

INS DETENTION STANDARD

CORRESPONDENCE AND OTHER MAIL

I. POLICY

All facilities will ensure that detainees send and receive correspondence in a timely manner, subject to limitations required for the safety, security, and orderly operation of the facility. Other mail will be permitted, subject to the same limitations. Each facility will widely distribute its guidelines concerning correspondence and other mail.

II. APPLICABILITY

The standards provided in this Detention Standard shall apply to the following facilities housing INS detainees:

1. Service Processing Centers (SPCs);
2. Contract Detention Facilities (CDFs); and
3. State or local government facilities used by INS through Intergovernmental Service Agreements (IGSAs) to hold detainees for more than 72 hours; referred to as "IGSA facilities."

Within the document additional implementing procedures are identified for SPCs and CDFs. Those procedures appear in italics. IGSA facilities may find such procedures useful as guidelines. IGSAs may adopt, adapt or establish alternatives to, the procedures specified for SPCs/CDFs, provided they meet or exceed the objective represented by each standard.

See the separate "Definitions" Standard for the meaning of certain terms used in this document.

III. STANDARDS AND PROCEDURES

A. General

The OIC shall ensure that staff members apply facility policy and procedures concerning detainee correspondence and other mail. The quantity of correspondence a detainee may receive or send at his/her own expense will not be limited. However, for reasons of safety, security, and the orderly operation of the facility, non-correspondence mail (such as packages and publications) will be subject to certain restrictions.

B. Detainee Notification

The facility shall notify detainees of its policy on correspondence and other mail through the detainee handbook or equivalent provided to each detainee upon admittance.

At a minimum, the notification shall specify:

1. That a detainee may receive mail, the mailing address of the facility and instructions on how envelopes should be addressed;
2. That a detainee may send mail, the procedure for sending mail, and instructions on how outgoing mail must be addressed;
3. That general correspondence and other mail addressed to detainees shall be opened and inspected in the detainee's presence, unless the OIC authorizes inspection without the detainee's presence for security reasons
4. That special correspondence may only be opened in the detainee's presence, and may be inspected for contraband, but not read;
5. The definition of special correspondence, including instructions on the proper labeling for special correspondence, without which it will not be treated as special mail. The notification shall clearly state that it is the detainee's responsibility to inform senders of special mail of the labeling requirement;
6. That packages may not be sent or received without advance arrangements approved by the OIC and provide the procedure for obtaining such approval;
7. A description of mail which may be rejected by the facility and which the detainee will not be permitted to keep in his/her possession (for additional information refer to Section III.G., below). The notification will state that identity documents, such as passports, birth certificates, etc., are contraband and may be used by the INS as evidence or as otherwise appropriate. The notification will state that if detainees are not allowed to keep an identity document in their possession, they will be provided with a copy of the document, certified by an INS officer to be a true and correct copy;
8. How to obtain writing implements, paper, and envelopes; and
9. The procedure for purchasing postage (if any), and the rules for providing indigent and certain other detainees free postage.

The facility will make all reasonable efforts to provide key information to detainees in languages spoken by any significant portion of the facility's population.

In addition, in SPCs/CDFs, the rules will be posted in each housing area.

C. Processing

Detainee correspondence and other mail shall be delivered to the detainee and to the postal service on regular schedules.

Incoming correspondence shall be distributed to detainees within 24 hours of receipt by the facility. Outgoing correspondence shall be delivered to the postal service no later than the day after it is received by facility staff or placed by the detainee in a designated mail depository, excluding weekends and holidays. An exception may be made for correspondence or other mail that requires special handling for security purposes. For example, in exceptional circumstances, special correspondence may be held for 48 hours, to verify the status the addressee or sender.

In SPCs/CDFs, as a routine matter, incoming mail will be distributed to detainees on the day received by the facility. Incoming priority, overnight, certified mail and deliveries from a private package delivery service, etc. will be recorded in a logbook maintained by the facility.

D. Packages

Each facility shall implement policies and procedures concerning detainee packages.

In SPCs/CDFs, detainees will not be allowed to receive or send packages without advance arrangements approved by the OIC. The detainee will pay postage for packages and oversized or overweight mail.

E. Inspection of Incoming Correspondence and Other Mail

1. General Correspondence and Other Mail

All facilities shall implement procedures for the inspection of all incoming general correspondence and other mail (including packages and publications) for contraband.

In SPCs/CDFs, staff shall open and inspect incoming general correspondence and other mail (including packages and publications) in the presence of the detainee. Incoming general correspondence may be read to the extent necessary to maintain security, as authorized by the OIC.

Inspection is generally for the purpose of detecting contraband. The reading of mail, which requires approval of the OIC, may be conducted at random. Mail may also be read when a specific security concern arises with respect to an individual detainee, to reveal such information as escape plots, plans to commit illegal acts, plans to violate institution rules, etc.

2. Special Correspondence

“Special correspondence” is the term for detainees’ written communications to or from private attorneys and other legal representatives; government attorneys; judges, courts; embassies and consulates; the president and vice president of the United States, members of Congress, the Department of Justice (including INS and the Office of the Inspector General); the U.S. Public Health Service; administrators of grievance systems; and representatives of the news media. Correspondence will only be treated

as special correspondence if the title and office of the sender (for incoming correspondence) or addressee (for outgoing correspondence) are unambiguously identified on the envelope, clearly indicating that the correspondence is special.

All facilities shall implement procedures for inspecting special correspondence for contraband. Any such inspection shall be in the presence of the detainee.

Staff shall neither read nor copy special correspondence. The inspection shall be limited to the purposes of detecting physical contraband and confirming that any enclosures qualify as special correspondence

F. Inspection of Outgoing Correspondence and Other Mail

1. General Correspondence and Other Mail

Outgoing general correspondence and other mail may be inspected and/or read if the addressee is another detainee or if there is reason to believe the item might present a threat to the facility's secure or orderly operation, endanger the recipient or the public, or might facilitate criminal activity.

In SPCs/CDF, the detainee must be present when the correspondence or other mail, including packages, is inspected, unless otherwise authorized by the OIC.

2. Special Correspondence

Outgoing special correspondence will not be opened, inspected, or read.

Staff will not treat outgoing correspondence as special if the name, title, and office of the recipient are not clearly identified on the envelope to provide a clear indication that the mail is special.

G. Rejection of Incoming and Outgoing Mail

All facilities shall implement policies and procedures addressing the issue of acceptable and non-acceptable mail. Procedures shall cover the rejection of incoming and outgoing mail rejected for reasons of facility order and security. Incoming and outgoing general correspondence and other mail may be rejected by the OIC to protect the security, good order, or discipline of the institution; to protect the public; or to deter criminal activity.

The affected detainees shall be notified when incoming or outgoing mail is confiscated or withheld (in whole or in part). The detainee shall receive a receipt for the confiscated or withheld item(s).

In SPCs/CDFs, correspondence and publications that may be rejected include, but are not limited to, items with the following contents:

1. *Material that depicts, describes, or encourages activities that could lead to physical violence or group disruption, e.g., material dealing with the subjects of self-defense or survival, weaponry, armaments, explosives, or incendiary devices;*
2. *Information regarding escape plots, plans to commit illegal activities or to violate INS rules or facility guidelines;*
3. *Information regarding the production of drugs or alcohol;*
4. *Sexually explicit material;*
5. *Threats, extortion, obscenity, or gratuitous profanity;*
6. *A code; or*
7. *Other contraband. A package received without the OIC's prior authorization is considered contraband.*

Rejected mail will be considered contraband and handled in accordance with Section III.H., below.

Both sender and addressee will be provided written notice, with explanation, when the facility rejects incoming or outgoing mail; it will be signed by the authorizing official.

H. Contraband Recording and Handling

When an officer finds an item that must be removed from a detainee's mail, he/she shall make a written record. This shall included:

1. The detainee's name and A-number;
2. The name of the sender and recipient;
3. A description of the mail in question;
4. A description of the action taken and the reason for it (including significant dates);
5. The disposition of the item and the date of disposition; and
6. The signature of the officer.

Prohibited items discovered in the mail will be handled in the following manner:

1. A receipt will be issued to the detainee for all cash, which will be safeguarded and credited to the detainee's account (see "Accountability and Safeguarding of Detainee Funds and Personal Property" standard, section III.C);
2. Identity documents (passports, birth certificates, etc.) will be placed in the detainee's A-file. Upon request, the detainee will be provided with a copy of the document, certified by an INS officer to be a true and correct copy; and
3. Other prohibited items found in the mail will be handled in accordance with the "Control and Disposition of Contraband" standard. However, at the discretion of the OIC, soft contraband may be returned to the sender.

The OIC will ensure that facility records of the discovery and disposition of contraband are accurate and current.

I. Postage Allowance

The OIC shall establish procedures to provide indigent detainees the postage allowance that is available at government expense. Indigent detainees will be permitted to mail a reasonable amount of mail each week, including at least five pieces of special correspondence and three pieces of general correspondence.

Indigent detainees will be permitted to mail the following at government expense:

1. All correspondence related to a legal matter, including correspondence to a legal representative, potential legal representative, and any court,
2. Packages containing personal property, when the OIC determines that storage space is limited and that mailing the property is in the government's best interest (see the "Control and Disposition of Contraband" standard).

If the facility does not have a system for detainees to purchase stamps, the facility will permit all detainees to mail, at government expense: (1) all special correspondence; and (2) a reasonable amount of general correspondence (at least five items per week).

The facility will generally not limit the amount of correspondence detainees may send at their own expense, except to protect public safety or facility security and order.

Free postage is generally limited to letters weighing one ounce or less, with exceptions allowed for special correspondence. In compelling circumstances, the facility may grant exceptions for general correspondence and other mail.

J. Writing Implements, Paper, and Envelopes

The facility shall provide writing paper, writing implements and envelopes at no cost to detainees.

K. Detainees in Special Management Units

All facilities shall have a written policy and procedures for detainee mail privileges while being housed in a Special Management Unit.

In SPCs/CDFs, detainees in administrative or disciplinary segregation shall have the same correspondence privileges as detainees in the general population.

L. Correspondence with Representative of the News Media

A detainee may use special mail/correspondence to communicate with representatives of the news media.

A detainee may not receive compensation or anything of value for correspondence with the news media. A detainee may not act as a reporter or publish under a byline.

Representatives of the news media may initiate correspondence with a detainee. However, this will be treated as special correspondence only if the envelope is properly labeled with the name, title, and office of the media representative, clearly indicating its “special” nature.

M. Notaries, Certified Mail, and Miscellaneous Needs Associated With Legal Matters


If a detainee without legal representation requests certain services in connection with a legal matter (notary public, certified mail, etc.) and has no family member, friend, or community organization able to provide assistance, the facility shall assist the detainee.

If it is unclear whether the requested service is necessary in pursuit of a legal matter, the District Counsel should be consulted.

IV. AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED

American Correctional Association 3rd Edition, Standards for Adult Detention Facilities:
3-ALDF-5D-01,5D-02, 5D-03, 5D-045D-05, 5D-06, 5D-07, 5D-08.


Approval of Standard



Michael D. Cronin
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Office of Programs

SEP 20 2000

Date



Michael A. Pearson
Executive Associate Commissioner
Office of Field Operations

SEP 20 2000

Date

**U.S. Immigration and Naturalization Service
NATIONAL DETENTION STANDARDS
MONITORING INSTRUMENT**

Policy: All facilities will ensure that detainees send and receive correspondence in a timely manner, subject to limitations required for the safety, security, and orderly operation of the facility. Other mail will be permitted, subject to the same limitations. Each facility will widely distribute its guidelines concerning correspondence and other mail.

CORRESPONDENCE AND OTHER MAIL			
Components	Yes	No	Remarks
1. Does the admission process include informing detainees of the facility's correspondence/other mail policy?			
2. Is notification of the policy made in the detainee handbook? a. If yes, in the detail required to comply with the INS standard?			
3. Does each detainee receive a detainee handbook upon admittance?			
4. Are the rules for correspondence and other mail posted in each housing area?			
5. Does the facility provide key information in languages other than English? a. In the language(s) spoken by significant numbers of detainees? b. Exceptions?			
6. Is incoming mail distributed to detainees on the day received by the facility?			
7. Is outgoing mail routinely delivered to the postal service within one day of its entering the internal mail system (excluding weekends and holidays)?			
8. Does staff record all priority, overnight, and certified mail delivered by the U.S.P.S.? a. All deliveries from commercial alternatives to the U.S.P.S.?			
9. Does staff ever open and inspect incoming general correspondence and other mail (including packages and publications) without the detainee present?			

CORRESPONDENCE AND OTHER MAIL			
Components	Yes	No	Remarks
10. Does staff ever read incoming general correspondence without the OIC's prior approval?			
11. Does staff inspect incoming special Correspondence for physical contraband or to verify the "special" status of enclosures without the detainee present?			
12. Does staff read or copy incoming special correspondence?			
13. Does staff inspect outgoing correspondence or other mail without the detainee present? a. Does staff ever open, inspect, or read outgoing special correspondence?			
14. Does staff process the following as special correspondence: a. Correspondence to a politician? b. Correspondence to the media?			
15. Does the official authorizing the rejection of incoming mail send written notice to the sender and the addressee?			
16. Does the official authorizing censorship or rejection of outgoing mail provide the detainee with signed written notice?			
17. Does staff maintain a written record of every item removed from detainee mail? a. In accordance with the INS standard?			
18. Does the OIC monitor staff handling of discovered contraband and its disposition? a. Are records accurate and up to date? b. If yes, without exception?			
19. Is the procedure for safeguarding cash removed from a detainee effective? a. Is the amount of cash credited to detainee accounts accurate? b. If not, about how often do discrepancies occur? c. Does standard procedure include issuing a receipt to the detainee?			

CORRESPONDENCE AND OTHER MAIL

Components	Yes	No	Remarks
20. Does staff keep certain identity documents (e.g., passports, birth certificates) in places other than detainee A-files? a. If yes, where? b. Under what circumstances?			
21. Does staff provide the detainee an INS-certified copy of his/her identity document(s) upon request?			
22. Does staff dispose of prohibited items found in detainee mail in accordance with the "Control and Disposition of Contraband" Standard?			
23. Does every indigent detainee have the opportunity to mail, at government expense: a. Correspondence about a legal matter? b. At least three other letters per week? c. Packages?			
24. Does the facility have a system for detainees to purchase stamps? a. If not, are all detainees allowed mailing privileges at government expense? b. For all special correspondence? c. For at least 5 pieces of general correspondence per week?			
25. Does the facility provide writing paper, envelopes, and pencils at no cost to detainees?			

**U.S. Immigration and Naturalization Service
NATIONAL DETENTION STANDARDS
MONITORING INSTRUMENT**

CORRESPONDENCE AND OTHER MAIL

Verification Sources

The following may serve as sources of information for auditors verifying the facility's compliance with this detention standard:

SOURCE	TIME	DATE	LOCATION
A. Detainee handbook			
B. Housing unit inspection			
C. A-file/Detention file			
D. Observing intake procedures			
E. Inspecting mail processing			
F. Detainee and staff interviews			

Facilities must complete the attached Plan of Action for bringing operations into compliance. For each element found out of compliance, the plan of action will specify remedial action and the estimated timetable for compliance.

Remarks: *(Record significant facts, observations, other sources used, etc.)*

Auditor's Signature

Date