the notice using a Grievance Form. The appeal must include the detainee or inmate's name, date, the name of the publication or item in question, and all the reasons the detainee or inmate disagrees with the decision. Any reason not included in the written appeal will not be considered. Detainees and inmates will be informed of the decision concerning the appeal within seven (7) business days of the receipt of the appeal on the Grievance Form. If the person assigned to respond to the grievance needs longer than seven (7) business days due to the length of the publication or the number of appeals being filed, notice will be provided to the detainee or inmate that an extension of time is necessary to respond. Further appeals will comply with the facility Grievance Procedures.
- d. Notice to the "Sender" will contain the name of the publication, or item, the detainee or inmate's name, date the publication or item was returned, the reason for the return and the name of the person authorizing the return. The notice will also provide the sender the information and instructions how to appeal the return decision.
- e. The Sender may appeal within (7) business days after receipt of the notice. The sender must send the appeal by Certified Mail, addressed to the County Detention Center Administrative Officer (as identified in the return notice). The appeal must include the detainee or inmate's name, a contact person's name and address at the company or sender's location, the date, and the name of the publication or item, and all reasons that the sender disagrees with the return decision. Any reasons not listed will not be considered. If the appeal does not contain all the required information the appeal will not be considered. Senders will be notified of the appeal decision within ten (10) business days of the receipt of the appeal. However, if the publication or item is needed in order to process the appeal, such publication will be requested of the sender, and the appeal will be placed on hold pending receipt of the item by the appeals Officer. The ten (10) day period will not begin to run until the publication or item is received, if the same has been requested.
- f. If the Administrative Officer, handling the appeals, needs longer than ten (10) days due to the length of the publication or the number of appeals being filed, notice will be provided to the sender that an extension of time is necessary to respond.

g. If the appeal by a detainee or inmate overturns the return, the inmate may then contact the sender by mail to request that the publication or item be re-sent. If the appeal by a sender overturns a return, the sender shall include a copy of the decision to accept the item by the Administrative Officer when re-sending the publication or item.

PASSED, ADOPTED AND APPROVED this 24th day of July, 2012.

BOARD OF COUNTY COMMISSIONERS

absent
DANIEL P. MONETTE, CHAIR
DISTRICT IV

Pauline Jaramillo
PAULINE JARAMILLO, VICE-CHAIR
DISTRICT I

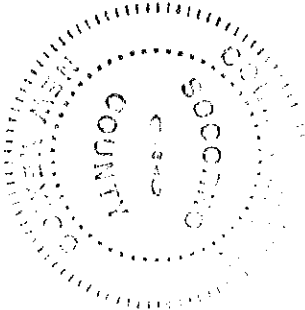
Phillip Anaya
PHILLIP ANAYA, COMMISSIONER
DISTRICT III

Rumaldo J. Griego
RUMALDO J. GRIEGO, COMMISSIONER
DISTRICT II

Juan Jose Gutierrez
JUAN JOSE GUTIERREZ, COMMISSIONER
DISTRICT V

ATTEST BY:

Rebecca E. Vega
REBECCA (BECKY) VEGA, COUNTY CLERK



SENDER RETURN NOTICE

Publication/Item: _____

This is to inform you that on this date _____, the above referenced publication that you sent to inmate: _____ was returned and is being returned to you for the following reason:

_____ Prohibited Images / Photos

Page #'s

_____ Prohibited Content

Page #'s

_____ Prohibited Metal Objects

_____ Hardback Book Cover

_____ Other: _____

Signed: _____

Printed Name: _____

If you disagree with this decision, you may appeal within seven (7) business days of the receipt of this notice. Your appeal must be postmarked and sent certified mail to: Administrator, Socorro County Detention Center, PO Box 598, Socorro, NM 87801. The appeal must include the name of the publication, the name of the inmate, a contact person's name and address at your company and all of the reasons that you disagree with the decision. Any reasons not included in the written appeal will not be considered. If the appeal does not contain all of the required information, it will not be considered. You will be notified of the decision on the appeal within ten (10) business days of the receipt of the appeal.

DETAINEE/ INMATE RETURN NOTICE

DETAINEE/ INMATE NAME AND NUMBER:

Publication:

This is to inform you that on this date: _____, the above referenced publication was returned for the following reason:

_____ Prohibited Images / Photos

Page #'s

_____ Prohibited Content

Page #'s

_____ Prohibited Metal Objects

_____ Hardback Book Cover

_____ Other: _____

Signed: _____

Printed Name: _____

If you disagree with this decision, you may appeal **by following the facility Grievance Procedures** within five (5) business days of this notice you must address your appeal using a Grievance Form. The appeal must include the name of the publication and all of the reasons that you disagree with the decision. Any reasons not included in the written appeal will not be considered. If the appeal does not contain all of the required information, it will not be considered. You will be notified of the decision on the appeal within seven (7) business days of the receipt of the Grievance Form. Further appeals will comply with the facility Grievance Procedures.