

**ARIZONA DEPARTMENT OF CORRECTIONS
DIRECTOR'S OFFICE**

MEMORANDUM

TO: DISTRIBUTION

FROM: CHARLES L. RYAN

DATE: January 8, 2015

SUBJECT: Director's Instruction # 333, Modification of Department Order 902, Inmate Legal Access to the Courts

This Director's Instruction is effective immediately and supersedes Department Order #902, Inmate Legal Access to the Courts, Section 902.11 – Legal Mail, dated July 6, 2013; and amends the definition of “Contraband” in the applicable Department Orders. This Director’s Instruction will remain in effect until incorporated into Department Order #902, Inmate Legal Access to the Courts.

PURPOSE

This Director’s Instruction provides procedures for legal mail.

902.11 LEGAL MAIL

- 1.1 Inmates shall identify outgoing legal mail by writing "Legal Mail" on the lower left-hand corner of the envelope. (See Definitions for guidance on what constitutes “Legal Mail”.)
- 1.2 Outgoing mail not labeled as legal mail shall be processed as regular mail.
- 1.3 All legal mail, outgoing or incoming, shall be logged.
- 1.4 Staff who process incoming or outgoing inmate mail shall:
 - 1.4.1 Generally identify all legal mail and record it on a log by indicating the inmate's name and the sender's name.
 - 1.4.2 Inspect such mail for contraband, stamp the envelope "LEGAL MAIL, ARIZONA DEPARTMENT OF CORRECTIONS" using a commercial stamp, and log it before it is placed in the envelope and sealed by the inmate.

- 1.4.2.1 **All incoming legal mail will be opened in the presence of the inmate and checked for contraband, but shall not be read by staff. Staff may inspect the document but only to the extent necessary to determine if the mail contains contraband, or to verify that its contents qualify as legal mail and do not contain communications about illegal activities. Staff may contraband the mail if staff determines it does not qualify as legal mail, following consultation with, and approval from, the Deputy Warden or designee.**
- 1.4.2.1.1 **Staff who deliver incoming legal mail shall have the inmate sign and date the log, acknowledging delivery.**
- 1.4.2.2 **All outgoing legal mail shall be brought to the mail room by the inmate, where the letter will be inspected for contraband, but shall not be read by staff, and scanned to ensure it is in fact legal mail. The envelope shall be sealed in the presence of the inmate. If an inmate is ineligible to bring outgoing legal mail to the mail room, then an officer will inspect and seal the mail in front of the inmate's cell. Staff may inspect the document but only to the extent necessary to determine if the mail contains contraband, or to verify that its contents qualify as legal mail and do not contain communications about illegal activities. Staff may contraband the mail if staff determines it does not qualify as legal mail, following consultation with, and approval from, the Deputy Warden or designee.**
- 1.4.3 Send legal mail as first class mail regardless of the inmate's ability to pay the required postage.
- 1.4.4 Submit names of inmates claiming to have inadequate funds for postage to the Business Office, indicating postage due from the inmate. The Business Office shall either debit the inmate account or, if there are insufficient funds to pay the postage, place a hold on the inmate account.
- 1.4.5 Return the mail to the inmate if he/she requests mail to be sent as legal mail and it is not to an attorney, judge or court. The inmate may request to have the Paralegal review the mail to determine whether it may be approved as legal mail. The Paralegal may contact the Legal Access Monitor for direction.

- 1.5 Designated staff who process incoming mail shall attempt to make a determination, based on an inspection of the envelope, whether the contents constitute legal mail. The return address may be indicative of whether the contents of the envelope constitute legal mail. Designated staff shall not rely solely on the words “legal mail” having been stamped on the envelope. If there is any serious doubt as to whether the contents of the envelope contain legal mail, designated staff shall contact the Legal Access Monitor for direction.
- 1.6 Staff suspecting abuse of the legal mail designation shall advise the Warden or Deputy Warden who shall take appropriate action following consultation with the Department’s General Counsel. An inmate who intentionally sends personal mail to a private address and falsely claims it is legal mail shall be subject to disciplinary action in accordance with Department Order #803, Inmate Disciplinary Procedure.
- 1.7 When applicable, staff shall take the following steps to locate inmates to whom legal mail is addressed and to forward such mail to the inmate.
 - 1.7.1 Use the Adult Information Management System (AIMS) and inmate records to locate any addressee of legal correspondence who is not located at the institution which received the correspondence, and to locate any inmate who has received legal mail which does not have an ADC number as part of the address.
 - 1.7.1.1 Staff shall have inmates verify they are the person to whom the legal mail is addressed utilizing the inmate's identification card.
 - 1.7.2 Forward any legal correspondence to any inmate addressee who is under commitment to or supervised by the Department.
 - 1.7.2.1 Inmates, releasees and parolees receiving forwarded legal correspondence shall notify the sender of their new address.
 - 1.7.3 When legal mail is forwarded, in addition to the requirements outlined in 1.4.1 of this section, the inmate's forwarding address and the date forwarded shall be logged.
 - 1.7.4 Return legal correspondence to the sender only if the addressee is no longer an inmate, releasee or parolee, in which case the sender shall be advised of this fact.

DEFINITION

CONTRABAND – For the purpose of this Department Order, contraband is defined as any item considered to be a detriment to the safe and orderly operation of an institution or parole office. Contraband includes, but is not limited to:

- Any item that could be used as an aid to escape.
- **Any non-legal written correspondence or communication discovered as a result of scanning incoming or outgoing legal mail.**
- Any item that could be used to disguise or alter an inmate's appearance.
- Any item of clothing or items for personal use or consumption that are not cleared first through security or the property room of the institution.
- Cameras, video, audio or related equipment, unless authorized by order of written instructions.
- The introduction and/or possession of any separate components that may aid in the use of wireless devices and/or multimedia storage devices. This includes, but may not be limited to:
 - Cell phone chargers.
 - Mobile chargers.
 - Cell phone batteries.
 - Any other item that staff reasonably determines may aid in the use of wireless devices and/or multimedia storage devices.
- Allowable items which are:
 - Possessed without permission.
 - Discovered in improper locations.
 - Are over set allowable amounts.
 - Obtained in improper manners or methods.
 - In altered forms or conditions.

{Original Signature on File}