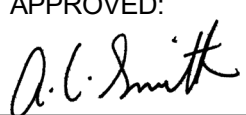




Department of
Rehabilitation & Correction

SUBJECT: Incarcerated Population Legal Mail	PAGE <u> 1 </u> OF <u> 5 </u>
	NUMBER: 75-MAL-03
RULE/CODE REFERENCE: AR 5120-9-17, 5120-9-18, 5120-9-19	SUPERSEDES: NEW
RELATED ACA STANDARDS: 5-ACI-7D-01, 7D-02, 7D-05 thru 7D-07 5-ACI-7D-09, 7D-10	EFFECTIVE DATE: February 1, 2022
	APPROVED: 

I. AUTHORITY

Ohio Revised Code 5120.01 authorizes the Director of the Department of Rehabilitation and Correction, as the executive head of the department, to direct the total operations and management of the department by establishing procedures as set forth in this policy.

II. PURPOSE

The purpose of this policy is to set forth policy and procedures which govern legal mail.

III. APPLICABILITY

This policy applies to all incarcerated persons and staff of the Ohio Department of Rehabilitation and Correction (ODRC). In particular, this policy applies to mail clerks/screeners who process incoming mail.

IV. DEFINITIONS

The definitions for the below listed terms can be found at the top of the policies page on the ODRC Intranet at the following:

[Definitions Link](#)

- **Certified Mail**
- **Legal Mail**
- **LMICN/LMINC DOTS Screens**

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction (ODRC) to process mail in an efficient, timely manner and to regulate the property of incarcerated persons in accordance with Administrative Regulations 5120-9-17, Incoming Mail, and 5120-9-18, Outgoing Mail.

VI. PROCEDURES**A. Processing Incoming Legal Mail**

1. Legal mail with a control number must be processed in the DOTS LMICN screen. Staff shall select the intended addressee and enter the information from the envelope into the DOTS LMICN screen. This must be accomplished within seventy-two (72) hours of receiving the mail at the facility, excluding weekends, holidays, or emergency situations. Staff shall document in the DOTS LMICN screen any circumstances requiring late delivery in the notes section associated with that piece of mail.
2. Staff shall visually inspect the envelope for obvious signs of contraband or anomalies. If there is no obvious indication that the mail contains contraband, staff shall proceed to the next step of this procedure. If there are obvious indications that the mail contains contraband, staff shall proceed to subsection VI.B below.
3. Staff shall log receipt of the mail on the Legal Mail Log (DRC2632) and open the mail only in the presence of the addressee. The addressee shall sign for receipt of the mail on the Legal Mail Log (DRC2632). Legal mail envelopes should be destroyed after the mail is opened in the presence of the addressee.
4. The contents of legal mail should never be copied.
5. Legal mail envelopes may be copied for legitimate security concerns and only copied in front of the addressee, if possible. If there is reason to copy the envelope, the original envelope shall be retained, an Incident Report (DRC1000) completed, and a notation made in the appropriate DOTS screen (e.g., LMICN or LMINC).
6. Expired Control Number: If a control number is present but has expired, staff should contact the sender to verify that they sent the item. If contacting the sender will not allow delivery of the legal mail within seventy-two (72) hours, staff should withhold the item and complete the Notice of an Unauthorized Item Received/Withholding of Incoming Mail (DRC4225) process in subsection VI.C below.
 - a. If the sender verifies that they sent the mail, staff shall generate a control number in the DOTS LMINC screen. Staff shall enter and document this process in the notes section of the DOTS LMINC screen pertaining to the mail.
 - b. If staff are unable to verify that the item was sent with the intention of sending legal mail or the sender denies sending the letter, staff shall complete the Notice of an Unauthorized Item Received/Withholding of Incoming Mail (DRC4225) process in subsection VI.C below.
 - c. Staff should be mindful that a control number may expire because of USPS delays and not by the sender's error. An expired control number is not conclusive evidence that legal mail is either contraband or regular mail.

7. Error in Control Number: If a control number is present on the item but the control number is not valid for any reason (e.g., the control number is fictitious, incomplete, illegible), the legal mail should be withheld, and staff should complete the Notice of an Unauthorized Item Received/Withholding of Incoming Mail (DRC4225) process in subsection VI.C below.
8. Staff are encouraged to contact senders to resolve issues associated with legal mail with the goal of delivering the mail and not to withhold the mail.
9. Legal mail containing a disc(s) that had not been pre-approved per Administrative Rule 5120-9-19, Printed Material, shall be treated as contraband by the institution mailroom. The managing officer/designee shall determine the disposition pursuant to Administrative Rules 5120-9-17, Incoming Mail and 5120-9-55, Contraband.
10. Certified mail can be either legal mail or regular mail. Certified mail that meets the definition of legal mail shall be processed in accordance with this policy. Certified mail that is regular mail shall be processed in accordance with ODRC Policy 75-MAL-01, Incarcerated Population Mail.

B. Processing Legal Mail Suspected to Contain Contraband

1. Reasons to suspect legal mail may contain contraband include, but are not limited to, K9 Unit detection, wet or stained exterior, or evidence of tampering.
2. If an employee suspects that legal mail contains contraband during inspection or when opening the item in the presence of the addressee, the employee shall follow this procedure:
 - a. Withhold the item and complete the Notice of an Unauthorized Item Received/Withholding of Incoming Mail (DRC4225) process in subsection VI.C below.
 - b. If the item is suspected to contain contraband, staff should attempt to contact the sender by phone or email to determine whether the item should be returned.
 - i. If the sender requests that the mail be returned, staff shall place the mail inside of a sealable plastic bag. A Notice of Return (DRC4378) will be attached to the plastic bag stating why the mail item is being returned and listing the items included in the bag. The Notice of Return (DRC4378) will also list the sending address, the receiving address, and postmarks of each item enclosed. The plastic bag with Notice of Return (DR4378) will then be placed inside of a large envelope and returned to the sending address. The outside envelope should be marked "Handle with Care."
 - ii. If the sender requests that the mail not be returned, the mail shall be treated as contraband in accordance with Administrative Rule 5120-9-55, Contraband and 310-SEC-43, Handling and Disposition of Contraband.

3. If testing confirms that the mail contains an illicit substance, staff should withhold the mail and complete the Notice of an Unauthorized Item Received/Withholding of Incoming Mail (DRC4225) process in subsection VI.C below. An item that tests positive for an illicit substance should not be returned to the sender.

C. Process for Withholding Legal Mail (DRC4225)

1. Staff must note the reason for withholding the legal mail in the appropriate section on the Unauthorized Item Received/Withholding of Incoming Mail (DRC4225).
2. Staff must notify the addressee and the sender that legal mail is being withheld. Notification to the sender is made by contacting the sender by phone or email. A copy of the Unauthorized Item Received/Withholding of Incoming Mail (DRC4225) may also be mailed to the sender.
3. The addressee has fifteen (15) days to appeal the withholding of legal mail. The managing officer/designee should decide the appeal within fifteen (15) days after receipt of the appeal. Staff should hold the legal mail (without opening, altering, or copying the legal mail) until a decision is made by the managing officer/designee on the appeal.
4. Staff should comply with the managing officer/designee's decision on appeal, as follows:
 - a. If the withholding is reversed, the legal mail should be delivered to the addressee.
 - b. If the withholding is affirmed, the item should not be delivered to the addressee. Staff should determine the appropriate disposition of the item. Options include but are not limited to returning the item to the sender if requested, delivering to the addressee as regular mail, disposal in accordance with Administrative Rule 5120-9-55, Contraband and ODRC Policy 310-SEC-43, Handling and Disposition of Contraband, or routing to a law enforcement agency.
5. Staff must notify the addressee and the sender of the disposition of the withheld legal mail.

D. Processing Outgoing Legal Mail

Outgoing legal mail shall not be opened other than in accordance with Administrative Rule 5120-9-18, Outgoing Mail.

Referenced ODRC Policies:

75-MAL-01 Incarcerated Population Mail
310-SEC-43 Handling and Disposition of Contraband

Referenced Forms:

Legal Mail Log	DRC2632
Notice of an Unauthorized Item Received/Withholding of Incoming Mail	DRC4225
Notice of Return	DRC4378