

Jim Pillen, Governor

Policy Directive 025-009

DATE: February 13, 2025

TO: NDCS Agency

FROM: Rob Jeffreys, Director

RE: Policy 205.01 *Incarcerated Individual Mail*

Effective immediately, the following changes will be in effect concerning Policy 205.01 *Incarcerated Individual Mail*. These revisions will be incorporated into this policy during the next scheduled review. You may contact Deputy Director-Administrative Services Robin Spindler with questions regarding this change.

Page 4, PROCESS II.A.1., update section with the following **BOLD** language:

1. Effective November 12, 2024, all incoming personal correspondence will be scanned by a contracted vendor (scanning vendor). **For purposes of this policy, the scanning vendor shall constitute the employee designated by the warden to process all non-privileged incoming mail.**

Page 6, PROCESS II.A.10., update section with the following **BOLD** language:

10. **Personal** correspondence received at the facility address instead of the address identified in PROCESS II.A.1. **will not be delivered** (*Notice From the Mailroom Attachment B*). **If the sender can be determined, the personal correspondence will be returned to them. If the sender cannot be determined, the personal correspondence shall be held for 30 days. If the facility is not contacted about the correspondence prior to expiration of the 30 day period, the correspondence shall be destroyed.**

Page 6, PROCESS II.A.11., add new section with the following language:

11. A sender may request the return of original personal correspondence from the scanning vendor. The request must be made to the scanning vendor pursuant to its terms of service.

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Page 7, PROCESS II.B.3., update section with the following **BOLD** language:

3. Incoming Publications and Packages

- a. Pre-paid publications (books, magazines, newspapers), commercial items, and calendars are allowed to be sent to incarcerated individuals **and must come directly from the vendor or publisher, and are** subject to all NDCS policies, rules, and regulations.
  - 1) All commercial items excluding religious items from a church or religious organization or approved by the facility religious coordinator must be mailed directly from the publisher, bookstore or other approved commercial vendor and must be pre-paid.
  - 2) Individuals may only order books and receive books pursuant to Policy 113.23 *Incarcerated Individual Orders*.
  - 3) Inserts in publications may be removed from the publication if the inserts are contraband. This includes, but is not limited to, fragrance and lotion samples. The inserts may be removed without notice to the incarcerated individual. After the inserts that are contraband are removed from the publication, the publication can be delivered to the incarcerated individual. Chapter 3, Mail Privileges (Section 006.04).
  - 4) **Approved hobby items may only be ordered as authorized in Policy 207.01 *Leisure Time Activities*.**

Page 9, PROCESS II.B.3.f., add new section and re-letter remaining sections:

- f. A clerk of any court.

Page 10, PROCESS II.C.1.b., update section with the following **BOLD** language:

- b. Director, **assistant director**, deputy directors, **deputy assistant director**, and **agency chief inspector**

Page 10, PROCESS II.C.2.b., update section with the following **BOLD** language:

- b. With the exception of **a clerk of any court**, the Office of Public Counsel for the State of Nebraska, the Office of the Ombudsman for the State of Nebraska, the Office of the Inspector General of Nebraska Child Welfare, and the Office of the Inspector General of the Nebraska Correctional System, privileged mail must include the name and title of the sender.


Page 11, PROCESS II.C.2.d., update section with the following **BOLD** language:

- d. In the absence of adequate identification establishing the incoming mail as privileged, mailroom staff **will not open the incoming mail and will return the incoming mail to sender. If the sender cannot be determined, the correspondence shall be held for 30 days. If the facility is not contacted about the correspondence prior to expiration of the 30 day period, the correspondence shall be destroyed.**

**PAGE 12, PROCESS II.C.2 e. 6), DELETE section.**

Page 15, PROCESS II. INCOMING MAIL Chart, update section with the following **BOLD** language:

Item:	Scanning Vendor Allowed	NDCS Facility Allowed	Not Allowed
Personal Correspondence or letters – following policy	X		
Greeting cards	X		
Photos no larger than 4"x6" <b>in size.</b>	X		
Legal, Privileged or Confidential Marked Mail		X	
Checks, money orders, IRS checks, payment checks, cash, debit/prepaid cards from jails, or other financial instruments		X	
Books, magazines, newspapers, calendars, or publication to include spiral binding or documents/publications		X	
Policy Approved boxes or packages		X	
Bank statements, IRS statements, and child support statements received directly from the origin		X	
Approved inmate-to-inmate correspondence		X	
Originals of passports, Medicaid/Medicare cards, insurance cards, social security cards, birth certificates, credit/debit/prepaid cards, <b>Free Application for Federal Student Aid (FAFSA), Power of Attorney, vehicle titles, &amp; other official documents (unless prohibited by agency policy or by a government entity).</b>		X	
Booklets, pamphlets, newsletters, & brochures		X	
Mail or Item that violates any NDCS Policy			X
Fabrics, Banners, or posters			X
Hardware items, metallic items			X
Electronics and components			X
Prescription and nonprescription drugs			X
Oversized envelope and mail			X
Bound photo books			X
Greeting cards that contain musical abilities, Pop-ups, glitter, or liquid/viscous substance			X
Improperly addressed envelopes			X
Stickers			X
Tattoo Templates			X
Stationery items including stamps & envelopes			X
Altered items			X

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EFFECTIVE: March 1, 1980  
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 REVISED: December 31, 2021  
 REVISED: December 31, 2022  
 REVISED: December 31, 2023  
 REVISED: October 7, 2024

#### SUMMARY OF REVISION/REVIEW


Policy Directives 024-003, 024-006, and 024-009 incorporated. PURPOSE – Language updated.  
 PROCESS – I.A. – Language updated. I.E. – Language updated. I.F. – Language updated.  
 I.F.1. – Language updated. 1.F.4. – Language updated. I.F.6. – Language updated.  
 I.I. – Language updated. I.L. – Language updated. II. INCOMING MAIL, Complete rewrite of  
 section read carefully. III.A. – Language updated. III.B. – Language updated.  
 ATTACHMENTS – New Attachments, *Notice From The Mail Room* (Attachment B). Minor  
 formatting and grammar changes throughout.

APPROVED:

*Diane Sabatka-Rine (for)*

[Diane Sabatka-Rine \(for\) \(Oct 7, 2024 16:10 CDT\)](#)

Rob Jeffreys, Director  
 Nebraska Department of Correctional Services

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## PURPOSE

To provide Nebraska Department of Correctional Services (NDCS) policy for incarcerated individual mail. (ACRS-6A-07)

Each facility, consistent with its function and the nature of its incarcerated population and programs, shall develop its own written Procedure within the limits and guidelines of this policy.

There shall be no restrictions on the number of letters, length, language, content or source of mail or publications, except when there is a reasonable belief that the limitation is necessary to protect public safety or facility order and security. (ACI-7D-02)


As used herein, the term “mail” shall include all items received through the US Postal Services, to include personal correspondence, funds, publications, and packages unless otherwise specified. As used herein, the term “publications” shall include books, magazines, newspapers, and periodicals unless otherwise specified. Incarcerated individuals are not allowed to receive communication by facsimile machine or telegram.

The current version of *Title 68 Chapter 3 - MAIL PRIVILEGES* (Attachment A) of the Rules and Regulations of NDCS promulgated under the Administrative Procedure Act is herewith incorporated into this policy by reference. This document will be referred to as Chapter 3 below. In addition to contraband specified in Chapter 3, contraband includes any items which are not acquired by incarcerated individuals through authorized channels or services.


## PROCESS

### I. OUTGOING MAIL - MAIL PRIVILEGES – UNITED STATES POSTAL SERVICE (USPS)

- A. Incarcerated individuals may send mail to any person or organization they choose, except as prohibited by Chapter 3 or this policy.
- B. If the warden has reasonable cause to believe that an incarcerated individual is using the mail to engage in an unauthorized business enterprise or to defraud the public, the warden should document the facts that led to that conclusion and a direct order should be given to the incarcerated individual to discontinue the practice. Evidence that the incarcerated individual has not complied with the direct order may result in disciplinary action.
- C. All outgoing mail (personal correspondence and privileged mail) will be stamped with the following disclaimer: “NOTICE! This correspondence was mailed by an incarcerated individual confined in a facility operated by the NDCS. Its contents are uncensored.”  
  
The disclaimer stamping of incarcerated individual mail is not done at community corrections facilities.
- D. The envelope containing outgoing mail must contain the inmate’s committed name and number unless their name has been legally changed. If incarcerated individuals have legally changed their names, the legally changed name and number must be on the envelope of outgoing mail. (ACI7D-01)

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- E. If an incarcerated individual attempts to send mail to an incarcerated individual in another facility or in the same facility, the warden at the sending facility shall have the authority to intercept the mail and return it to the sender as provided for incoming mail in PROCESS II.A.
- F. Incarcerated individuals will not be permitted to use the state's interoffice mail system to send mail to NDCS team members, except in the following circumstances:
1. Applications for a speedy trial directed to the NDCS Special Services Unit
  2. Appeals of Institutional Disciplinary Committee (IDC) actions to the NDCS Appeals Board
  3. Requests to NDCS Accounting involving their institutional funds
  4. Step 2 Grievances
  4. Appeals of Classification Actions
  5. Requests to the department ADA coordinator
  6. Requests to the Healthy Lives Program team
  7. Requests to an NDCS social worker
  8. Requests to the NDCS reentry unit
- Team members should not assume responsibility for mailing these materials for incarcerated individuals through interoffice mail except for disciplinary and/or classification appeals. This mail must either be folded or stapled with the proper return address. On the return address, the incarcerated individual must use his/her committed name (unless their name has been legally changed then the inmate's legally changed name may be used), institutional number and the name of the facility where the incarcerated individual is assigned. Incarcerated individuals must use the U.S. Mail Service for all other correspondence.
- G. Outgoing mail will be examined for enclosures and contraband. Contraband, other than money, which is removed and confiscated from outgoing incarcerated individual correspondence, will be disposed of unless it is needed as evidence for prosecution. The method of disposition will be decided by the warden. Disposition of money orders will be in accordance with Policy 113.02 *Inmate Accounting*. (ACI-7D-05, ACRS-6A-08)
- H. Except for weekends and holidays, all properly stamped and addressed mail will normally leave the facility no later than 24 hours after the sender has deposited it for mailing, and packages will leave the facility no later than 48 hours after deposit. Mail or packages may be delayed when mail/packages contain suspected contraband, additional postage is required, a facility emergency exists or other unforeseen event. (ACI-7D-09, ACRS-6A-08)

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- I. Incarcerated individuals may not possess postage stamps. Pre-stamped envelopes will be available for purchase in the facility canteens. Incarcerated individuals will be allowed to possess up to 40 pre-stamped envelopes.

Incarcerated individuals may receive self-addressed stamped envelopes when these come from government agencies, an attorney or other legal entity, a publisher, vendor, religious headquarters, or an educational facility (so long as the envelopes are enclosed as part of a bona fide approved correspondence course). The warden/designee must approve all correspondence courses and will work with designated education team members. Self-addressed stamped envelopes may not be mailed in from any other source or for any purpose other than as stated herein.

- J. When an incarcerated individual purchases a special event card and necessary postage, the canteen team members will affix the necessary postage on the envelope after the card and postage are purchased. The incarcerated individual will not be given the loose stamp to place on the envelope.
- K. Incarcerated individuals are not permitted to enclose postage or stamped envelopes in outgoing mail except when requesting return mail from government agencies or when approved by the warden for special circumstances, such as facilitating family correspondence with children.
- L. If facility team members cannot determine the incarcerated individual who sent the outgoing mail, it will be held for 30 days. If the facility is not contacted about such mail during that time period, the mail will be destroyed.
- M. Incarcerated individuals may write an insufficient funds institutional check for legal mail postage, to include the cost of certified mail.

## II. INCOMING MAIL (ACI-7D-04)

For purposes of this policy, incoming mail is identified in three categories: *Personal Correspondence* (letters, photographs/pictures and greeting cards); *Funds, Publications and Packages*; and *Privileged Mail*.


### A. Personal Correspondence

1. Effective November 12, 2024, all incoming personal correspondence will be scanned by a contracted vendor (scanning vendor). All personal correspondence **must** be addressed as follows:

Facility Name (place the incarcerated individual is assigned)  
 State of Nebraska Department of Correctional Services  
 Incarcerated Individual's Committed Name or Legally Changed Name and  
 Institutional Number  
 Box 247  
 Phoenix, MD 21131

2. Personal correspondence received by NDCS from the scanning vendor for electronic delivery to an incarcerated individual in which the scan of the personal correspondence is not readable will not be scanned again nor will the personal



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correspondence be printed for delivery to an incarcerated individual. Common reasons scanned mail is not readable include, but are not limited to, the following:

- a. Use of ink color other than black or blue
  - b. Ink color too light to be well scanned
  - c. Use of colored paper, watermarks or other types of background print paper
3. All contents of personal correspondence are scanned into a single PDF document for transmittal to the tablet system. If any part of the document violates NDCS policy or the vendor's policy, the entire PDF document will be rejected.
  4. The contents of personal correspondence is not reviewed unless there is clear and convincing evidence that the correspondence threatens the safety, security or good order of the institution.

Photographs/pictures, greeting cards, and other items in the scanned PDF document will be reviewed for compliance with NDCS policies and procedures.

- a. Personal correspondence may include photographs/pictures, post cards/personalized post cards and greeting cards provided they comply with the vendor's criteria and with the following provisions:
  - 1) No hand signs, including peace signs or middle fingers
  - 2) No items that depict violent or illegal activity
  - 3) No pictures of individuals with large amounts of money
  - 4) No items that might incite violent or illegal activity
  - 5) No nude or partially nude males or females, including infants/newborns, or drawings/cartoons of the same
  - 6) No adults or children clothed only in panties/underwear, bras, sheer/see-through clothing or bathing suits
  - 7) No sexual gestures, even when clothed
  - 8) No drug use or drug paraphernalia
  - 9) No images of incarcerated individuals or other incarcerated individuals
  - 10) No images from social media, to include text, filters, emojis, and borders
  - 11) No screen shots containing text




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5. If personal correspondence received by the scanning vendor contains any illegal or suspicious drug, the vendor shall notify local police to take possession of the substance and notify NDCS.
6. If personal correspondence received by the scanning vendor does not comply with the provisions of this policy, it will be returned to the sender. No notice of the return is provided to the intended recipient of the personal correspondence.
7. Mail received by the scanning vendor will be scanned in full color mode, stored and delivered to the tablet system for delivery to the incarcerated individual. Delivery to the incarcerated individual's tablet will normally occur within 24 hours of approval.  
  
If an incarcerated individual does not have an assigned tablet, facility team members will photocopy the approved scanned correspondence and deliver it to the individual, normally within 24 hours of approval.
8. If the vendor receives funds with personal correspondence, the funds will be returned to sender; the personal correspondence may or may not be returned to sender.
9. If personal correspondence is processed by the vendor and NDCS determines the personal correspondence violates policy, the scanned personal correspondence will not be delivered to the incarcerated individual and the mailroom shall provide written notice to the incarcerated individual (*Notice From the Mail Room*, Attachment B). No notice of the return is provided to the sender of the personal correspondence.
10. Any personal correspondence received at the facility address instead of the address identified in PROCESS II.A.1. shall be returned to sender indicating the reason for return (*Notice From The Mail Room*, Attachment B).


B. Funds, Publications and Packages

1. All incoming funds, publications and packages will be received at the respective facility. All funds, publications and packages **must** be addressed as follows:
 

Incarcerated Individual's Committed Name or Legally Changed Name and  
Institutional Number  
Facility Name (place the incarcerated individual is assigned)  
Facility Post Box Number  
Facility City, State and Zip Code
2. Incoming Funds
  - a. Incarcerated individuals may not receive money or money equivalent (in any form) from family/friends of other incarcerated individuals or any persons on the approved visiting list of other incarcerated individuals or per Policy 113.02 *Inmate Accounting*.


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- b. Money orders or checks sent to incarcerated individuals will be credited in accordance with Policy 113.02 *Inmate Accounting*. Notification of such credit will be provided to the incarcerated individual by the business manager/designee of the appropriate facility. Senders of checks or money orders must be certain that their first and last names and complete address appear on the check, money order or envelope. A receipt will be issued to the incarcerated individual by the business manager/designee of the appropriate facility.
  - c. Travelers checks not be accepted by the facility.
  - d. All financial instruments must be receipted even if not delivered to the incarcerated individual.
  - e. Currency/coin should not be sent to an incarcerated individual. Currency/coin received will be placed on the incarcerated individual's confiscated account. The incarcerated individual will be notified of this action. A receipt will be issued to the incarcerated individual by the business manager/designee of the appropriate facility.
  - f. Personal correspondence may not be included in funds sent to the facility. Personal correspondence received with incoming funds will be returned to the sender. All personal correspondence must be sent in accordance with PROCESS II.A. Approved funds included with personal correspondence shall be processed and not returned to sender.
  - g. Incarcerated individuals shall be instructed to inform family and friends of these requirements. (ACI-7D-07)
3. Incoming Publications and Packages
  - a. Pre-paid publications (books, magazines, newspapers), commercial items, and calendars are allowed to be sent to incarcerated individuals subject to all NDCS policies, rules and regulations.
    - 1) All commercial items excluding religious items from a church or religious organization or approved by the facility religious coordinator must be mailed directly from the publisher, bookstore or other approved commercial vendor and must be pre-paid.
    - 2) Individuals may only order books and receive books pursuant to Policy 113.23 *Incarcerated Individual Orders*.
    - 3) Inserts in publications may be removed from the publication if the inserts are contraband. This includes, but is not limited to, fragrance and lotion samples. The inserts may be removed without notice to the incarcerated individual. After the inserts that are contraband are removed from the publication, the publication


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can be delivered to the incarcerated individual. Chapter 3, Mail Privileges (Section 006.04).

- b. If facility team members can determine the incarcerated individual for whom the publications and packages is intended, such must be delivered. Publications must be delivered if it contains the incarcerated individual's legally changed or the individual's committed name, or a partial name and facility number.
- c. If facility team members cannot determine the individual to whom publication or package is intended, it shall be returned to sender. If it is not possible to return the publication or package to the sender, it will be held for 30 days. If the facility is not contacted about the publication or package prior to the expiration of the 30-day period, the publication or package will be destroyed.
- d. Incoming publications or packages identified to violate policy shall be reviewed by the warden/designee to confirm the violation or to permit the mail to be delivered.
- e. Published sexually explicit materials that contain depictions or written descriptions of prohibited content as set forth below shall constitute contraband:
  - 1) Nudity - The depiction of human male or female genitals, anus, or pubic area or of the female breast or a substantial portion of the breast below the top of the nipple, with or without see-through covering, such as "pasties," lace, mesh, and body paint through which the covered area is showing; coverings emphasizing the depiction of human genitals; or tight-fitting clothing through which the contours of the genitals are clearly visible.  
  
NOTE: This definition of nudity does not include published material containing nudity illustrating medical, educational, or anthropological content or mainstream print media.
  - 2) Direct physical stimulation of unclothed genitals.
  - 3) Masturbation.
  - 4) Sexual Intercourse (including vaginal, oral, anal, or bestiality).
  - 5) Bodily fluids.
  - 6) Flagellation or torture in a sexual context.
  - 7) Sex-related materials determined to constitute a risk to the safety and security of the facility, facilitate criminal activity, or undermine offender/resident rehabilitation.

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- 8) A participant(s) who appears to be non-consenting dominated, degraded, humiliated, or in a submissive role, and/or acting in a forceful, threatening dominating, or violent manner which appears to be sexual in nature.
  - 9) Minor(s), or models depicting minor(s), in a sexually suggestive setting/pose/attire.
  - 10) Computer generated pictures or pictures with nudity that appear to be from the Internet will be considered nude pictures.
- f. If a publication or package is held for not complying with policy, a *Notice From The Mail Room* form (Attachment B) shall be completed. The individual will receive a copy of the form noting the reason the mail was held.
  - g. The individual may request a review of held mail through the warden/designee. The warden/designee will provide notice of decision to the individual after review.
  - h. The individual may request a review of a held publication or package through the established grievance process.
  - i. The publication or package will be held until the grievance procedure is exhausted or the time for filing a grievance has expired. The individual shall have 14 calendar days following the exhaustion of the grievance process to request the publication or package be returned to sender and submit a completed institutional check. If the publication or package is not returned to sender at the individual's expense, it shall be destroyed.
  - j. Religious publications, tapes and CD's may be received directly from churches or other religious bodies after being screened by the religious coordinator. Any digital media must comply with the State of Nebraska Information Technology Committee standards.
  - k. All publications and packages will be stamped with a receiver stamp near the incarcerated individual's name. This stamp will include a date that the material was received and the facility that received it.
  - l. Except for weekends and holidays, all incoming publications will normally be delivered to the incarcerated individual within 24 hours and packages within 48 hours after its receipt at the facility. Publications or packages may be delayed if they contain suspected contraband, a facility emergency exists or other unforeseen event occurs. (ACI-7D-09, ACRS-6A-08)
  - m. Contraband which is recovered from incoming publications or packages that is not returned to the sender may be turned over to law enforcement authorities for possible prosecution. Contraband not returned to the sender

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or given to law enforcement will be disposed of according to facility procedures. (ACI-7D-05, ACI-7D-08, ACRS-6A-08)

C. Privileged Mail (ACI-3D-02, ACI-7D-06, ACRS-6A-01)

1. Incarcerated individuals may send and receive sealed letters to and from the following entities:
  - a. All federal and state officials – A federal or state official is a person elected or appointed to carry out a governmental function
  - b. Director and deputy directors
  - c. Warden of any facility of NDCS
  - d. The Office of Public Counsel for the State of Nebraska, the Office of the Ombudsman for the State of Nebraska, the Office of the Inspector General of Nebraska Child Welfare, and the Office of the Inspector General of the Nebraska Correctional System
  - e. Judges
  - f. Members of the Nebraska Parole Board and members of the Nebraska Pardons Board
  - g. Active licensed attorneys

Mail from these individuals will be treated as privileged mail and opened and inspected only in the presence of the incarcerated individual as described below, unless waived in writing.


If the privileged mail is found to contain items with a raised seal; and/or contain an original or copy of a driver's license, passport, car title, birth certificate, or other government issued identification, such items will be forwarded to the addressee's central file in the records office.

2. Incoming Privileged Mail Process

- a. All incoming privileged will be received at the respective facility and **must** be addressed as follows:


Incarcerated Individual's Committed Name or Legally Changed Name  
and Institutional Number  
Facility Name (place the incarcerated individual is assigned)  
Facility Post Box Number  
Facility City, State and Zip Code

- b. With the exception of the Office of Public Counsel for the State of Nebraska, the Office of the Ombudsman for the State of Nebraska, the Office of the Inspector General of Nebraska Child Welfare, and the Office

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of the Inspector General of the Nebraska Correctional System, privileged mail must include the name and title of the sender.

- c. With the exception of the Office of Public Counsel for the State of Nebraska, the Office of the Ombudsman for the State of Nebraska, the Office of the Inspector General of Nebraska Child Welfare, and the Office of the Inspector General of the Nebraska Correctional System, privileged mail originating from an agency/organization must include the name and title of sender.
  - 1) The name or firm affiliation of the sender must appear in commercial printing or stamp on the envelope, or the incoming mail will not be considered privileged mail unless noted otherwise herein.
    - a) If the mailroom has a reasonable belief the incoming mail is privileged, the mail will be treated as privileged mail.
    - b) If the mailroom has a reasonable belief the incoming mail is from a court or court reporter, the mail will be treated as privileged mail.
    - c) If the incoming mail is marked "Attorney-Client," or in some other fashion clearly indicated to be attorney-client communication, the mail will be treated as privileged mail.
    - d) If the incoming mail is from Federal Express, United Parcel Service, or another commercial carrier with a handwritten label indicating it is from a court or an active licensed attorney, and the mailroom has a reasonable belief it is privileged mail, the mail will be treated as privileged mail.
    - e) If the incoming mail is from the Child Support Enforcement Office or Parole Board and does not include the name or firm affiliation of the sender, the mail will not be treated as privileged mail.
- d. In the absence of adequate identification establishing the incoming mail as privileged mail, mailroom staff shall treat the incoming mail as general correspondence and may open, inspect, and read the mail.
- e. All incoming privileged mail will be logged on the *Privileged Mail Delivery Form* (Attachment C) by the mailroom supervisory sergeant or the mailroom personnel. Mailroom team members must sign and list the name of the addressee and sender/sender address on the *Privileged Mail Delivery Form*. The team member who delivers the privileged mail to an incarcerated individual must list their name and rank/position on the *Privileged Mail Delivery Form*. Upon delivery of any privileged mail, team members will provide the *Privileged Mail Delivery Form* to the incarcerated


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individual. If the incarcerated individual refuses to sign this form, another team member will note “incarcerated individual refused to sign” on the *Privileged Mail Delivery Form* and sign as a witness. The privileged mail will then be opened in the presence of the incarcerated individual. Mail opened and inspected under these circumstances will not be read unless there is clear and convincing evidence that the incoming mail threatens the safety, security, or good order of the facility.


- 1) All incoming privileged mail will be screened by a member of the facility Intel Team for unusual odor, stains, feel/touch, mailing address and/or postage discrepancies before being processed for distribution.
  - 2) If any discrepancies are noted, the incoming mail will be tested for illicit substances through the outside of the unopened envelope.
  - 3) If the envelope tests positive for an illicit substance, the incoming mail will be held as evidence and the NDCS investigations coordinator will be notified immediately.
  - 4) If the discrepancy is based on visual observation or how the envelope is addressed, the team member will initiate contact with the addressee to verify if the correspondence was mailed by the addressee.
  - 5) If the addressee listed on the envelope denies mailing the correspondence, it will not be considered privileged mail. The contents will be inspected for contraband and tested for illicit substances. If contraband or illicit substances are detected, all items will be held as evidence and the NDCS investigations coordinator will be notified immediately. If no contraband or illicit substances are detected the mail shall be processed as held mail in accordance with policy.
  - 6) After opening incoming mail, if the mailroom determines the correspondence is privileged mail, the mailroom shall stop the inspection of the contents and process the correspondence as privileged mail.
- f. Incoming privileged mail photocopy procedures for the Tecumseh State Correctional Institution, Reception and Treatment Center and Nebraska State Penitentiary. Additional facilities may be designated to photocopy incoming mail at the discretion of the deputy director-prisons operations pursuant to Title 68, Chapter 3.

As an additional measure to prevent contraband or illicit substances from entering the facility, the steps listed below will occur, including the use of photocopying and shredding.



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- 1) All prescreened privileged mail will be delivered to the mailroom supervisory sergeant or shift supervisor's office and will be distributed to the incarcerated individual(s) by a member of the intel team, a security supervisor or the supervisory sergeant assigned to the mailroom.
  - 2) A secure location will be identified that has access to a photocopier and a document shredder. Photocopy machines used during this process cannot have image saving memory.
  - 3) Privileged mail larger than 8 ½ x 14 shall be reduced.
  - 4) Incarcerated individuals assigned to general population housing will be placed on pass to receive their privileged mail. For individuals assigned to non-general population housing, team members will deliver the mail to the incarcerated individual in the housing unit in accordance with these procedures.
  - 5) Incarcerated individuals must present their incarcerated individual ID to receive their privileged mail and will be presented with the Privileged Mail Delivery Form for signature of receipt of the privileged mail. If the incarcerated individual refuses to sign the form, another team member will note "incarcerated individual refused to sign" on the Privileged Mail Delivery Form and sign as a witness.
  - 6) The privileged mail will be opened in the presence of the incarcerated individual and inspected for contraband or illicit substances. The contents of the privileged mail will not be read unless there is clear and convincing evidence that the incoming mail threatens the safety, security, or good order of the facility.
  - 7) The privileged mail will be photocopied in the presence of the incarcerated individual, the photocopies will be provided to the individual, the individual will have the opportunity to verify all pages were copied, and the original documents will be shredded immediately in the presence of the individual.
  - 8) Envelopes using address stickers can be photocopied.
- g. Illicit substances and contraband
- 1) If there is evidence of illicit substances:
    - a) The mail will be tested for illicit substances in the presence of the incarcerated individual.
    - b) If the mail tests positive for illicit substances, it will be held as evidence and the NDCS investigations coordinator will be notified immediately.

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- c) If the test is negative for illicit substances, the contents and envelope will be photocopied in the presence of the incarcerated individual. The photocopies will be provided to the incarcerated individual and the original documents will be shredded immediately in the presence of the incarcerated individual.
  - 2) Any contraband other than illicit substances which is removed from incoming privileged mail which is not returned to the sender may be turned over to law enforcement authorities for possible prosecution. Contraband not returned to the sender or given to law enforcement will be disposed of according to facility procedures.
3. Outgoing Privileged Mail Process
 


All outgoing privileged mail shall be sealed by the incarcerated individual and will be logged upon being sent from the facility. The log shall contain the incarcerated individual's name and number, the addressee's entity/individual name, address, certified number (if applicable), date mailed out of the facility, and cost of postage (if applicable).

  - 1) Incarcerated individuals in restrictive housing will observe the following procedures when sending privileged mail:
    - a) Prior to sealing the envelope, the incarcerated individual will show the contents to a team member through the cell door window.
    - b) Team members are only inspecting for contraband, the contents of the letter/communication will not be read. (ACI-7D-05)
    - c) The incarcerated individual will then seal the envelope and pass it to the team member to be placed in the outgoing mail.

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The following chart summarizes permissible incoming personal correspondence and privileged mail.

Item:	Scanning Vendor Allowed	NDCS Facility Allowed	Not Allowed
Personal Correspondence or letters – following policy	X		
Greeting cards	X		
Photos no larger than 4"x6" in size – Limit of 5 photos per envelope	X		
Legal, Privileged or Confidential Marked Mail		X	
Checks, money orders, IRS checks, payment checks, cash, debit/prepaid cards from jails, or other financial instruments		X	
Books, magazines, newspapers, calendars, or publication to include spiral binding or documents/publications		X	
Policy Approved boxes or packages		X	
Bank statements, IRS statements, and child support statements received directly from the origin		X	
Approved inmate-to-inmate correspondence		X	
Originals of passports, Medicaid/Medicare cards, insurance cards, social security cards, birth certificates, & credit/debit/prepaid cards		X	
Booklets, pamphlets, newsletters, & brochures		X	
Mail or Item that violates any NDCS Policy			X
Fabrics, Banners, or posters			X
Hardware items, metallic items			X
Electronics and components			X
Prescription and nonprescription drugs			X
Oversized envelope and mail			X
Bound photo books			X
Greeting cards that contain musical abilities, Pop-ups, glitter, or liquid/viscous substance			X
Improperly addressed envelopes			X
Stickers			X
Tattoo Templates			X
Stationery items including stamps & envelopes			X
Altered items			X

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### III. INCARCERATED INDIVIDUAL TO INCARCERATED INDIVIDUAL PERSONAL CORRESPONDENCE

- A. Personal correspondence from incarcerated individuals in other correctional facilities or the same facility is presumed to constitute a threat to the safety, security or good order of the facility where the addressee resides. Such correspondence can be used to communicate escape plans, to arrange assaults and other violent acts, and to facilitate the development of informal organizations that threaten the security of correctional facilities.
- B. The wardens of the facilities where the incarcerated individuals reside may issue written permission for incarcerated individual to incarcerated individual personal correspondence. Such permission may be granted when the incarcerated individuals are immediate family (immediate family is defined as spouse, parent, step-parent, person acting in the place of parent as documented in the facility file, sibling, step-brother, step-sister, half-brother, half-sister, child, step-child, grandparent, grandchild) or the incarcerated individuals have a common interest in a legal matter and the warden determines that the addressee's receipt of such correspondence will neither threaten the safety, security or good order of the facility nor jeopardize the rehabilitative process of the addressee. Incarcerated individuals who are not immediate family and who desire to correspond regarding a parental interest in a child must show evidence of financial support of that child. Incarcerated individuals approved for incarcerated individual-to-incarcerated individual correspondence may include appropriate photographs with their correspondence. Once both wardens agree to allow two incarcerated individuals to correspond, this permission to correspond will be honored by other NDCS facilities/programs to which the incarcerated individual(s) may transfer. Permission to correspond is always subject to review and may be cancelled for good cause.
- C. When incoming personal correspondence from another incarcerated individual is denied, the correspondence will be returned to the sending facility along with a *Notice From The Mail Room* (Attachment B). A copy of the Notice of Returned/ Damaged Mail will be given to the incarcerated individual to whom the mail was addressed. If either the sender or the addressee wishes to challenge the warden's decision to return the correspondence, the incarcerated individual may use the NDCS grievance mechanism.
- D. Incarcerated individuals may be allowed to correspond through the mail with other incarcerated individuals "out on bond." However, if there is a safety or security concern, such correspondence may be read by authorized team members. An incarcerated individual out on bond may not send money to incarcerated individuals. When mail is received from an incarcerated individual out on bond, any letter will be given to the addressee, however, any enclosed money order or check will be returned to the sender.

### IV. MAIL CONSTITUTING THREATS TO THE FACILITY

Incoming and outgoing mail shall be read only when there is clear and convincing evidence that the mail could constitute a threat to the safety, security or good order of the facility or public. Whenever such mail is read, the reader shall record the name and facility number of the sender/addressee, the date of the reading, and the reasons why the mail was read.

After an item is read, it may be copied only if the warden/designee determines that the mail does in fact contain statements or information which could threaten the safety or security of persons or

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property outside the facility. Copies of any such mail shall be retained only so long as they are needed to complete an investigation of the apparent threat, or so long as they are needed as evidence in a disciplinary proceeding or criminal action.

V. INDIGENT INCARCERATED INDIVIDUALS (ACI-7D-03, ACRS-6A-06)

A. Indigent incarcerated individuals shall receive five, first class, U.S. postage embossed envelopes per month or the equivalent in metered mail to send letters in order to maintain community ties. Indigent incarcerated individuals are those who have not had a balance of \$10.00 or more in their facility and/or regular savings account during the past thirty days. Incarcerated individuals shall have access to the courts for the sending of correspondence and pleadings regardless of their ability to pay postage. See Policy 116.01 *Inmate Rights*.


1. Indigent status incarcerated individuals will be allowed to write insufficient fund checks for postage in order to mail tort claims to the Office of Risk Management. Said mail will not be handled as privileged mail and may not be sealed by the incarcerated individual prior to placing it in the outgoing mail. Responses to the incarcerated individual will not be opened in the presence of the incarcerated individual.
2. Indigent postage does not include specialized USPS services (certified, return receipt).

VI. UNWANTED MAIL (Personal Correspondence and Privileged Mail)

Incarcerated individuals may not send correspondence to a person who has notified the warden's office in writing that such correspondence is unwelcome. The incarcerated individual will be given a direct order not to send the unwelcome correspondence and such order will be documented in an incident report. The incarcerated individual who persists in writing after the direct order has been given is subject to a misconduct report for violation of Rule II.E. Outgoing mail addressed to an individual from an incarcerated individual who has been directed not to send mail based on the individual's request will be stopped and may be used as part of the disciplinary process.

VII. FORWARDING MAIL (ACI-7D-10, ACRS-6A-09)

When an incarcerated individual has been transferred to another correctional facility, the incarcerated individual's First Class mail will be forwarded. After an incarcerated individual is released, First Class mail will be forwarded if the Department has a forwarding address. If an incarcerated individual has been released and the Department does not have a forwarding address for the incarcerated individual, the mail will be returned to the sender. If the mail cannot be returned to sender, the mail shall be held for 60 days and then destroyed. If an incarcerated individual is deceased, mail is considered personal property and shall be consistent with Policy 204.01 *Inmate Property Control*.

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## REFERENCE

- I. STATUTORY REFERENCE AND OTHER AUTHORITY – None noted
- II. NDCS POLICIES
  - A. Policy 113.02 *Inmate Accounting*
  - B. Policy 116.01 *Inmate Rights*
  - C. Policy 204.01 *Inmate Property Control*
- III. ATTACHMENTS
  - A. Title 68 – Chapter 3 – MAIL PRIVILEGES
  - B. Notice From the Mail Room (DCS-A-adm-008-pc)
  - C. Privileged Mail Delivery Form
- IV. AMERICAN CORRECTIONAL ASSOCIATION (ACA)
  - A. Expected Practices for Adult Correctional Institutions (ACI) (5<sup>th</sup> edition): 5-ACI-3D-02, 5-ACI-7D-01, 5-ACI-7D-02, 5-ACI-7D-03, 5-ACI-7D-04, 5-ACI-7D-05, 5-ACI-7D-06, 5-ACI-7D-07, 5-ACI-7D-08, 5-ACI-7D-09, 5-ACI-7D-10
  - B. Standards for Adult Community Residential Services (ACRS) (4<sup>th</sup> edition): 4-ACRS-6A-01, 4-ACRS-6A-06, 4-ACRS-6A-07, 4-ACRS-6A-08, 4-ACRS-6A-09