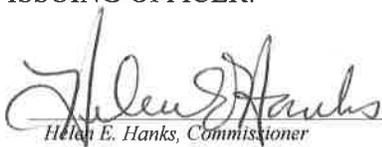


NH DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE DIRECTIVE Pursuant to RSA 21-H:8 (III) Internal Practices and Procedures	CHAPTER <u>Enforcement Operations</u> STATEMENT NUMBER <u>314</u>
SUBJECT: RESIDENT MAIL, ELECTRONIC MESSAGING AND PACKAGE SERVICE PROPONENT: <u>Corey Riendeau, Warden</u> <i>Name/Title</i> <u>NNHCF</u> <u>752-0326</u> <i>Office Phone #</i>	EFFECTIVE DATE <u>02/21/2020</u> REVIEW DATE <u>02/21/2022</u> SUPERSEDES PPD# <u>5.17</u> DATED <u>7/1/2012</u>
ISSUING OFFICER:  <i>Helen E. Hanks, Commissioner</i>	DIRECTOR'S INITIALS: _____ DATE: _____ APPENDIX ATTACHED: YES _____ NO _____
REFERENCE NO: See reference section on last page of PPD.	

- (a) Purpose. To establish guidelines for incoming and outgoing correspondence, publications, and packages.
- (b) Applicability. This rule is applicable to all NH DOC staff, residents and the public.
- (c) Definitions.
 - (1) "Canteen" means a place where residents can purchase clothing, food and sundries.
 - (2) "Cash Withdrawal Slip" means a form used for residents to draw funds from their resident account in order to purchase items or pay bills.
 - (3) "Electronic messaging" means a privilege that provides digital correspondence service provided by a contracted vendor.
 - (4) "Hobbycraft" means an activity where residents participate in arts and crafts.
 - (5) "Investigations bureau" means the bureau charged with investigating allegations of gross misconduct or criminal activity.
 - (6) "Legal mail" means correspondence between a resident and his or her attorney(s), but shall not include electronic messages.
 - (7) "Literary Review Committee (LRC)" means a committee appointed by the commissioner of corrections to review questionable materials attempting to be introduced into a facility.
 - (8) "Partially nude figure" means a figure with less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below a point immediately above the top of the areola.

- (9) "Privileged mail" means correspondence with public officials, including any elected state or federal official or any appointed head of a state or federal agency, courts, attorneys, medical offices or law-enforcement agencies.
- (10) "Resident account" means an account established by the NH DOC for the resident to control the resident's funds.

(d) Policy.

- (1) The Department of Corrections shall allow residents to send and receive correspondence, publications, and packages through the United States Postal Service, contracted vendor, or regulated parcel carriers, according to all applicable laws and regulations.
- (2) At no time shall residents, touch, or otherwise process mail, electronic messages, or packages of other residents. However, residents may be directed to carry mailbags and packages under the direct supervision of staff.
- (3) Mail and packages shall not be left in an unsecured or unsupervised location at any time.
- (4) Correspondents choosing to correspond using the electronic messaging system implicitly consent to:
 - a. Staff monitoring all electronic messages;
 - b. A waiver of the ability to use electronic messaging service where messages have been deemed to be inappropriate on three separate occasions, or a single occasion should the message, attachment, or both contain materials that directly threaten operational security, personal security, or both, or contain images or acts of abuse, violence, or both;
 - c. To be banned from the use of the service for a period of no less than one-year for violation of this rule; and
 - d. Appeals of such a ban shall be addressed to the facility warden or director.
- (5) Residents may be permanently excluded from electronic messaging services based on his or her individual history of behavior which shall include, but not be limited to, soliciting minors for sexual activity, possession, distribution or both of child pornography through electronic means, or using electronic communications as a conduit for committing illegal activities, or as directed by the courts. A permanent exclusion may also be based on conduct rising to the level of new criminal charges being sought.
- (6) Residents that are permanently excluded from electronic messaging shall be notified in writing by the warden or designee of the decision to be permanently excluded, unless such notification would threaten the safety of the resident, or disrupt other penological interests.
- (7) Information obtained during the inspection of mail, electronic messaging, and packages shall not be divulged, except as deemed necessary in conducting an investigation, or judicial, or quasi-judicial proceeding.
- (8) Material that is not sexually explicit and covers issues related to gender identity status, that is, lesbian, gay, bi-sexual, transgender, intersex, or questioning, shall be allowed.
- (9) Material that does not violate this rule shall not be rejected solely because its content is religious, philosophical, political, social, sexual, unpopular or repugnant.
- (10) Residents who are immediate family members shall be permitted to correspond with his or her immediate family member upon written approval from the warden or director.
- (11) Mail order catalogs of popular vendors shall be available for use in the library.
- (12) The commissioner may make exceptions to this rule to serve penological purposes.
- (13) Unit staff shall maintain mailboxes or collection practices for gathering outgoing mail.
- (14) US Mail shall be picked up six (6) days a week, except on holidays.

(e) Postage.

- (1) All quarantine residents as defined by Cor 402 shall be allowed to process two cash withdrawal slips for first class postage even though he or she would not yet have a resident account balance.

His or her resident account shall reflect a negative balance for these two transactions until the first deposit is made into his or her account.

- (2) All other residents shall purchase stamps for first class mail through the resident canteen. Cash withdrawal slips for postage from all residents, except those in quarantine shall only be accepted for packages, and oversized envelopes

(f) Incoming Mail Requirements.

- (1) All books, periodicals, and magazines shall be prepaid and postage paid, and delivered through the United States Postal Service.
- (2) COD packages and items that have been re-packed or delivered by other sources shall not be accepted.
- (3) Newspaper articles, internet printings, and photocopies shall be authorized if they do not violate any other standard of this rule, and:
 - a. The article shall be no larger than standard letter size of 8 1/2 x 11"; and
 - b. The article shall not be altered in any form.
- (4) Book size shall not exceed 9 inches by 12 inches.

(g) Mail and package limitations.

- (1) When the cost is borne by the resident, there shall be no limit on the volume of letters a resident may send or receive.
- (2) Incoming resident mail shall be limited to 10 pages in length per letter.
- (3) Packages shall be limited to 15 pounds.
- (4) Bulk mail that advertises or solicits any item or service that residents are not authorized to receive shall not be forwarded to the residents.

(h) Responsibility.

- (1) A departmental employee shall be designated as the mailroom supervisor for each facility, and staff shall be designated to screen electronic messages.
- (2) The mailroom supervisor shall be responsible for the operation of the mailroom, and shall be responsible for the completion of the:
 - a. Incoming Legal Mail Log;
 - b. Outgoing Legal Mail log;
 - c. Withheld Mail Log; and
 - d. Incoming Property Log.
- (3) The mailroom supervisor shall report to the facility warden through an established chain of command.
- (4) The mailroom supervisor or his or her designee, shall supply on the "Incoming Legal Mail Log" the following:
 - a. The NHDOC facility name;
 - b. The date the item was received;
 - c. The resident in which the item is to be delivered;
 - d. The resident's NHDOC identification number;
 - e. The name of the firm, or individual who has sent the parcel;
 - f. Any comments related to the received materials; and
 - g. The responsible staff member's initials.

- (5) The mailroom supervisor or his or her designee, shall supply on the "Outgoing Legal Mail Log" the following:
- a. The NHDOC housing unit in which the sender resides;
 - b. The date the item is being sent;
 - c. The name of the firm, or individual to whom the parcel is addressed;
 - d. The resident who is sending the parcel;
 - e. The resident's NHDOC identification number;
 - f. Any comments related to the materials being sent; and
 - g. The responsible staff member's initials.
- (6) The mailroom supervisor or his or her designee, shall supply on the "Withheld Mail Log" the following:
- a. The NHDOC facility;
 - b. The date in which the item is being sent;
 - c. The resident who is sending the parcel;
 - d. The resident's NHDOC identification number;
 - e. The name of the individual or organization sending the parcel;
 - f. The code which correlates to the type of parcel, "L=Letter, P=Package, M=Magazine, N=Newspaper and O=Other";
 - g. The code which designates the location in which the item is being withheld, "M=Mailroom, I=Investigation and O=Other"; and
 - h. The reason the item has been withheld.
- (7) The mailroom supervisor or his or her designee, shall supply on the "Incoming Property Log" the following:
- a. The NHDOC facility;
 - b. The date in which the item was received;
 - c. The authorized carrier which delivered the parcel;
 - d. The name of the organization sending the parcel;
 - e. The resident who is the intended recipient of the parcel;
 - f. The resident's NHDOC identification number; and
 - g. Any pertinent comments related to the parcel being sent.

(i) Mail security screening.

- (1) All incoming and outgoing mail shall be subject to being opened and read except for privileged correspondence and legal mail pursuant to Cor 314.15 and Cor 314.16.
- (2) All mail shall be routinely inspected for contraband, except for privileged correspondence and legal mail pursuant to Cor 314.15 and Cor 314.16.
- (3) Books and periodicals arriving encased in plastic sleeves or covers shall have all coverings removed by mailroom staff prior to distribution to residents. Mailroom staff shall write the resident's name and number on the inside of the front cover of all books and periodicals except for bibles, which shall remain unmarked.
- (4) No correspondence shall be accepted with any type of binding attached to the pages of the documents. The NH DOC shall not consider a single staple to be "bound". Staff shall remove a single staple and forward the mail to the resident.
- (5) The following documents addressed to residents shall be accepted by the mailroom staff and forwarded to the administrator of programs of the facility where the resident is housed:

- a. Birth certificate;
 - b. Passport;
 - c. Certificates of naturalization;
 - d. Social security cards;
 - e. Drivers licenses; and
 - f. Non-driver license identification issued by the NH-Department of motor vehicles.
- (6) If a resident, through legal mail, privileged correspondence or regular mail receives a check, the check shall be forwarded to the mailroom to be logged and forwarded to the NH DOC bureau of resident accounts where the check shall be deposited in the resident's account.
- (7) All cash received in the mail shall be treated as contraband.

(j) Electronic message screening.

- (1) All incoming and outgoing electronic messages shall be subject to inspection prior to delivery.
- (2) The designated staff reviewer shall determine if the electronic message content complies with this rule.
- (3) If the message complies with this rule, the message shall be delivered.
- (4) Incoming or outgoing messages that are in violation of this rule shall be rejected unless the message is potentially criminal in nature in which case the message shall be forwarded to the investigations bureau for further review.
- (5) Messages sent by residents that are in violation of this rule shall subject the resident to administrative, or criminal action, or both.

(k) Withholding or rejecting of mail, electronic messages or packages.

- (1) Incoming or outgoing resident mail, electronic messages, magazines, books, or packages that meet any of the following criteria shall be withheld:
 - a. Descriptions or depictions of procedures for the construction or use of weapons, ammunition, bombs, incendiary devices, or other items that might constitute a security hazard;
 - b. Materials that depict, encourage, or describe methods of escape from correctional facilities, or contain blueprints, drawings, or similar descriptions of locking devices of penal institutions, and other materials that might assist in the planning or execution of an escape;
 - c. Descriptions or depictions of procedures for brewing alcoholic beverages, or the use, procurement, or manufacture of drugs, and drug paraphernalia;
 - d. Material that violates postal regulations, makes unlawful threats, or attempts at blackmail or extortion;
 - e. Material that contains contraband as defined by other federal or state law or regulation;
 - f. Photographs, pictures, or videos of partially nude children, or adult visitors, or which contain an image where the head is cropped or obscured, making the age determination of the subject indeterminable;
 - g. Publications containing explicit descriptions, advertisements, or pictorial representations of sexual acts that include penetration, bestiality, or sex involving children;
 - h. Correspondence between a resident, current probationer or parolee or supervisee of any other correctional department, institute or jail without the permission of the chief administrator of each facility or their designee;
 - i. Documents written in code or instructions on how to write in code, including the use of emoji;
 - j. Descriptions or depictions that encourage activities which may lead to the use of physical violence, group disruption, or security threat group activity;
 - k. Materials that encourage or instruct in, the commission of criminal activities or are in violation of the rules of conduct for residents;
 - l. Material pertaining to gambling or facilitation of a lottery;

- m. Unauthorized solicitation of gifts, goods, or money from persons other than the family of the resident;
 - n. Correspondence constituting or contributing to the conduct or operation of a business, except correspondence necessary to protect the property or funds of the resident during confinement or for educational purposes;
 - o. Contents that would, if transmitted, create a clear and present danger of violence and physical harm to persons or property, or severe psychiatric or emotional disturbance to a resident;
 - p. Material or correspondence that relates to resident or prison organized groups or unions;
 - q. Security threat group correspondence or materials;
 - r. Obscene material as determined and defined by the LRC, the Commissioner, or a court of law;
 - s. Resident to resident mail except as authorized by the warden, director or designee; and
 - t. Materials that may jeopardize institutional security.
- (2) When incoming mail or packages, other than bulk, third or fourth class is rejected for any reason, the originator if readily identifiable shall be notified that the letter or package was rejected by the respective mail or property room staff.
 - (3) When first class mail or packages are withheld, the resident shall be notified within ten (10) calendar days of the date the mail was withheld. The notice shall include:
 - (1) Resident's name;
 - (2) Item description;
 - (3) Other contents, if any;
 - (4) Date the item was withheld;
 - (5) Reason why the item was withheld;
 - (6) The sender's name; and
 - (7) Whether the item was held in the mailroom, or sent to another location.
 - (4) When second class periodicals, or third or fourth class mail is withheld, that information shall be posted in the resident housing areas or electronically.
 - (5) If an unauthorized item in in-coming mail which shall include, but not be limited to, compact discs, maps or unauthorized pictures, can be removed without damaging the personal mail or publication it shall be removed; and the mail or publication forwarded to the resident. The unauthorized item shall be destroyed without notification unless it is forwarded for investigative purposes, in which case notification shall be made in accordance with Cor 314.11 (c).
 - (6) When outgoing mail or packages are not forwarded to the intended recipient the resident involved shall within 10 business days be notified that his or her mail was not forwarded and the reason for that action by the respective mail or property room staff.
 - (7) Any outgoing publication or material determined to be a violation of this rule shall be returned to the resident unless the publication or material is determined to be contraband in which case it shall be destroyed or forwarded as evidence to the investigations bureau.
 - (8) All notices of rejected, non-processed, or un-forwarded mail or packages shall be in writing and shall specifically cite the reason(s) for the rejection or non-processing.
 - (9) The reason(s) for the rejection of any mail or package shall be noted on the "Rejected Material Form".
 - (10) The NHDOC mailroom supervisor or his or her designee shall provide on the "Rejected Material Form" the following:
 - a. The name of the resident that the material(s) were intended for;
 - b. The housing and cell assignment of the resident;
 - c. The resident's NHDOC identification number;
 - d. The responsible staff members printed name;
 - e. The responsible staff members signature;
 - f. The date the material(s) were rejected;

- g. The responsible staff member shall place a check in the appropriate box indicating the type(s) of material which is being rejected;
 - h. The responsible staff member shall supply a reason material(s) have been rejected within the "Other" category if no other selection was applicable; and
 - i. The name, and address of the individual(s) the rejected materials will be returned to.
- (11) When electronic messages are rejected for any reason, the originator shall be notified electronically.
 - (12) There shall be no reimbursement of rejected or withheld related electronic messages that violate this rule.
 - (13) Any material provided to investigative agencies shall be handled and processed as physical evidence in accordance with applicable laws, rules, and regulations.
 - (14) Residents may request one copy of the existing Withheld Mail Log entries pertaining to them for a particular date or timeframe at his or her own expense. The log shall be maintained in the mailroom for a minimum of sixty (60) days. Thereafter, the log shall be archived.
 - (15) All mail or electronic messages shall be withheld from residents on suicide watch. Non-privileged mail shall be placed in the resident's personal property. Privileged mail shall be logged into the Legal Mail Log where it shall be noted that the resident was "unable to sign" for it. Privileged mail shall then be held in the facility property room.

(l) Mail forwarded to the investigations bureau.

- (1) Material that will become part of an official investigation shall be retained as evidence. Both the sender and the intended recipient shall be notified by investigations bureau staff within ten (10) working days that the material is being held as evidence, unless making the notification jeopardizes the investigation, in which case a written exception shall be sought from the Professional Standards Director or higher authority. In the event that the exception is not approved, the resident shall be given written notification within ten (10) days of the date of that decision.
- (2) Material that does not constitute a violation of Cor 314.11 (a) shall be returned to the mailroom staff with instructions to forward it to the addressee. If the material is held less than ten (10) days, no notice to the resident of the item being withheld shall be required.
- (3) Unauthorized resident to resident mail shall be retained by the investigations bureau and is not subject to the notification requirement.
- (4) Material that the investigations bureau has determined should be rejected shall be returned to mailroom staff with an explanation for rejection together with instructions to notify both the sender, if known and the intended recipient. Notice to the resident and the sender shall be from the mailroom using the "Rejected Mail Form" pursuant to Cor 314.11 (j). In the case of withheld outgoing mail, the recipient shall not be notified.

(m) Literary Review Committee (LRC).

- (1) The commissioner shall appoint a committee to review questionable incoming or outgoing mail to include publications, books, pictures, or documents.
- (2) The committee shall be composed of four (4) members representing:
 - a. Security;
 - b. Behavioral health;
 - c. Programs; and
 - d. A librarian or media generalist.
- (3) The security staff member shall serve as the committee chair.
- (4) Three of the four members must be present to form a quorum.
- (5) The members shall serve at the pleasure of the commissioner, with no defined length of service.

- (6) The committee shall meet on a monthly basis if necessary, or more frequently at the discretion of the committee chair.
- (7) The committee shall maintain a list of previously reviewed books and magazines that have been accepted or rejected by the LRC.

(n) LRC Review Process.

- (1) There shall not be an excluded list of publications. Each issue of a subscription shall be reviewed separately.
- (2) NHDOC mailroom staff shall complete and forward to the LRC a "Books and Periodicals Withheld for Review by The Literary Review Committee Form" for any magazines, books and periodicals which contain material(s) which fall outside the parameters set forth within Cor 314.11 and warrant further investigation.
- (3) Flagged materials shall be reviewed by the LRC at its next scheduled meeting, and a determination shall be made whether material(s) are accepted or rejected.
- (4) The NHDOC mailroom staff shall provide on the "Books and Periodicals Withheld for Review by The Literary Review Committee Form" the following:
 - a. The date the material(s) were detected;
 - b. The name of the literature or periodical containing the suspected unauthorized material(s);
 - c. The volume or issue number of the printed material(s) if applicable;
 - d. The reason the material(s) were flagged;
 - e. The specific page(s) in which suspected unauthorized material(s) is located; and
 - f. The responsible staff member's initials.
- (5) Materials forwarded to the committee shall be kept in a secure storage area as designated by the facility.
- (6) The committee shall create a notice of material(s) that are being rejected noting the reason why and specify the page number(s) of the objectionable material.
- (7) This notice shall be posted in housing units or transmitted electronically.
- (8) The committee shall return the materials to the NHSPM mailroom, and shall provide the mailroom staff at each facility and the library with a list of rejected publications.
- (9) The decision of the LRC shall set the standard for all DOC facilities unless overruled upon appeal and shall override any prior decision to allow or reject the material(s) into a facility.
- (10) Residents in possession of any previously approved materials that have subsequently been rejected by the LRC, for any reason shall require the resident to send these rejected materials out of the facility at the expense of the resident or have the materials destroyed.
- (11) Decisions with regard to second class periodicals or third or fourth class or other bulk mail shall be posted in the units or electronically. Decisions with regard to first class mail or packages shall be sent to the resident.

(o) Privileged correspondence.

- (1) All privileged mail shall be completely confidential and shall be clearly marked "Privileged" on the address side of the envelop.
- (2) Outgoing privileged mail shall be handled without interference, inspection, reading, or opening.
- (3) Privileged mail or correspondence shall leave the possession of the resident sealed and shall be delivered sealed.
- (4) Incoming privileged mail shall be opened and inspected for contraband only in the presence of the resident.
- (5) When the author of either inbound or outbound mail is in doubt, such items shall be brought to the attention of the department's investigations bureau prior to delivery.

- (6) The following is a complete list of agencies or individuals classified as privileged. Mail addressed as indicated shall not be opened for inspection except in the resident's presence and may be sealed by the resident before depositing the mail in approved collection boxes:
- a. President of the United States, Washington DC;
 - b. Vice President of the United States, Washington DC;
 - c. Members of Congress addressed to appropriate office;
 - d. The Attorney General of the United States and regional offices of the Attorney General;
 - e. Federal or State Courts;
 - f. The Governor and Council of the State of New Hampshire, State House, Concord, NH 03301;
 - g. The Attorney General of the State of New Hampshire, State House Annex, Concord, NH 03301;
 - h. Commissioner of the DOC;
 - i. Wardens or directors of the DOC;
 - j. Members of the State Parole Board;
 - k. Members of the New Hampshire General Court (House of Representatives, Legislators, Senators at the Legislative Office Building);
 - l. County Attorneys;
 - m. Doctors and medical staff of the DOC;
 - n. Doctors and medical staff not on the staff of the DOC; and
 - o. Law Enforcement Agencies.
- (7) The following correspondence shall not require postage:
- a. Federal or State courts;
 - b. The Governor and Council of the State of New Hampshire;
 - c. The Attorney General of the State of New Hampshire;
 - d. Members of the New Hampshire General Court;
 - e. Members of the New Hampshire Parole Board; and
 - f. Staff members of the department of corrections.

(p) Legal mail.

(1) Correspondence between a resident and his or her attorney(s) shall be opened in the presence of the resident to ensure the authenticity of the correspondence and to check for contraband.

(2) The phrase "Legal Mail" shall be written on the address side of the envelope in order to assure confidential handling in either in-bound or out-bound legal mail.

(3) Each facility shall record all incoming legal mail on the "Incoming Legal Mail Log" pursuant to Cor 314.07 (d).

(4) Each unit shall record all incoming legal mail on the "Unit Legal Mail Delivery Log".

(5) NHDOC unit staff shall provide on the "Unit Legal Mail Delivery Log" the following:

- a. The NHDOC unit name;
- b. The date legal mail was received;
- c. The printed name of the resident which the materials are addressed to;
- d. The resident's NHDOC identification number;
- e. The name of the firm or individual sending the material(s);
- f. The resident signature acknowledging receipt of the material(s);
- g. The responsible staff member's printed name and signature; and
- h. Any relevant comments or observations made by the delivering staff member.

(6) Each resident shall sign the log signifying receipt of incoming legal mail. If a resident refuses to sign, the delivering staff shall write "Refused" in the signature block.

- (7) Each unit shall record all outgoing legal mail on the "Outgoing Legal Mail Log" pursuant to Cor 314.07 (e).
- (8) Incoming legal mail found in violation of this rule shall be forwarded to the investigations bureau for appropriate action with the person(s) or firm(s) involved.
- (9) Legal mail shall not be bound. No legal correspondence shall be accepted with any type of binding attached to the pages of the documents. The NH DOC does not consider a single staple to be "bound". Staff shall remove the staple and forward the mail to the resident.

(q) Non-privileged outgoing mail.

- (1) Non-privileged mail shall consist of correspondence except that as described as privileged in Cor 314.14.
- (2) All outgoing resident mail with the exception of privileged mail, shall be placed in approved mail collection boxes unsealed, or in an area where staff may collect mail for residents who do not have access to mail collection boxes.
- (3) Non-privileged outgoing mail shall be inspected.
- (4) Non-privileged sealed mail shall be inspected and returned to the resident if he or she can be readily identified. If the resident cannot be identified, the mail shall be discarded.
- (5) Residents shall pay postage on all mail that cannot be delivered in the state messenger mail system except as noted in Cor 314.15 (g).
- (6) All mail shall be stamped on the envelope as follows:
 - a. New Hampshire (full facility name);
 - b. This mail is forwarded from the (facility name); and
 - c. The contents have not been evaluated and the (facility name) is not responsible for the substance or content of the enclosed correspondence.
- (7) All outgoing mail shall have:
 - a. The resident's full name as displayed on the resident's ID card;
 - b. Identification number; and
 - c. Facility name and address in the upper left-hand corner of the envelope.
- (8) Full name shall mean the name that appears on the resident ID card. Nicknames, shortened names or initials shall not be accepted.
- (9) Mail not meeting these criteria shall be rejected.

(r) Non-privileged Incoming Mail.

- (1) All incoming mail shall have the resident's full name and ID number as part of the mailing address. Mail received without the ID number shall be returned to sender as having insufficient address.
- (2) The mailroom staff shall inspect the non-privileged correspondence for any contraband or prohibited material.
- (3) Contraband found in incoming mail or packages shall be:
 - a. Removed and secured as evidence;
 - b. Returned to the sender if identifiable; or
 - c. Destroyed if sender is unidentifiable.
- (4) Checks and/or money orders shall be:
 - a. Removed;
 - b. Logged in the "Mail Services Checks and Money Order Log"; and
 - c. Forwarded to the resident account office.

(s) Mail Delivery.

- (1) Unit supervisors shall establish a procedure to ensure the timely delivery of mail to residents living in their respective units. It shall be the responsibility of residents to ensure that he or she

are present for mail call or to make arrangements with the unit staff if his or her work schedule conflicts with the unit mail call.

- (2) The mail officer shall deliver all incoming mail into the custody of a staff member in each housing area. Mail shall be delivered six (6) days a week, except on holidays. Mail shall be delivered within 24 hours of receipt in the mailroom unless the mail is withheld pursuant to Cor 314.11 or forwarded to the investigations bureau pursuant to Cor 314.12.
- (3) Staff in each housing area shall ensure that mail is given directly to the individual resident addressee as follows:
 - a. Privileged mail shall be opened by the resident, in front of a staff member. The staff member shall inspect the privileged mail for contraband.
 - b. Non-privileged mail shall be re-opened by a staff member in front of the resident and the contents removed.
- (4) All incoming mail envelopes shall be removed from the unit and disposed of immediately by a staff member.
- (5) Residents shall not have access to the empty envelopes. The trash shall be emptied and disposed of immediately after mail call.
- (6) Where the capacity exists, except for legal and privileged mail, mail shall be opened, photocopied, to include the envelope, and the photocopies delivered to the addressee.
- (7) The original shall then be destroyed.

(t) Packages.

- (1) Packages shall be logged in by staff in the "Package Log" and then inspected.
- (2) Items which residents are not authorized to have in their possession or items in excess of authorized allowances shall be returned to the sender or otherwise disposed of as requested by the resident involved.
- (3) Hobbycraft supplies received in the mail shall be delivered to the staff person responsible for hobbycraft for inspection and shall not be delivered directly to a resident.
- (4) The NH Department of corrections or any of their employees shall not be responsible for any incoming package to residents unless the package has been mailed "Certified Mail Return Receipt Requested" and staff has signed acknowledgement of receipt for the package.
- (5) Any incoming package that contains contraband, unauthorized items, or items that cannot be checked for contraband without the contents being destroyed shall be forwarded to the investigation bureau pursuant to Cor 314.12.
- (6) Material that does not constitute a violation of Cor 314.11 (a) shall be returned to the property room with instructions to deliver the material to the intended recipient.
- (7) Material that the investigations bureau has determined should be rejected shall be returned to the property room staff with an explanation for rejection together with instructions to notify the intended recipient. Notice to the resident shall be from staff using the "5-day Notice Form". In the case of withheld outgoing property, the recipient shall not be notified.

(u) Package Delivery.

- (1) Unit staff shall make a reasonable effort to notify residents of the time(s) to pick up packages within a reasonable amount not to exceed 10 working days after receipt, excluding weekends and holidays.
- (2) Staff shall ensure packages are given directly to the individual resident addressee.
- (3) Packages shall be opened in front of the resident and the contents removed.
- (4) The packing material shall be immediately disposed of by staff.
- (5) Residents shall have no access to the packing material.

(v) Forwarding mail and packages. The mailroom shall forward all first class mail and packages to residents who have been transferred to another facility. It shall be the resident's responsibility to file a change of address form with the United States Postal Service when the resident is released from incarceration.

(w) Appeals.

- (1) If a resident or correspondent believes that the NH DOC improperly rejected mail, packages, books or periodicals he or she may appeal to the warden or director within 10 days of the date they were sent notice of the decision.
- (2) If the warden or director does not overturn the decision, the resident shall have 30 calendar days from the date of the decision to send out the material.
- (3) If after 30 calendar days, the resident has not appealed the warden or director's decision pursuant to Cor 313, the material shall be destroyed or returned to the sender at the resident's expense.
- (4) The resident shall notify the warden or director if he or she appeals the decision of the warden or director to the commissioner. Otherwise, rejected mail shall be sent out or destroyed.
- (5) The warden or director shall direct mailroom or property room staff to preserve the material during the appeal process.
- (6) If the commissioner denies the appeal, the material shall be destroyed or returned to the sender at the resident's expense.

REFERENCES:

Standards for the Administration of Correctional Agencies
Second Edition Standards

Standards for Adult Correctional Institutions
Third Edition Standards

Standards for Adult Community Residential Services
Fourth Edition Standards

Standards for Adult Probation and Parole Field Services
Third Edition Standards

Other: **COR 305.04**
COR 306.04
RSA 635:2

RIENDEAU/lb

Attachment

New Hampshire Department of Corrections Mailroom

Inmate Name: _____ Unit/Cell: _____ ID # _____

Mail Room Personnel _____ Date: _____

REJECTED MATERIAL

In accordance with the policies and procedures of the Department of Corrections that govern Inmate's mail service, the enclosed correspondence is being returned/ rejected for the following reason(s):

- Cash money
- Non-standard stationary / postcard
- Non-standard ink / pencil
- Unauthorized greeting card/drawing or sticker
- Unused correspondence materials; postage stamps, envelopes, paper and/or greeting cards
- Publication not from authorized vendor
- Check or money order not properly filled out
- Nude or semi-nude photographic pictures of children or adult or prospective visitor
- Does not meet the criteria of privileged/legal mail
- Contains contraband or unknown substances
- Glued, taped or stapled materials affixed to the correspondence material
- Laminated item(s), cardboard, carbon paper or local (New England) map(s)
- Letters written on stationary larger than 8 1/2" x 11"
- Tattoo patterns/photos, gang signs
- Unauthorized legal documents
- Unauthorized correspondence between inmates of any institution
- Materials that would present a clear and present danger of physical or mental disturbance to an inmate.
- Depicts or describes procedures for construction or use of weaponry or explosives
- Depicts or describes methods of escape from correctional institutions
- Depicts or describes bestiality, sadomasochism, bondage or pedophilia
- Describes or discusses violations of institutional rules
- Contains material that threatens physical harm, blackmail or extortion
- Encourage activities that may lead to the use of physical violence or group disruption
- More than 10 pages of correspondence
- Security Threat Group Material
- Other:

Mail Returned To: _____

SP - 226

White - Sender

Yellow - Mail Room

Pink - Inmate



State of New Hampshire Department of Corrections

CERTIFICATION

I, _____, attorney for _____
(Print Attorney's Name) (Print Client's Name)

certify that no written or textual contraband (i.e. maps, sketches, or drawings of the prison or its grounds or of the City of Concord); pornography or pictures of people unclothed; identification documents, licenses and credentials not in the possession of the person to whom properly issued; money or negotiable instruments; lock-picking instructions; documents concerning on-going or planned business enterprises or escape plans; is in my possession or that designated by myself as coming within the scope of an attorney-client privilege.

DATE: _____

(Signature of Attorney)

(Signature of Officer on Duty)

FORWARD FOR FILING IN CLASSIFICATION FILE



DEPARTMENT OF CORRECTIONS
STATE OF NEW HAMPSHIRE
P. O. BOX 1806
CONCORD, NH 03302-1806

INTRA-DEPARTMENT MEMORANDUM
Office of the Commissioner

FROM: Helen E. Hanks
Commissioner

DATE: January 17, 2018

SUBJECT: Policy Amendment

OFFICE: Commissioner's Office
Phone: 271-5603

TO: All Staff

.....

Effectively immediately PPD 5.26 *Inmate mail Service* has been amended as indicated below.

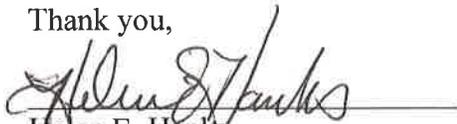
B. Mail Security Screening

3. Incoming correspondence must be written in pen or pencil. Incoming correspondence containing any marking(s) using anything other than a black or blue ink pen or graphite pencil is prohibited. Incoming correspondence using any of the following is therefore prohibited: (a) marker; (b) crayon; (c) colored pencil; (d) glitter; (e) chalk; (f) lipstick; (g) sticker; (h) any type of adhesive material (i) Gel pens.

For the purpose of defining the term "Partially Nude" as used in Attachment 1 as a reason to reject incoming mail the following definition will be used:

"Partially nude figure" means a figure with less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below a point immediately above the top of the areola.

Thank you,


Helen E. Hanks
Commissioner



DEPARTMENT OF CORRECTIONS
STATE OF NEW HAMPSHIRE
P. O. BOX 1806
CONCORD, NH 03302-1806

INTRA-DEPARTMENT MEMORANDUM
Office of the Commissioner

FROM: Helen E. Hanks
Commissioner

DATE: February 11, 2019

SUBJECT: Policy Amendment

OFFICE: Commissioner's Office
Phone: 271-5603

TO: All Staff

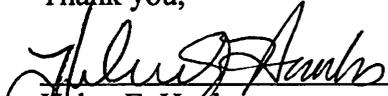
.....

Attachment 1 of PPD 5.26 *Inmate Mail Service* has been amended as indicated below.

- Tattoo patterns/~~photos~~, gang signs

Photos of tattoos shall be permitted unless they depict other prohibited materials such as child pornography or a gang signs.

Thank you,



Helen E. Hanks
Commissioner