



STATE OF INDIANA
Department of Correction

Indiana Government Center—South

302 W. Washington Street • Indianapolis, Indiana 46204-2738

Phone: (317) 232-5711 • Fax: (317) 232-6798 • Website: www.in.gov/idoc/

Eric J. Holcomb
Governor

Robert E. Carter Jr.
Commissioner

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EXECUTIVE DIRECTIVE # 20-14

The purpose of this Executive Directive is to provide guidelines to Department facilities for the copying and disposition of general correspondence, establishment of “Return to Sender” procedures, and processing Legal Mail/Privileged Correspondence. This Executive Directive is applicable to all Department facilities and is effective March 2, 2020. Effective March 2, 2020 Executive Directive # 18-54 is rescinded.

In order to impede the introduction of contraband and prohibited property into its facilities, the Department is requiring all facilities to copy general correspondence (i.e., not Legal Mail or Privileged Correspondence as defined in Policy and Administrative Procedure 02-01-103). All general correspondence, including educational and religious mail shall be copied by the facilities’ mail rooms. Offenders shall not receive originals of these documents.

Facility mail room staff shall adhere to the following guidelines for general correspondence:

1. The Department shall be required to adhere to the twenty-four (24) hour time limit, excluding weekends, holidays, and facility emergencies, to distribute copied general correspondence to offenders.
2. Incoming general correspondence shall be physically maintained on-site for a minimum of fourteen (14) days. The fourteen (14) day count begins on the day the general correspondence is distributed to the offender. The fourteen (14) days allows an offender to properly access the offender grievance process (Policy and Administrative Procedure 00-02-301) if they wish to challenge the destruction of the general correspondence.
3. If general correspondence is suspected of contamination, mail room staff shall complete State Form 11984, “Notice and Report of Action Taken on Correspondence,” or a written notice of destruction that the general correspondence, and forward a copy to the offender within two (2) business days, unless the general correspondence is part of an on-going investigation.
4. The Department shall not destroy mail that is the subject of a grievance. The offender retains the right to challenge the adequacy of the copy.
5. The timeline for a grievance begins on the day the offender receives their copied mail.
6. The time for a grievance on a non-delivered piece of mail begins on the day the notice is given to the offender. If a grievance is filed, the Department shall not destroy the correspondence until the grievance has been resolved.

Facilities/mailrooms shall adhere to the following guidelines and Return to Sender procedure.

If the item is **not** Legal Mail or Privileged Correspondence, the general correspondence shall be processed as described in steps 1 through 6, above.

1. Inspect the envelope, open the mail, copy the contents and the envelope, and deliver the copy to the offender. If the contents appear suspicious, properly confiscate and document the contents in accordance with Policy and Administrative Procedure 02-01-103, "Offender Correspondence," and place into evidence with the Office of Investigations and Intelligence in the manner described in Policy and Administrative Procedure 00-01-103, "Investigations and Intelligence."
2. If the contents appear normal, the general correspondence shall be maintained for a minimum of fourteen (14) days
3. If a grievance regarding the general correspondence is received in a timely manner, the general correspondence is to be removed from the destruction protocol and maintained on-site until all litigation surrounding the general correspondence has been resolved.

If the item is Legal Mail or Privileged Correspondence, the facilities shall adhere to the following procedure:

1. Staff shall inspect the Legal Mail or Privileged Correspondence by making a visual inspection of the outside of the mail. If anything appears unusual or suspicious, staff shall confiscate the item in accordance with Policy and Administrative Procedure 02-01-103 and submit the envelope to the Office of Investigations and Intelligence for further investigation.
2. If the mail passes visual inspection, staff shall confirm the address on the envelope. The address must be an actual physical location and staff shall make contact with the attorney's office or government office listed on the envelope. If contact cannot be made within a reasonable amount of time (twenty-four [24] hours), Mail Room staff shall inform the offender of the delay in correspondence.
3. If, after reasonable efforts, contact and address location cannot be confirmed with the attorney or attorney's office or someone from the listed government office, the mail shall be properly confiscated and documented, and submitted to the Office of Investigations and Intelligence for further investigation.
4. If contact and confirmation with the attorney or attorney's office or government office is made, and the contents verified, the mail may be released to the offender.
5. Legal Mail or Privileged Correspondence shall not be opened by the Mail Room staff. If there are concerns regarding contents of the mail, the correspondence shall be immediately properly confiscated and submitted to the Office of Investigations and Intelligence.

A pilot program for copying all Legal Mail and/or Privileged Correspondence is being developed at the Correctional Industrial Facility. Designated staff shall adhere to the following process:

1. Designated staff shall be appointed and trained at the Correctional Industrial Facility.

2. Legal Mail or Privileged Correspondence shall be distributed to offenders at a designated location within the facility.
3. Legal Mail or Privileged Correspondence shall be opened in the presence of an offender and inspected for contraband and prohibited property.
4. If the contents contain contraband or prohibited property, or the Legal Mail or Privileged Correspondence is deemed suspicious, the mail shall be confiscated in accordance with Policy and Administrative Procedure 02-01-103 and submitted to the Office of Investigations and Intelligence for further investigation.
5. If the mail is believed to be unadulterated, an on-site designated copier shall be used to make the offender an accurate, legible copy of the Legal Mail or Privileged Correspondence. The offender must be present for the copying.
6. The offender will sign State Form 11984, acknowledging receipt of an accurate copy of their Legal Mail or Privileged Correspondence.
7. The original mail shall be shredded in the presence of the offender.

The Correctional Industrial Facility and the Division of Legal Services shall work cooperatively to adjust the above procedure to best practice.

Please ensure that all appropriate staff members are made aware of, and have access to, this Executive Directive. Each facility shall notify the offender population of this Executive Directive in the manner usual and customary.

If there are any questions regarding this Executive Directive, please contact the Division of Legal Services.

signature on file
Robert E. Carter, Jr.
Commissioner