



OREGON YOUTH AUTHORITY
Policy Statement
Part II – Youth Services (Facilities)



Subject:

Offender Mail in OYA Facilities

Section – Policy Number:

F: Justice – 3.0

Supersedes:

II-F-3.0 (05/06)
II-F-3.0 (09/05)

Effective Date:

07/27/2009

Date of Last

Review:

01/12/2012

Related Standards and References:

- [OAR Chapter 416 Division 440](#) (Offender Mail)
- [OAR Chapter 416, Division 20](#) (Offender Grievance Process)
- Performance-based Standards (PbS), *Juvenile Correction and Detention Facilities*; Programming, Justice
- American Correctional Association, *Standards for Juvenile Correctional Facilities*; 4-JCF-3A-07 (Mail); 4-JCF-3A-08 (Postage); 4-JCF-3A-09 (Uncensored Mail); 4-JCF-3A-10 (Forwarding Mail); 4-JCF-3A-11 (Privileged Mail); 4-JCF-3A-12 (Mail Delivery); 4-JCF-3A-13 (Receipts); 4-JCF-3A-14 (Publications)
- [OYA policy:](#) II-A-2.0 (Searches of Offenders and Offender Property in OYA Facilities)
II-F-1.0 (Offender Rights)
II-F-1.1 (Offender Grievance Procedure)
- [OYA form:](#) YA 4205 (Rejection of Offender Correspondence)
YA 2200 (OYA General Receipt)
- Attachments: [A \(Frequently Asked Questions\)](#)
[B \(Sample Correspondence Approval Letter\)](#)

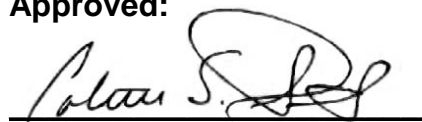
Related Procedures:

- None

Policy Owner:

Facility Services Assistant Director

Approved:


Colette S. Peters, Director

I. PURPOSE:

This policy provides guidelines for OYA staff when processing offender mail within OYA facilities.

II. POLICY DEFINITIONS:

Immediate Family Member: Legal spouse, domestic partner, parent, guardian, sibling, child, aunt, uncle, grandchildren and grandparents, including foster, in-law, and step relationships. Immediate family also includes the caregiver of the offender’s minor child(ren).

Inspection: To examine or view, including reading or photocopying.

Offender correspondence: Correspondence and packages designated official or personal.

- (a) **Official correspondence** is mail sent to or received from officials of the Oregon Youth Authority, any confining or community supervising authority, the Governor, the Secretary of State, any state or federal legislator, administrators of grievance systems, foreign embassy consulates, attorneys, courts, court officials, or any agency that provides legal services to an offender, including legal aid offices.
- (b) **Personal correspondence** is all other mail.

Prohibited mail: Any material that threatens or is detrimental to the general public, or facility/program security, safety, or order, including but not limited to:

- (a) Incoming mail to a confined offender from an offender confined in a correctional, penal, or detention institution, unless prior written authorization is received from the superintendent/camp director or designee;
- (b) Mail to or from identified victims, including through third parties, unless prior written authorization is received from the superintendent/camp director or designee;
- (c) Mail that contains escape plans, plans to commit a criminal act or to violate facility rules, or that constitutes a crime in or of itself or is used in the furtherance of illegal activity;
- (d) Sexually explicit material which by its nature or content poses a threat or is detrimental to the security, safety, or order of the facility or program, or facilitates criminal activity;
- (e) Mail sent or received on behalf of another offender;
- (f) Contraband items, including but not limited to weapons or explosives, medications, electronic items, negotiable instruments, money, or photographs with chemical substances on the back of the photograph;
- (g) Unauthorized business transactions, such as promotions given in exchange for purchase or subscription, audio or book clubs, requests or applications for credit cards, credit or deferred billing transactions;
- (h) Publications deemed contraband, detrimental to an offender's reformation, or publications sent other than directly from a publisher or commercial distributor; and
- (i) Attachments or enclosures that are glued, taped or otherwise affixed to the envelope or package or its contents.

III. POLICY:

OYA recognizes the importance of interaction between offenders in its custody and members of the community, including family and friends. Such access allows offenders to maintain contact with their community, and is essential for effective community reintegration planning. OYA seeks to balance the positive effects of community contact with the responsibilities and values of the agency's mission.

Offenders are permitted to correspond as long as it poses no threat to the safety, security, and order of the facility, public officials, or the general public, and is not being used in the furtherance of illegal activities. Staff will adhere to OYA policy and rule when placing limitations on an offender's mail privileges.

IV. GENERAL STANDARDS:

- A. Offender correspondence is designated official or personal.
- B. All incoming and outgoing mail is subject to inspection.
- C. OYA will provide the equivalent of three stamps per week for offenders who have no financial resources to maintain ties to the community, including letters to family, friends, or other persons who are involved in the offender's life. Otherwise, no limits will be placed on the amount of official or personal correspondence an offender sends or receives.
- D. Confined Offender-to-offender Correspondence

Confined OYA offenders may not receive mail from another confined offender without authorization from the superintendent/camp director or designee. This includes offenders confined in any penal, correctional, or detention institution.

- 1. Unauthorized OYA facility offender intercampus correspondence (notes, letters, etc.) is prohibited.
- 2. Unauthorized OYA interfacility offender correspondence is prohibited.
- 3. The facility superintendent/camp director or designee may authorize correspondence between an OYA offender and an offender confined in the same or another correctional, penal, or detention institution if the offenders are immediate family members or their correspondence is deemed to have an integral role in offender reformation.

When one of the confined offenders is not in OYA custody, the equivalent of the superintendent/warden of that institution must also approve of the confined offender-to-offender correspondence.

- a) Approved correspondence between confined OYA offenders must be documented in JJIS as approved contacts.
 - b) Approved correspondence between confined OYA offenders and confined offenders not in OYA custody must be documented in writing. See Attachment B (Sample Correspondence Approval Letter) for an example of such document.
4. Designated staff **must** inspect approved offender-to-offender correspondence.
- E. All mail will:
1. Be placed in an envelope or appropriate packaging acceptable by the official mail carrier.
 2. Include a sending and return address on the envelope or package.
 - a) The offender's return address will reflect the offender's current placement, including the name of the facility.
 - b) Mail sent from or to offenders without a sending or return address may be rejected.
 - (1) Outgoing mail sent from an offender without the proper return address will be returned to the offender.
 - (2) Incoming mail without a return address may be marked "Return to Sender" and returned to the delivering U.S. Postal Service or mail carrier, or referred to the superintendent/camp director for disposition.
 3. Personal correspondence must be sent using U.S. postage via the appropriate mail carrier. Personal correspondence may not be sent using the state's shuttle mail system or a facility's internal mail system.
 4. Official correspondence may be sent through the facility's internal delivery system or the state shuttle mail system when the intended recipient can be accessed through those systems. No postage is required for this correspondence.

Official correspondence sent to persons not accessible through these systems must be sent with proper postage via the appropriate mail carrier.
 5. When offender-to-offender correspondence is authorized, staff may choose to oversee the delivery of the correspondence.

6. Mail received for offenders marked "postage due" by the mail carrier may be returned to the sender.
- F. Incoming and outgoing mail will not be held for more than 24 hours and packages for more than 48 hours, excluding weekends and holidays.
- If mail dispatch or delivery is delayed, offenders must be notified of the delay and reason for delay.
- G. Offenders may not send or receive mail on behalf of another offender.
- H. Correspondence Inspection
1. Personal correspondence: An offender's incoming and outgoing personal mail may be opened and inspected only by designated staff.
 2. Official correspondence
 - a) An offender's incoming official correspondence will remain sealed or inspected for contraband by designated staff only in the presence of the offender, unless waived in writing, or in circumstances which may indicate contamination.
 - b) An offender's outgoing official correspondence may be inspected for contraband by designated staff in the presence of the offender before it is sealed.
 3. Only designated staff may inspect personal correspondence for indicators of prohibited or illegal activity (e.g. escape plans, threats to facility or community safety or security).
 - a) If such activity is suspected, staff must forward the mail to the offender's treatment manager, or designee, for further inspection.
 - b) The treatment manager, or designee, will recommend the mail for delivery or rejection.
 4. Search Process
 - a) At least two designated staff will be present during incoming correspondence contraband inspections.
 - b) Staff will wear disposable gloves while performing contraband inspections.
 - c) The envelope/package and its contents will be inspected.
 - d) Designated inspecting staff must adhere to professional standards by not divulging personal information they may

glean while inspecting an offender's correspondence, notwithstanding information that constitutes prohibited mail.

- e) Designated inspecting staff must protect an offender's attorney-client privilege when inspecting mail between an offender and an attorney or agency that provides legal services by not reading or photocopying the document.

5. If contraband is found, it will be removed and documented in compliance with OYA policy II-A-2.0 (Confiscating Contraband in Close Custody Facilities).

- a) The envelope/package addressed to the offender will be stamped "Contraband Removed," re-sealed, and delivered to the offender.
- b) Currency, money orders, or checks received will be removed and processed according to agency accounting practice.
 - 1) Staff must complete an OYA General Receipt (YA 2200) indicating the amount of money received and from whom.
 - 2) The offender must receive a copy of the receipt.
 - 3) The offender's trust fund account must be credited the amount indicated on the receipt.

I. Mail Rejection

- 1. Only the superintendent/camp director or program director may reject an offender's mail.

Offender mail may only be rejected if it is determined to be "prohibited mail" as defined in section II of this policy and OAR 416-440-0015.

- 2. Both the sender and intended recipient must be notified, via OYA form YA 4205, when mail is rejected.

The notification will include information about an appeal process should the sender or intended recipient disagree with the decision to reject mail.

Exception: A YA 4205 will not be mailed to senders of promotions in exchange for purchase or subscription, audio or book clubs, requests or applications for credit cards, or credit or deferred billing transactions (bulk mail).

3. Both offenders' treatment managers (or designees) will receive a copy of the YA 4205 when OYA offender-to-offender mail is rejected.
4. The offender's Juvenile Parole/Probation Officer (JPPO) will be notified if a significant mail violation occurs.
5. Staff will contact law enforcement when mail is considered dangerous, or may possibly constitute a crime or be used in furtherance of illegal activity.

J. Undeliverable mail

When an address is available for an offender who has been transferred to another facility or released, all letters and packages will be promptly forwarded, unopened to the offender.

1. If no address is available, the letter or package will be marked "Not at this address" and returned, unopened, to the post office or delivering mail carrier.
2. If such mail has been previously opened by a facility and forwarded to the offender in care of OYA, staff will place the mail in an envelope, include a copy of the YA 4205 noting the condition of mail upon receipt, and forward the mail to the offender.

K. Training

Facilities will implement this OYA policy and ensure their staff are trained to it.

V. LOCAL OPERATING PROTOCOL REQUIRED: NO

1. What is offender mail?

Mail includes correspondence and packages sent or received by offenders in OYA custody. Mail does not lose its distinction because it has been opened and read, or because it does not contain postage. For example, letters dropped off at an OYA facility by family or friends for an OYA offender (if authorized) constitutes mail, as do letters read by an offender and maintained in his/her personal items.

2. How is offender mail protected?

It is the agency's intent to protect an offender's right to send and receive mail that is not specified as "prohibited mail." Further, only specific people within OYA are allowed to inspect offender mail. (See question #6 for a description of staff authorized to inspect offender mail.)

OYA policy defines the circumstances under which an offender's mail may be inspected and who can inspect it to make a decision if the mail should be rejected. Such a decision will not be made by individual staff, but will follow agency direction and local process.

3. What kinds of mail are prohibited?

Any material that threatens or is detrimental to security, safety, or order within a facility is prohibited, including but not limited to:

- Mail with escape plans, plans to commit a criminal act or to violate facility rules, or the mail constitutes a crime in and of itself.
- Sexually explicit material which by its nature or content poses a threat or is detrimental to the security, safety, or order of the facility or program;
- Contraband items including weapons or explosives, medications, electronic items, negotiable instruments, money, or photographs with chemical substances on the back of the photograph;
- Incoming mail from an offender confined in a correctional, penal, or detention institution. This includes mail between offenders housed in OYA facilities, or mail between offenders in the same OYA facility that has not been approved by the superintendent/camp director or designee.
- Mail to or from identified victims, including through third parties, unless prior written authorization is received from the superintendent/camp director or designee.
- Unauthorized business transactions such as promotions, audio or book clubs, applications for credit cards;
- Publications deemed contraband, detrimental to an offender's reformation, or publications sent other than directly from a publisher or commercial distributor; and

- Attachments or enclosures that are affixed to the envelope or its contents.

4. What about gang writing, gang symbols, or gang-related pictures?

OYA staff should be able to clearly identify gang-related material and identify safety/security issues related to that piece of mail. Gang-related mail may be rejected because it meets the specifications within prohibited mail.

However, if staff believe that a specific piece of mail falls within this policy, it should be referred to the appropriate staff for determination if it will be rejected. In addition, OYA's Office of Minority Services can help staff determine whether the material is truly gang-related.

5. What type of notice is required if an offender's mail is rejected?

Both the sender and the intended recipient must be notified of the rejection. Use OYA form YA 4205 (Rejection of Offender Correspondence).

6. Who can read offender mail?

Only designated OYA staff can inspect offender mail. Inspection may include examining, viewing, reading, or photocopying.

For offenders placed within OYA facilities: Only those staff who have been assigned the duty of inspecting offender mail.

For offenders placed in the community: The local supervisor/manager, or specific designee.

If designated OYA facility staff suspect a piece of mail is prohibited, the staff should refer the piece of mail to the treatment manager (or designee) who will help decide if the piece of mail will be rejected. Only the superintendent/camp director or program director may reject offender mail.

7. Can we edit an offender's mail?

OYA does not edit offender mail. OYA does restrict offender mail as described in the policy.

8. What about offenders placed under supervision within the community?

OYA contracted residential treatment providers and foster homes are expected to develop policy and procedure reflective of OYA standard.

Offenders placed on parole/probation typically must comply with "do not contact" orders. Mail is a form of contact between offenders. Mail sent to or from offenders in violation of such orders may be rejected. Both the sender and intended recipient must be notified of the rejection. Use OYA form YA 4205 (Rejection of Offender Correspondence).

Attachment A: Frequently Asked Questions

To assist OYA staff and service providers to enforce such orders, OYA policy requires offender mail contain both a sending and a return address. Offenders are also prohibited from sending or receiving mail on behalf of another person.

9. Can OYA place restrictions on the persons with whom an offender may correspond?

Court orders or legal agreements may prohibit an offender from corresponding with certain individuals. Staff and service providers are required to enforce such limitations.

OAR 416 Division 440 (Offender Mail) restricts an OYA offender from receiving mail from an offender confined in a correctional, penal, or detention institution. However, exceptions may be made for immediate family members, or if their correspondence is deemed to have an integral role in offender reformation.

OAR 416 Division 440 (Offender Mail) also restricts an OYA offender from corresponding with identified victims, unless approved by the superintendent/camp director or designee.

10. If OYA provides postage, can OYA further restrict offender correspondence?

This is **not** a valid reason to restrict an offender's right to correspond with friends, family, or community members outside of current policy.

11. Can offenders use the state shuttle mail or a facility's internal mail system to send personal correspondence?

No. Personal correspondence must be sent using proper postage via the appropriate mail carrier.

Attachment B: Sample Correspondence Approval Letter

USE YOUR OFFICIAL FACILITY OR OYA LETTERHEAD

Enclose self-addressed envelope

RE: Correspondence Privileges

Our offender:

Your offender:

The above-named offender requests correspondence privileges with your offender. Please notify me of your approval or disapproval by marking the appropriate space below and returning this letter to our facility. Our records confirm the relationship between the offenders is as follows:

- Immediate family members Relationship:
- Correspondence is deemed to have an integral role in offender reformation Reason:

If approved, it is expected the letters will comply with the rules and regulations of both facilities and be in accordance with Oregon Administrative Rules Chapter 416, Division 440 (Offender Mail), and Oregon Youth Authority policy II-F-3.0 (Offender Mail in OYA Facilities).

A confined OYA offender may be permitted to correspond with an offender confined in another correctional, penal, or detention institution if the offenders are immediate family members or their correspondence is deemed to have an integral role in offender reformation. Confined offender-to-offender mail must be inspected by designated staff. The superintendent/camp director or designee must approve of the confined offender-to-offender correspondence prior to its occurrence. When one of the confined offenders is not in OYA custody, the equivalent of the superintendent/warden of that institution must also approve of the confined offender-to-offender correspondence.

Thank you for your consideration in this matter.

Sincerely,

Approved correspondence privilege

Disapproved correspondence privilege

Signature of Superintendent/Warden

Date signed