


Idaho Department of Correction  	<b>Standard Operating Procedure</b>	Title: <b>Telephones and Electronic Communications: Inmate</b>		Page: 1 of 17
		Control Number: <b>503.02.01.001</b>	Version: <b>6.0</b>	Adopted: 08-15-1995

Jeffery Zmuda, division of prisons chief, approved this document on 09/30/2016.

Open to the public: ☒ Yes

### SCOPE

This SOP applies to all Idaho Department of Correction (IDOC) facilities to include central office, inmate telephone system vendor, contract facilities (where applicable), correctional facilities, and community reentry centers (CRCs).

Revision Summary
<p>Revision date (09/30/2016): Version 6.0: Addition of section 5 Censored or Discarded Electronic Content, changes to section 4 Electronic Communication System, and a few other changes throughout</p> <p>Revision date (01/05/2015): Version 5.0: Extensive revision of the entire document to include changes to staff access to telephone monitoring, attorney non-monitored telephone calls, and electronic communication system.</p>

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## **BOARD OF CORRECTION IDAPA RULE NUMBER 503**

### **Telephones**

## **POLICY CONTROL NUMBER 503**

### **Use of Telephones by Offenders**

## **PURPOSE**

The purpose of this standard operating procedure (SOP) is to establish rules and procedures for monitoring and recording inmate telephone calls using the IDOC inmate call management system (ICMS) and electronic communications system (ECS) to include rules regarding privileged communications between an inmate and an attorney.

## **RESPONSIBILITY**

### ***IDOC Leadership***

The director of the IDOC, chief of the management services division, and chief of the prisons division or their designees are responsible for implementing this SOP in their respective areas of responsibility.

### ***Chief of the Prisons Division***

The chief of the prisons division is responsible to designate a staff member to serve as the prisons intelligence coordinator assigned to the special investigation unit.

### ***Chief of the Management Services***

The chief of management services or designee is responsible for:

- Providing oversight of the applicable vendor contracts
- Identifying a contract administrator
- Ensuring that the telephone vendor installs telephone-monitoring software that informs the caller and recipient (a) from what facility the call originates, and (b) that the telephone call may be monitored and recorded

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- Ensuring that the ECS vendor uses security filters and provides notices to the public and inmates regarding rules and procedures
- Ensuring all authorized attorney telephone numbers are properly configured as privileged, do not record as set forth below

### ***Managers and Facility Heads***

Managers and facility heads or designees are responsible for:

- Recommending specific staff members to be granted access to the ICMS and ECS
- Ensuring IDOC employees and contractors are practicing the guidelines, standards, and procedures provided herein

### ***Special Investigations Unit (SIU) Intelligence Coordinator***

The SIU intelligence coordinator (hereafter referred to as intelligence coordinator) is responsible for:

- Overseeing the inmate telephone and ECS monitoring practices
- Maintaining a list of staff members approved to access the ICMS and ECS.

### ***Contract Administrator***

The contract administrator (located in the contract services bureau) is responsible for ensuring the contract providers fulfill all obligations as required in the contract and monitors all operational practices as defined within the scope of work.

## **STANDARD PROCEDURES**

### **1. Overview of ICMS and ECS**

The Idaho Department of Correction (IDOC) requires that the ICMS and ECS have monitoring and recording capabilities for safety, security, and investigatory purposes.

ICMS and ECS use is a privilege, not a right, and nothing in this SOP should be construed to mean that such access or use is a right.

Staff violating the provisions of this SOP may be subject to corrective or disciplinary action in accordance with *Corrective or Disciplinary Action* SOP 205.07.01.001.

### **2. Notification of Monitoring and Recording**

#### ***Telephones***

Inmates and members of the public must be informed that telephone calls are recorded and may be monitored.

- The telephone vendor must ensure that the ICMS software informs inmates and the public that telephone calls are recorded and may be monitored.
- The contract administrator must ensure that the ICMS vendor provides signage, which states that calls are recorded, may be monitored, and that the signage is posted near ICMS telephones.

#### ***Electronic Communication System***

Inmates and members of the public must be informed that all types of ECS (email, secure photo share, video messaging, etc.) are archived and may be reviewed at any time.

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- The communications vendor must ensure that the ECS software informs inmates and the public that forms of communications are archived and may be reviewed at any time.
- The contract administrator must ensure that the ECS vendor provides signage or kiosk communication, which states that all ECS mediums are archived and may be reviewed.

### 3. Telephone Call Rules

Inmates must adhere to the following when using the ICMS:

- Follow the rules described in this SOP, facility rules, and *Disciplinary Procedures: Inmate*, SOP 318.02.01.001
- Only place a telephone call to the number dialed
- Must not forward calls to another telephone number
- Must not place three-way calls
- Must not use another inmate's personal identification number (PIN) to place a phone call

Any attempted or actual violation of the telephone rules or any attempt to circumvent the ICMS is prohibited and may result in one or more of the following:

- Taking disciplinary action in accordance with *Disciplinary Procedures: Inmate*
- Temporarily blocking all telephone numbers involved in the violation
- Restricting telephone call privileges
- Restitution for stolen funds used to pay for calls using another inmate's PIN

### 4. Electronic Communication System

Inmates may utilize vendor-provided hardware and purchase ECS devices that support music, email, digital photographs, video messaging, and other services as approved and authorized by IDOC.

Electronic communications via the ECS are not considered privileged or confidential. Electronic communication services (ECS) are provided under contract with an outside third party, and inmates must pay to utilize such services. The IDOC does not bear the cost of ECS for on behalf of indigent inmates.

Inmates may not use the ECS to directly contact IDOC staff.

Electronic communication services automatically transfer with an inmate as they move housing units or facilities. Services through the ECS solution are generally available to an inmate within three working days of each transfer.

Once released from IDOC custody, communication services through the ECS stop immediately. Inmates cannot continue to access the ECS or receive electronic communications via the ECS solution after release.

#### ***Prohibited Content***

Use of the ECS is subject to the same rules as other means of mailed communication. The following uses and/or content are expressly prohibited:

- Receiving any contraband or anything of an illegal or threatening nature

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- Soliciting or accepting any publication or item that has not been paid for in advance
- Obligating oneself or others to time payments
- Joining or participating in book, record, tape, or CD clubs, either personally or via a third party
- Using coercion, threats, or fraud to obtain money, favors, or anything of value
- Sending or receiving email, photo share, or communications for another inmate
- Sending or receiving email with coded messages
- Directing or conducting any business operations, except as necessary to protect real property or close out a business
- Soliciting or receiving any information that describes the manufacture of weapons, bombs, explosives, alcohol and drugs, drug paraphernalia, or escape materials
- Role-playing games and related materials
- Sending or receiving information related to the crime, sentence, or identity of another inmate
- Sending or receiving publications or items showing gang involvement or activities (enemy lists, constitutions, structures, codes, signs, symbols, photographs, drawings, training material, clothing, etc.)
- Sending or receiving information advocating that any ethnic, racial, or religious group is inferior or that make such groups an object of ridicule and scorn
- Sending or receiving information that encourages violence
- **Sexually explicit, nudity or pornographic material** to include pictorial depictions of nudity, graphic images, personal pictures, drawings, photocopies, or video messages.
  - **Nudity** in this SOP means a pictorial depiction where male or female genitalia, anus, or the nipples or areola of female breasts are exposed.
  - **Sexually explicit** in this SOP means a pictorial depiction of actual or simulated sexual acts including sexual intercourse, oral sex, or masturbation.
  - **Pornographic material** in this SOP includes individual pictures, photographs, or drawings of nudity or sexually explicit conduct to include digital photographs, scanned images, or video messages.
    - Publications, drawings, photocopies, and other pictorial materials that meet the description of nudity in this section, but the person has clothing or other covering that is transparent or virtually transparent.

**Note:** The following are permitted: Written content of a sexual nature, publications that do not feature nudity, but contain nudity illustrative of medical, educational, or anthropological content may be excluded from this definition,

## 5. Censored or Discarded Electronic Content

The ECS automatically screens all electronic content for key words and phrases and for any attachments. Any electronic communication which contains key words or phrases or which

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has an attachment(s) is automatically flagged and held for IDOC staff review before it can be delivered to its intended recipient.

Each facility must have adequate staff assigned to and responsible for reviewing all held electronic communications. When reviewing electronic communication content, reviewing staff must only discard those emails or attachments that violate content rules in this SOP. If an email's content is permitted but an attachment is not, only the prohibited attachment is discarded and the balance of the email and other attachments, if any, are delivered electronically to the inmate. However, if the email's content is prohibited but the attachment would otherwise be permitted, limitations of the ECS require that the email and the attachments be discarded.

Each facility's assigned ECS staff has the responsibility to review all flagged electronic communications for content and to ensure that no contraband or prohibited content is allowed to be sent through the ECS.

If contraband or prohibited content is identified, the assigned ECS staff member making the determination must follow the process set forth below, including completion of the *Electronic Mail Contraband and Denial Form* and delivering the form to the inmate. In addition to the staff completing a hard copy of the *Electronic Mail Contraband and Denial Form*, the ECS automatically notifies the inmate when electronic content has been discarded. The inmate is not refunded for discarded content.

Members of the public receive only the electronic notice that content was discarded and the public is not refunded for discarded content. Any electronic communication that is censored or discarded due to content remains stored on the ECS. After 6 months, content and emails may be archived by the ECS but are still accessible to IDOC staff by contacting the ECS provider.

#### **Contraband--Electronic Communications**

Functional Roles and Responsibilities	Step	Tasks
Assigned Staff	1	On a daily basis, access the ECS to review all held or flagged electronic communications.
	2	View each digital photo or greeting card and watch each VideoGram to determine if any of the content is prohibited.
Assigned Staff	3	Take the following actions based on the type of contraband found in an electronic communication: <ul style="list-style-type: none"> <li>Approved content – release the electronic communication for delivery to its intended recipient (process ends here).</li> <li>Prohibited content (no attachments) – select from the available categories that indicate what or why the content is prohibited and discard the entire email. Complete the <i>Contraband and Denial Form</i> and</li> </ul>



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Functional Roles and Responsibilities	Step	Tasks
Assigned Staff		<p>provide to inmate.</p> <ul style="list-style-type: none"> <li>Prohibited content in attachments – (a) select the attachment(s) that contains the prohibited content and mark as “discard”, (b) select from the available categories what or why the content is prohibited (c) discard the prohibited content and release the remaining electronic content (and attachments if any) for delivery to its intended recipient. Complete the Contraband and Denial Form and provide to inmate. (process ends here).</li> <li>Prohibited email (with attachments) - select from the available categories what or why the entire content is prohibited and discard the entire email and all attachments. Complete the Contraband and Denial Form and provide to inmate.</li> <li>Emails containing perceived security or safety risks or which are determined to need further review are to be flagged “sent to security” and the ECS automatically holds for further review by investigations staff.</li> <li>Anytime an electronic communication or any attachment is discarded due to prohibited content, the staff member who took such action must print appendix A, <i>Electronic Mail Contraband and Denial Form</i>, complete it as required, and provide a copy to the inmate.</li> </ul>
Investigations Staff	4	<p>Within five business days, review electronic communication flagged “sent to security”.</p> <ul style="list-style-type: none"> <li>Approved content – release the electronic communication for delivery to its intended recipient. Complete the Contraband and Denial Form and provide to inmate. (process ends here).</li> <li>Prohibited content (no attachments) – select from the available categories that indicate what or why the content is prohibited and discard the entire email.</li> <li>Prohibited content in attachments – (a) select the attachment(s) that contains the prohibited content and mark as “discard”, (b) select from the available categories what or why the content is prohibited, and (c) discard the prohibited content and release the remaining electronic content (and attachments if any) for delivery to its intended recipient. Complete the</li> </ul>

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Functional Roles and Responsibilities	Step	Tasks
Investigations Staff		<p>Contraband and Denial Form and provide to inmate. (process ends here).</p> <ul style="list-style-type: none"> <li>Prohibited email (with attachments) - select from the available categories what or why the entire content is prohibited and discard the entire email and all attachments</li> <li>Anytime an electronic communication or attachment is discarded due to prohibited content, the staff member who took such action must print appendix A, <i>Electronic Mail Contraband and Denial Form</i>, complete it as required, and provide a copy to the inmate.</li> </ul>

## 6. Suspending ICMS and ECS Access

Facility heads or designees can temporarily suspend an inmate's ICMS or ECS access or block specific telephone numbers, or email addresses or inmate access for investigative purposes. Disciplinary hearing officers (DHOs) can suspend an inmate's ICMS or ECS privileges as a disciplinary sanction in accordance with *Disciplinary Procedures: Inmate*. Any member of the public can request a block on their phone number without a hearing or administrative action. Any member of the public can discontinue email by cancelling their account.

To suspend an inmate's ICMS or ECS access beyond the investigation or disciplinary sanction, the IDOC conducts an administrative hearing (the access restriction can be to one or more methods of ECS or ICMS depending on the security risk or rule violation). The administrative hearing is similar in structure to an inmate disciplinary hearing. The hearing is recorded, the hearing officer must advise the inmate of the allegations and the department's intention to initiate long-term restriction of ICMS or ECS or both, and allow the inmate to show cause why long-term restrictions should not be imposed. To initiate this process the facility head or manager must contact the prisons division disciplinary coordinator and the applicable deputy chief or CRC operations manager. The prisons division disciplinary coordinator assists the facility with the hearing process and selection of the hearing officer. A disciplinary hearing officer or similarly trained staff must conduct the hearing and provide the prisons division chief with an audio recording of the hearing.

The prisons division chief or designee makes the final decision regarding long-term restrictions in consultation with the facility head or manager.

Restrictions on ECS access would not generally include restrictions on commissary access so if long term ECS restriction is approved, facility staff will provide the impacted inmate with an alternative means of ordering commissary, acceptable to the contracted commissary provider.



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## 7. Purchase of Telephone Time and Refunds

For telephone time purchase and refund information, see *Funds: Inmate SOP 114.04.02.001*. For the purchase of ECS device and related products, see Commissary, *SOP 406.02.01.001*.

## 8. Attorney Telephone Calls

Telephone calls between an inmate and an attorney, placed to the attorney's business telephone number as listed with the Idaho State Bar, are not monitored or recorded. Voice messages left by an attorney using the inmate phone system for an inmate are not privileged, are recorded, and can be monitored.

The contract administrator or ICMS vendor must obtain, from the Idaho Bar, the business telephone numbers of all Idaho attorneys and provide the numbers to the ICMS vendor. The ICMS vendor must program the ICMS so that calls made to Idaho attorney telephone numbers cannot be monitored or recorded.

Any attorney may request to have his business telephone number added to the non-monitored list. Requests must be sent to the contract administrator on the attorney's official letterhead. The contract administrator must use the appropriate state bar website to confirm the attorney is active and in good standing with the bar, and verify the name, address, and telephone number of the attorney. If the telephone number is verified, the contract administrator provides the name and contact information to the SIU chief investigator or designee and the prison division's chief for review prior to adding it to the ICMS. Once approved by the SIU chief investigator and prison division's chief, the contract administrator adds the number and notifies the attorney in writing when the programming is complete.

An attorney can request to add a secondary number to the non-monitored list. The request must be made using the attorney's letterhead, signed by the attorney representing the inmate, and sent to the contract administrator. Proof of ownership by means of a billing statement for the number must be provided. Personal information can be redacted from the billing statement, but name, date, account number, and telephone number must be visible. If the number is a second office and the contract administrator can independently verify that is the attorney's place of business, the billing statement is not required. The contract administrator forwards the request to the SIU chief investigator and the division of prisons chief. The division of prisons chief approves or denies the request and notifies the contract administrator who must take appropriate action, notifying the requesting attorney in writing of the decision and actions taken.

**Charges for Attorney Calls:** Calls to an inmate's attorney cost the same as calls to members of the public. The inmate can pay for the call using their own funds or, if the attorney has set up a prepaid account with the ICMS provider, use said prepaid funds. Exception, Inmate calls to his public defender of record are free of charge if the public defender has contacted the contract administrator and provided the required documentation.

**Except for exceptional circumstances, telephone numbers of attorney agents are not added to the non-monitored list.** The request and approval process is the same as the process for adding a second number. If the request is approved, a specific length of time must be established. If the attorney needs additional time, he must submit another request. The division of prisons chief approves or denies the request and notifies the ICMS contract administrator who must take appropriate action, notifying the requesting attorney in writing of the decision and actions taken.

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If the ICMS vendor receives any requests to add numbers to the non-monitored list, the ICMS vendor must forward the requests to the contract administrator. The contract administrator must use the applicable process established in this section.

### ***Non-Monitored List Management***

The contract administrator audits the non-monitored list monthly to ensure that numbers have been approved in accordance with this section. The non-monitored list is forwarded to the SIU investigation chief and division of prisons chief monthly.

### ***Unintended Recording of an Inmate/Attorney Telephone Call***

If an inmate-attorney telephone call (to the attorney's business number) is inadvertently recorded, the staff member must not listen to the call or immediately stop listening when the staff learns that the call is to an attorney and must not share any of the conversation with other staff, except as noted in the next subsection. The staff member must immediately notify his manager or facility head or designees. The manager or facility head or designees must verify that it is an attorney's authorized business number and if verified, ensure the number is programmed as a non-monitored number in the ICMS. Once verified that it was an attorney business number, any recorded call to that number must be deleted from the ICMS.

If the attorney telephone call was to a number that was not an authorized business number, the facility head or designee must notify the attorney of the following:

- That the telephone number is not on the non-monitored list
- That the attorney's business number recorded with the Idaho Bar is on the non-monitored list
- The process if the attorney wants to request adding an additional number to the non-monitored list

### ***Suspected Misuse of Inmate/Attorney Telephone Call Privileges***

If a staff member has reason to believe that a conversation or call violates IDOC or facility rules, jeopardizes the facility's secure and orderly operation, or that a crime has been or may be committed, the staff member must immediately report it to his manager or facility head or designee. The staff member must describe how the information was obtained. The manager or facility head or designees must discuss the issue with the prisons division chief or designee (see *Attorney and Professional Staff Access to Inmates*, SOP 604.02.01.002 for further information).

The prisons division chief or designee may take action, to include, but not limited to, one or more of the following:

- Advising the attorney that violating IDOC or facility rules may result in his telephone number being blocked from receiving calls from the ICMS
- Terminating telephone calls between the inmate and the attorney by having the telephone number(s) blocked
- Reporting the matter to the appropriate authorities, including law enforcement

### ***Electronic Communication System***

Attorney communications using email, digital photograph, and video messaging are not privileged, are archived and may be reviewed.

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## 9. Levels of Staff Access

The ICMS and ECS have the following levels of access:

### ***System Administrator***

Full system access with the ability to perform all functions, services and applications associated with the ICMS or ECS system at all other levels. System administrator access is limited to the contract administrator, the intelligence coordinator, and others as specifically approved by the prison division chief or deputy chief or designee.

### ***Site Administrative***

Site Administrative access includes *monitoring and investigator level 1* access plus the ability to reset personal identification numbers (PIN) and personal access numbers (PAN), reset name recording, and restrict ICMS and ECS access.

Access to PIN-PAN is for basic functions such as managing PINs, restricting PAN, and restricting calls to a personal telephone number at the owner's request.

### ***Monitoring***

Monitoring includes *PIN-PAN, PREA*, telephone call monitoring, and ECS monitoring. In addition, can monitor recordings at all sites, monitor live calls, forward live calls, review calls from all sites, view notes made on individual calls.

Monitoring is for staff members who listen to ICMS conversations and review ECS email, digital photographs, video messages, etc. for official IDOC business but do not need system management functions.

### ***Investigators***

*Investigator level 2 includes PIN-PAN, monitoring, PREA, and monitoring*, can listen to restricted calls (numbers marked restricted such as the facility informant line or other specialty numbers with tightly controlled access) create compact disk (CD) queues, and burn calls and ECS information to a CD, or other storage device.

Investigator level 2 includes the ability to save telephone conversations as audio files. To ensure security of recorded conversations, this position is limited to two individuals per facility. The prisons division chief is the approval authority to any exception to the two-person limit.

### ***Prison Rape Elimination Act (PREA) Tip Line***

This access is limited to monitoring PREA tip lines. Access is typically facility administrative staff and on duty staff members such as shift commanders and assistant shift commanders who can respond to potential victims of sexual assault.

### ***Outside Law Enforcement***

This access is limited to reviewing archived calls placed by IDOC inmates, download calls and access to investigative or mapping tools. To ensure security of recorded conversations, the prisons division chief (or designee) approves law enforcement access.

## 10. Approving Staff Access to ICMS and ECS

Access to the ICMS and ECS is limited to individuals with a legitimate need such as assigned staff, investigators, second in command, facility heads, and individuals with administrative duties required to operate the system.

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The chief of the prisons division may grant law enforcement agencies access to the ICMS and ECS. To limit the number of people aware of such access, the prisons division chief works directly with the intelligence coordinator when authorizing and implementing access. When access is authorized, the intelligence coordinator either adds the authorized access or contacts the contract administrator for implementing access. The intelligence coordinator must provide the approved agencies with a *Non-Disclosure Release Form*. The IDOC may revoke access if an agency violates the non-disclosure guidelines.

To change staff access during the year, the facility head notifies the intelligence coordinator via email. In consultation with the chief of the prisons division, the intelligence coordinator updates the authorized list and notifies the contract administrator to implement access.

The intelligence coordinator can have a staff member's access removed when needed.

This process is used to establish access to ICMS and ECS initially and then used annually for reauthorization. Access rights expire annually and reauthorization must be obtained each year. Requests for initial authorization and reauthorization must be made using the following steps:

Functional Roles and Responsibilities	Step	Tasks
Facility Heads or Designees	1	<ul style="list-style-type: none"> <li>By December 1 each year, complete <i>ICMS and ECS Access Request</i>.</li> <li>Include up to two investigator level-2 staff.</li> <li>Submit the completed information to the intelligence coordinator.</li> </ul>
Intelligence Coordinator	2	<ul style="list-style-type: none"> <li>Ensure that each facility has submitted an <i>ICMS and ECS Access Request</i>.</li> <li>Complete an Electronic Communication Access Request for any additional staff who requires access.</li> <li>Review each <i>ICMS and ECS Access Request</i> and document any concerns.</li> <li>By December 15, forward the E <i>ICMS and ECS Access Requests</i> to the applicable prisons division deputy chiefs and the CRC operations manager.</li> </ul>
DOP Deputy Chiefs and CRC Operations Manager	3	<ul style="list-style-type: none"> <li>Review each applicable facility <i>ICMS and ECS Access Request</i></li> <li>Resolve any concerns with the applicable facility head.</li> <li>Complete the <i>ICMS and ECS Access Request</i>.</li> <li>Forward the completed <i>ICMS and ECS Access Request</i> to the intelligence coordinator.</li> </ul>
Intelligence Coordinator	4	<ul style="list-style-type: none"> <li>Develop a list of the authorized individuals including the level of access authorized.</li> <li>Forward the information to the contract administrator.</li> <li>Notify facility heads of those authorized to access the</li> </ul>

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Functional Roles and Responsibilities	Step	Tasks
		<p>electronic communication at their respective facilities.</p> <ul style="list-style-type: none"> <li>File the signed request forms (maintain for two years and then dispose of the forms).</li> </ul>
<b>Contract Administrator</b>	<b>5</b>	Ensure that the vendor provides access to the authorized individuals.

## 11. ICMS and ECS Security

To reduce risk of unauthorized access to the ICMS or ECS, monitoring staff members must only use computers in secured locations that inmates cannot access and cannot use multi-user computers such as a control center, officer station, etc.

Staff members authorized must not allow anyone access to ICMS or ECS or give their system login or password information to anyone.

When a staff member no longer requires access to the ICMS or ECS or both, the intelligence coordinator or contract administrator removes the staff member from the approved list and ensures that access to the applicable system is removed.

## 12. Information Security

Only staff members authorized as described in section 8 can access and monitor ICMS and ECS. Intercepted information that does not pose a risk must not be shared or discussed among staff members. Intercepted information that poses a risk to the safety or security of the facility, safety of staff, public, or inmates, or is criminal in nature is only discussed or shared with staff members who are authorized to receive such information and have a need to know.

With exception of the intelligence coordinator, contract monitor, and SIU investigators, staff members must only monitor the restricted numbers ("tip line") at the facility to which the staff member is assigned (see *Investigations and Intelligence Program SOP 504.02.01.001* for further information regarding "tip lines").

### **Public Access**

Recorded conversations, data reports, call logs, email, digital photographs, video communications etc., are **not** open to public disclosure and can only be released to the individuals and agencies listed below. The prisons division chief or designee can authorize individuals on a case-by-case basis to have access to the ICMS or ECS or to receive messages or information recorded on the systems.

The following are authorized to receive ICMS and ECS files:

- IDOC director
- Deputy attorneys generals assigned to IDOC
- SIU investigators
- Prisons division chief
- Prisons division deputy chiefs
- CRC operations manager

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- District managers (only when directly related to probation or parole violations)
- Department disciplinary oversight coordinator(s) (only directly related to DORs)
- Facility disciplinary hearing officers (limited to evidence presented at a DOR hearing)
- Facility heads
- Deputy wardens (second in command and DOR review and appellate authorities)
- Serious incident review (SIR) committee
- Staff authorized in accordance with *section 8*
- Law enforcement agencies (for criminal investigation purposes)

### 13. Release of ICMS and ECS Files

ICMS and ECS used in IDOC administrative investigations, administrative hearings, or criminal investigations that are provided to others are managed using the following steps.

**(Caution:** Anyone releasing information to an outside law enforcement agency, court, or any other entity must follow the steps described in this section.)

Functional Roles and Responsibilities	Step	Tasks
Requesting Staff or Agency	1	Submit a request to a facility investigator, SIU investigator, or intelligence coordinator for recorded conversation or ECS medium. State the purpose of the request, such as administrative investigation or review, DOR evidence or review, criminal investigation.
Facility Investigators or SIU Investigators	2	Request a log number from the intelligence coordinator.
SIU Intelligence Coordinator	3	<ul style="list-style-type: none"> <li>• Ensure the request meets the requirements of this SOP.</li> <li>• Request additional information if necessary.</li> </ul>
	4	<p>Request does not meet the requirements of this SOP:</p> <ul style="list-style-type: none"> <li>• Deny the request and notify the facility investigator or SIU Investigator.</li> <li>• Do not download, save, or release the information.</li> <li>• Notify the requesting party that the information cannot be released in accordance with IDOC policy. (The process ends here.)</li> </ul> <p>Request meets the requirement of this SOP:</p> <ul style="list-style-type: none"> <li>• Issue a log number and document the request.</li> <li>• Notify the authorized staff.</li> </ul>



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<b>Authorized Staff</b>	<b>5</b>	<ul style="list-style-type: none"> <li>Identify the ICMS or ECS file.</li> <li>Save the file(s) in an applicable format.</li> <li>Forward the file(s) to the requesting party.</li> <li>If the individual is not an authorized IDOC staff, also forward a completed copy of <i>Non-Disclosure Release Form</i>.</li> </ul>
<b>Requesting Party</b>	<b>6</b>	<ul style="list-style-type: none"> <li>Destroy copies of files used for IDOC administrative hearings and other administrative functions after the hearing or issue is resolved.</li> <li>Store copies of files used for IDOC investigations in accordance with section 14.</li> <li>Copies of files sent to law enforcement agencies are retained in accordance with each agency's policy.</li> </ul>

#### 14. Interception of Suspicious Telephone Calls or Email Activity

If while monitoring ICMS or ECS, a staff member learns of information that indicates criminal activity, violation of department or facility rules, is a risk to facility safety or security, or indicates staff misconduct, he must immediately notify the applicable authority in accordance with this section. If a contract provider or contract administrator learns of information related to criminal activity or that threatens the safety or security of a facility, or safety of the public or staff, he must immediately contact the intelligence coordinator.

Staff at contract facilities and other contract staff must report information related to inmates under IDOC jurisdiction, IDOC facilities, and staff to both the manager or facility head and the contract prison oversight unit deputy warden or designee.

##### ***Criminal Activity Not Involving Inmates under IDOC Jurisdiction***

IDOC investigators learning of information about criminal activity that does **not** involve inmates under the jurisdiction of the department must immediately notify the law enforcement agency with jurisdiction. Requests for copies of the relative information must be in accordance with section 12, Release of ICMS or ECS Files.

##### ***Activity Involving Inmates under IDOC Jurisdiction or IDOC Facilities***

IDOC investigators must report to the facility head or appropriate manager information about

- Criminal activity
- Activity presenting a risk or potential risk to the security or safety of an IDOC facility
- Activity presenting risk to the safety of staff, public, or inmates
- Information regarding behavior or activities that violate IDOC facility rules

The applicable manager or facility head takes one or more of the following actions

- Immediately place a temporary block the inmate's use of the ICMS or the inmate's ability to call certain numbers, restrict use of the kiosk, or specific functions of the kiosk.
- Initiate disciplinary action.
- Request further telephone and ECS monitoring and investigation.

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- Refer to special investigations unit.
- Authorize release of the intercepted information to an outside law enforcement agency or court.

### **Staff Misconduct**

Any information indicating possible staff misconduct must be reported immediately to the applicable manager or facility head.

## **15. ICMS and ECS Recording Retention**

ICMS recordings must be maintained in the system for three years or longer.

ECS video recordings are actively maintained for 60 days.

Emails are maintained for three years or longer.

Digital photographs are maintained for three years or longer.

Copies of recordings used in IDOC investigations become part of an investigative file and maintained in accordance with *Custody of Evidence*, SOP 116.02.01.001; *Custody of Evidence: Office of Professional Standards*, SOP 116.01.01.001, and *Investigations and Intelligence Program*, SOP 504.02.0.001.

## **16. Requests for Blocking and Unblocking Access**

Telephone numbers can be blocked as follows:

- All IDOC facilities
- Specific IDOC facilities or
- Specific inmates

### **The Public**

Members of the public may have their personal telephone numbers blocked or unblocked from receiving telephone calls by selecting the correct prompt through the ICMS, contacting the ICMS provider, contacting the facility, or the contract administrator. Requested blocks remain in place for a minimum of 30 days if the requesting person asks to have the number unblocked. If the department suspects or experiences abuse of the blocking or unblocking process, written requests may be required.

Members of the public may have their personal email address blocked by canceling their ECS access account.

### **Staff Members**

Staff members must not accept unauthorized telephone calls from the ICMS or initiate ECS. If a staff member inadvertently accepts an unauthorized call from an inmate, he must report it the next working day to the facility head, manager, or designee.

To obtain authorization to receive telephone calls or set up ECS with a specific inmate such as a family member, staff members must report the relationship in accordance with *Non-Fraternization with Inmates*, Policy 218 and request authorization.

Any staff member can submit a request to the facility head or designee to have his personal telephone number blocked from the ICMS calls.

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## DEFINITIONS

**Attorney Agent:** A person, qualified through education, training, or work experience performing specifically delegated legal work, employed or retained and directly supervised by an active attorney member of the Idaho State Bar, another state's bar, or a government agency. The supervising attorney must maintain a direct relationship with the inmate client represented.

**Attorney Telephone Call:** A verifiable, unmonitored, and unrecorded telephone call between an inmate and an attorney

**Public:** A person (of the public) that does not include inmates, contractors, vendors, volunteers, interns, or the employees of the Idaho Board of Correction, Idaho Department of Correction (IDOC), or Commission of Pardons and Parole.

**Three-Way Call:** A telephone call that adds a third person to a telephone conversation between two people via a single phone line, thereby allowing all three people to hear and speak to each other via that single call

## REFERENCES

Appendix A, *Electronic Mail Contraband and Denial Form*

*ICMS and ECS Access Request*

*Non-Disclosure Release Form*

116.02.01.001, *Custody of Evidence*

218, *Non-Fraternization with Inmates*

116.01.01.001, *Custody of Evidence: Office of Professional Standards*

205.07.01.001, *Corrective or Disciplinary Action*

318.02.01.001, *Disciplinary Procedures: Inmate*

SOP 402.02.01.001, *Mail Handling in Correctional Facilities*

504.02.0.001, *Investigations and Intelligence Program*

– End of Document –

IDAHO DEPARTMENT OF CORRECTION  
Electronic Mail Contraband and Denial Form

Inmate's Name: \_\_\_\_\_ IDOC #: \_\_\_\_\_ Housing: \_\_\_\_\_  
 Date Received: \_\_\_\_\_ Date Notice Sent: \_\_\_\_\_  
 Sender's Name: \_\_\_\_\_ Contents: \_\_\_\_\_

☐ Email

☐ Attachment

The above listed correspondence or publication was reviewed and denied in accordance with SOP 503.02.01.001 *Telephones and Electronic Communications: Inmate*. This decision can be appealed in accordance with SOP 316.02.01.001, *Grievance and Informal Resolution Procedure for Inmates*.

Check one (1) or more reason(s) for denial:

- ☐ Receiving any contraband or anything of an illegal or threatening nature
- ☐ Soliciting or accepting any publication or item that has not been paid for in advance
- ☐ Obliging oneself or others to time payments
- ☐ Joining or participating in book, record, tape, or CD clubs, either personally or via a third party
- ☐ Using coercion, threats, or fraud to obtain money, favors, or anything of value
- ☐ Sending or receiving email, photo share, or communications for another inmate
- ☐ Sending or receiving email with coded messages
- ☐ Directing or conducting any business operations, except as necessary to protect real property or close out a business
- ☐ Soliciting or receiving any information that describes the manufacture of weapons, bombs, explosives, alcohol and drugs, drug paraphernalia, or escape materials
- ☐ Role-playing games and related materials
- ☐ Sending or receiving information related to the crime, sentence, or identity of another inmate
- ☐ Sending or receiving publications or items showing gang involvement or activities (enemy lists, constitutions, structures, codes, signs, symbols, photographs, drawings, training material, clothing, etc.)
- ☐ Sending or receiving information advocating that any ethnic, racial, or religious group is inferior or that make such groups an object of ridicule and scorn
- ☐ Sending or receiving information that encourages violence
- ☐ Sexually explicit, nudity or pornographic material to include pictorial depictions of nudity, graphic images, personal pictures, drawings, photocopies, or video messages
- Note: Written content of a sexual nature is permitted
- ☐ Other \_\_\_\_\_

Staff Member's Signature \_\_\_\_\_ Date \_\_\_\_\_

Staff Associate Number: \_\_\_\_\_

Appendix A

402.02.01.001

(Appendix last updated 09/13/2016)

# IDAHO

## DEPARTMENT OF CORRECTION


[Director's Office](#)
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Can we help you find something?

Looking for an Offender?




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## IDOC Offender Search Details

### MICHAEL T HAYES #20633

Mailing Address: IDAHO STATE CORRECTIONAL CENTER A BLOCK  
PO Box 70010  
Boise, ID 83707  
Phone Number: 208-331-2760

Status: Inmate  
Age: 61

#### IDOC Sentence Information

Date current as of: 4:14am Tuesday February 28th 2017

The sentence information shown is for active sentences under the jurisdiction, custody and/or supervision of the Idaho Department of Correction only.

Offense	Sentencing County	Case No.	Sentence Satisfaction Date
LEWD AND LASCIVIOUS CONDUCT W/MINOR UNDER 16	SPOKANE	CRF02-35798	09/30/2043
Parole Eligibility Date:			10/01/2023
Next Parole Hearing Date:			04/2023

*The Idaho Department of Correction updates this database regularly to ensure it is complete and accurate; however, offender data can change quickly. Therefore, this site may not reflect the most current content, location, status, scheduled termination date or other information regarding an offender.*

This offender search service is designed to provide basic information about an offender. If you need additional basic offender record information, contact [inquire@idoc.idaho.gov](mailto:inquire@idoc.idaho.gov).

Send formal requests for copies of records to:  
Records Bureau  
Idaho Department of Correction  
1299 N. Orchard Street, Suite 110  
Boise, ID 83706

For more information:  
» [Idaho Commission of Pardons & Parole](#)  
» [IDOC Visiting Information](#)  
» [IDOC Mail Rules](#)

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#### ABOUT US

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[Contact Us](#)  
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#### STATE & LOCAL AGENCIES

[Commission of Pardons & Parole](#)  
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[WBOR](#)

*background photo (Born Lakes) courtesy of [Idaho Tourism](#)*

cited in *Hayes v. Idaho Correctional Center*  
No. 14-35078 archived on February 28, 2017



Idaho Department of Correction  	<b>Standard Operating Procedure</b>	Title: <b>Mail Handling in Correctional Facilities</b>	Page: 1 of 16
		Control Number: <b>402.02.01.001</b>	Version: <b>11.0</b>  Adopted: 01-01-1991

**Jefferey Zmuda, chief of the division of prisons approved this document on 01/06/2017.**

**Open to the public:** ☒ **Yes**

### SCOPE

This standard operating procedure applies to all department correctional facilities (correctional facilities includes prisons and community reentry centers, issues specific to either a prison or CRC will be cited as such), correctional facility staff, and inmates.

(Information regarding electronic communication can be found in *Telephones and Electronic Communications Systems: Inmate*: SOP 503.02.01.001.)

Revision History	
<b>Revision date (01/06/2017) version 11.0:</b>	Further clarified definition of indigent inmate
<b>Revision date (11/08/2016) version 10.0:</b>	Changed definition of indigent inmate
<b>Revision date (09/13/2016) version 9.0:</b>	Removed references to electronic mail systems, added to section 4: colored or padded envelopes (except legal mail), envelopes or letters that are stained or have unknown substances, lipstick, or lip balm on them, letters or envelopes with a strong perfume-like or unusual odor, colored pencil(s), markers, glitter, crayons, paint, watercolors or wax on any part of the envelope or the contents of the envelope, sexually explicit and pornographic material, electronic media items, including but not limited to CDs, DVDs, thumb drives, etc., added deadline for notification of contraband in section 23, minor editing and formatting changes

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## **BOARD OF CORRECTION IDAPA RULE NUMBER 402**

Correspondence with Inmates

## **POLICY DOCUMENT NUMBER 402**

Inmate Mail

## **PURPOSE**

The purpose of this standard operating procedure is to establish guidelines for ensuring inmate mail handling and delivery processes are managed consistently throughout Idaho Department of Correction correctional facilities.

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## RESPONSIBILITY

### ***Facility Heads***

Facility heads are responsible for the following:

- Implementing and ensuring that the guidelines are followed in their facilities
- Ensuring that mailroom officers receive training on institutional mail procedures before assuming mailroom duties (and annually thereafter)

### ***Correctional Facility Staff***

Correctional facility staff, at all levels of the mail handling and delivery system must ensure that mail is delivered intact to inmates and is not tampered with, except as necessary to determine compliance with this SOP.

## STANDARD PROCEDURES

### **1. Goals for Institutional Mail**

It is important that each inmate be allowed to communicate with family and friends and have the opportunity to explore ideas, information, and concepts originating outside the institution. It is equally important that the IDOC fulfill its duty to protect the public.

The IDOC fulfills this duty by maintaining a safe and orderly environment while promoting the rehabilitative process. The goals of the IDOC for institutional mail include, but are not limited to:

- Maintaining family and community ties
- Providing communication with courts and legal counsel
- Sustaining a safe environment not compromised by the introduction of contraband
- Preventing inmates from tracking protective custody inmates or notifying other inmates of their location or obtaining information regarding information related to the crime, sentence, or identity of another inmate, emergency plans, command structures, or similar information that could threaten the safety and security of inmates or the operation of IDOC correctional facilities
- Preventing escape
- Reducing the risk of incarcerated inmates committing criminal acts
- Protecting inmates' relatives, friends, staff, and the public from coercion and harassment
- Limiting inmate access to information that could jeopardize institutional safety and security
- Preventing the distribution of materials that could incite sexual assaults, inmate disorder, or other violence
- Reducing the ability of inmates to form prison gangs or security threat groups
- Preventing the introduction of materials that would adversely affect treatment efforts

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## 2. Authorized Mail Items

Inmates are authorized to use mail for the following:

- General correspondence
- New or used books from a book store or publisher
- New magazines, newspapers, and other publications such as monthly or daily calendars, journals, etc. that are mailed from the publisher or bookstore (items must meet the standards described in section 3, section 4 and section 5)
- Items such as catalogs, college information, newsletters, etc. that have a typical IDOC address that includes the inmate's name, IDOC number, facility, housing unit, etc. Such mail that contains a typical IDOC address, but is no longer current will be handled in accordance with section 19
- Greeting cards 8" x 10" or smaller and must not be padded, laminated, multilayered, or musical
- Up to 20 loose photographs 5" x 8" or smaller, except instant photographs with layers (such as 'Polaroid type' photographs), which are not allowed. Images printed on copy-grade paper stock are not considered a photograph
- Cashier checks, money orders, refund checks from vendors, State of Idaho drafts, and US Treasury checks, which will be credited to the inmate's trust account. Must have the sender's name and address printed on the envelope
- Letter-size photocopies, including computer-generated documents are subject to the limitations regarding the amount of allowable property and the prohibition against storing case law as excess legal material described in SOPs 320.02.01.001, *Property: State issued and Inmate Personal Property*, and 405.02.01.001, *Access to Courts*

## 3. Prohibited Use of Mail

Inmates are prohibited from using mail for the following:

- Receiving any contraband or anything of an illegal or threatening nature
- Soliciting or accepting any publication or item which has not been paid for in advance
- Obligating themselves or others to time payments
- Joining or participating in book, record, tape, or CD clubs, either personally or via a third party
- Using coercion, threats, or fraud to obtain money, favors, or anything of value
- Sending any item other than correspondence (written mail) out of the institution without the written approval of the facility head or designee
- Sending or receiving mail for another inmate (specifically a third party)
- Sending or receiving mail with coded messages
- Information related to the crime, sentence, or identity of another inmate

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- Directing or conducting any business operations, except as necessary to protect real property or close out a business
- Receiving mail delivered collect-on-delivery (COD)
- Sending mail by COD
- Sending mail via any provider other than the U.S. Postal Service (such as United Parcel Service [UPS] or Federal Express [FedEx])

#### 4. Prohibited Mail Items

Items prohibited include, but are not limited to, the following:

- Items in a letter or package not authorized by policy or standard operating procedure
- Packages without prior authorization
- Publications or items that describe the manufacture of weapons, bombs, explosives, alcohol and drugs, drug paraphernalia, or escape materials
- Role-playing games and related materials
- Information related to the crime, sentence, or identity of another inmate.
- Promotional items such as fragrance packs, CDs, computer software, stickers, handbags, T-shirts, baseball caps, in publications, magazines, periodicals etc. (Promotional items will be destroyed and the publication will be forwarded so that the mail process is not delayed.)
- Junk mail (mail that does not contain a typical IDOC inmate mailing address [inmate's name, IDOC number, facility, housing unit, etc.] and is similar to the following examples: direct marketing, mass mailings, sales flyers, credit card applications, coupons, etc.). Junk mail will be destroyed.
- More than one subscription to the same periodical, magazine, etc.
- Publications or items evidencing gang involvement or activities (enemy lists, constitutions, structures, codes, signs, symbols, photographs, drawings, training material, clothing, etc.)
- Publications or items advocating that any ethnic, racial, or religious group is inferior or that make such groups an object of ridicule and scorn. However, no publication will be withheld solely because of its appeal to a particular ethnic, racial, or religious group.
- Publications or items that encourage violence between the recipients and members of another group
- Publications not mailed directly from the publisher or a bookstore.
- Clippings from magazines, books, or newspapers
- Postage stamps or envelopes. Postage stamps are allowed at CRCs if the CRC does not have commissary service.
- Greeting cards that are padded, laminated, multilayered, musical, or larger than 8" x 10".

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- Photographs larger than 5" x 8" and instant photographs (such as 'Polaroid type' with layers). Photocopies are not photographs and may be on standard 8.5" x 11" paper.
- Hardback books. (See note box below for further details.)
- Colored or padded envelopes (except legal mail)
- Envelopes or letters that are stained or have unknown substances, lipstick, or lip balm on them
- Letters or envelopes with a strong perfume-like or unusual odor
- Colored pencil(s), markers, glitter, crayons, paint, watercolors or wax on any part of the envelope or the contents of the envelope.
- Sexually explicit and pornographic material
- Electronic media items, including but not limited to CDs, DVDs, thumb drives, etc.

**Reminder:** A hardback book legitimately obtained and in an inmate's property before October 1, 2010 is allowable property. Facility heads may make exceptions on an individual basis for educational or religious hardback books that are not available in paperback or soft cover. **Such exceptions must be documented in the Corrections Integrated System (CIS) property module.**

## 5. Prohibited Sexually Explicit and Pornographic Material

**Sexually explicit** and **pornographic material** includes pictorial depictions of nudity in books, pamphlets, magazines, periodicals, any other graphic images, or any other publication or any personal pictures, drawings, or photocopies of any of these items.

- **Nudity** in this SOP means a pictorial depiction where male or female genitalia, anus, or the nipples or areola of female breasts are exposed.
- **Feature** in this SOP means that a publication contains pictorial depictions of nudity or sexually explicit conduct on a routine or regular basis or promotes itself based upon such depictions in the case of individual one-time issues.
- **Sexually explicit** in this SOP means a pictorial depiction of actual or simulated sexual acts including sexual intercourse, oral sex, or masturbation.
- **Pornographic material** also includes individual pictures, photographs, or drawings of nudity or sexually explicit conduct that are not part of a book, pamphlet, magazine, periodical, or other publication.
- Publications, drawings, photocopies, and other pictorial materials that meet the description of nudity in this section, but the person has clothing or other covering that is transparent or virtually transparent are not permitted.

**Reminder:** Publications that do not feature nudity, but contain nudity illustrative of medical, educational, or anthropological content may be excluded from this definition.

Written material of a sexual nature is permitted and is not included in this definition.

## 6. Prohibited Outgoing Mail

The facility head can prohibit outgoing mail that falls within the following categories:



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- Correspondence with minors where the minor's legal guardians object, in writing, stating that they wish the correspondence to be discontinued
- Correspondence with minors, except immediate family, unless the minor's legal guardian has granted permission, which is documented in writing
- Correspondence with individuals who have filed a written request to have correspondence discontinued

## 7. Outgoing Mail Process

Mail services may include certified, registered, and insured mail.

Outgoing mail that presents no procedural problems will be processed within 24 hours, Monday through Friday, excluding weekends and legal holidays.

To ensure that undeliverable mail is returned to the sender, mail must be metered at the first-class rate.

Inmates must use embossed pre-stamped envelopes marked 'inmate correspondence' for all outgoing correspondence to include greeting cards. These envelopes are purchased through the IDOC commissary. CRCs without commissary services do not use embossed pre-stamped envelopes, but all correspondence must be marked 'inmate correspondence'. The exception to this rule is outgoing property items. Before property can be mailed out, a staff member must complete a property inventory in accordance with SOP 320.02.01.001, *Property: State-issued and Inmate Personal Property*.

Outgoing mail must be clearly marked with the sending inmate's first and last name (no nicknames or titles), institutional number, facility name, living unit, and facility address. Mail not clearly marked will be returned to the inmate. If the inmate's name cannot be determined, the mail will be destroyed.

Altering any envelope (including drawings) may result in mail being returned to the sender.

Outgoing mail will be delivered to the mailroom sealed, except when there is a request for a money order, which will be left open so the money order can be placed in the envelope for mailing.

Outgoing mail may be opened, inspected, and read to make sure that it does not violate the secure and orderly operation of the facility, does not adversely affect the rehabilitative progress of the inmate, does not pose a threat to a specific individual or the public, or does not conflict with the intent of the institutional mail procedures.

## 8. Outgoing International Mail

Mail and packages sent out of the United States require special handling and may cost more than domestic rates.

When mailing an item outside of the United States the inmate must do the following:

- Address the item clearly and correctly.
- Attach a withdrawal form (do not fill in the amount) with a statement of what is in the parcel and to what country it is being sent.

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- Attach an accurate property inventory, completed by a staff member, to any item other than a standard letter. This is needed so the mailroom officer can attach an accurate customs tag.

The mailroom officer will weigh the parcel and affix the correct postage. The mailroom officer will enter the postage amount on the commissary withdrawal form and then forward the original to an account technician, and send a copy to the inmate sending the mail.

## 9. Outgoing Confidential Mail

Inmates can send confidential mail to the individuals and entities in accordance with this SOP. For the purpose of this SOP, mail sent to the following will be considered confidential: the president, the governor, the Idaho Legislature or U.S. Congress (except for bulk mailings), the Board, the director, IDOC chiefs and deputy chiefs, facility heads, public interest groups or government entities providing assistance for inmates, the Idaho Commission of Pardons and Parole or any member thereof, or the Consulate or Embassy of an inmate who is a foreign national.

While this mail is treated as confidential, it is monitored for contraband and other items that might threaten the safety of the recipient.

### *Procedural Steps for Sending Confidential Mail*

Functional Roles and Responsibilities	Step	Tasks
Inmate	1	Address the item clearly and correctly.
	2	Ensure that the return address is correct and legible.
	3	Take the envelope to the unit officer or designated staff member.
Unit Officer	4	Inspect the envelope for contraband. Do not read the correspondence. (If contraband is found, skip to step 15.)
	5	Ensure that the envelope is sealed, unless there is a request for a withdrawal.
	6	Mark confidential.
	7	Print own name, associate number, date, and cover with clear tape on the back of the envelope.
	8	Send to the mailroom.
Mailroom Staff	9	Inspect the envelope.
	10	Check that a staff member has inspected the envelope.
	11	Open and inspect any envelope that appears to have not been properly inspected.

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Functional Roles and Responsibilities	Step	Tasks
	12	Open and inspect any correspondence to the governor of the State of Idaho.
	13	If no contraband, weapons, or other inappropriate items are found, reseal the envelope, write, 'inspected by (prints name)' and the day's date.
	14	Mail the correspondence.
	15	If contraband is found, write an information report, attach the contraband items (including correspondence), and immediately forward to the shift commander or designee.
<b>Shift Commander or Designee</b>	16	Depending on the level of contraband take one (1) or more of the following steps: <ul style="list-style-type: none"> <li>• Contact facility heads.</li> <li>• Contact appropriate law enforcement agency.</li> <li>• Complete a 105, Incident Report, (see SOP 105.02.01.001, <i>General Reporting and Investigation of Major Incidents</i>.)</li> <li>• Take corrective or disciplinary action.</li> <li>• Document the information in the c-notes section of the Corrections Integrated System (CIS).</li> </ul>

**Caution:** Both **legal mail** and **confidential mail** are treated as confidential and are handled in a similar manner such as they can be scanned but not read. **Legal mail** is handled in accordance with section 26 of this SOP and SOP 405.02.01.001, *Access to Courts*, and is processed through the resource center. (For those facilities without a resource center, follow SOP 405.02.01.001, *Access to Courts*). **Confidential mail** is handled in accordance with this SOP and is processed through the mailroom.

## 10. Inmate-to-Inmate Correspondence

Facility heads can approve inmate-to-inmate correspondence using appendix A, *Inmate-to-Inmate Correspondence Request Form* in the following circumstances:

- When inmates are immediate family members, specifically, spouse, parents, stepparents, natural child, stepchild, adopted child, siblings (of half [½] or whole blood, by adoption, or stepbrother or stepsister), grandchildren of blood relation or grandparents of blood relation. (See appendix A, *Inmate-to-Inmate Correspondence Request Form*.)
- When both inmates are the biological parents of a minor child (copy of birth certificate required).

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- When inmates write to inmates concerning legal work subject to the requirements of SOP 405.02.01.001, *Access to Courts*

In all cases, facility heads (or designees) of both facilities must approve the correspondence. Approvals must be documented in cautions in the Corrections Integrated System (CIS). If the inmates are moved, and absent any other disqualifying circumstance, previous correspondence approvals will be honored at any receiving IDOC or IDOC contract facility. If Staff members at a receiving facility believe that any correspondence violates the provisions of this SOP, the staff member must immediately notify the facility head. The delivery of correspondence will continue pending the facility head's decision. The facility head can withhold correspondence if it poses a security threat to the facility or the public until a decision to continue, restrict, or deny the correspondence is made.

Correspondence between inmates should be reviewed on an annual basis and can be denied at any time if the correspondence is found to violate the provisions of this SOP.

Facility heads will only consider approving inmate-to-inmate legal correspondence when the scope of the legal work requires extended correspondence between the two (2) inmates. If approved, such correspondence is not confidential. If the correspondence becomes personal instead of directly related to the legal claim, the approval will be withdrawn. Legal issues that require limited communication, such as one (1) inmate completing an affidavit for another, are handled by the paralegal in accordance with SOP 405.02.01.001, *Access to Courts*.

#### 11. Probationer and Parolee Correspondence with IDOC Inmates

If staff determines that correspondence is from an inmate currently under IDOC probation or parole supervision, the following steps will be followed. Inmates may correspond with probationers and parolees that are not immediate family, absent any other disqualifying circumstance, unless the probation and parole officer (PPO) does not approve the correspondence.

Functional Roles and Responsibilities	Step	Tasks
<b>Staff Member</b>	1	Notify the facility head or designee of the correspondence, the inmate's name and IDOC number housed at the facility, and the probationer or parolee's name, IDOC number, and supervising PPO (if available).
	2	If no violations of this SOP exist, process the mail.
<b>Facility Head or Designee</b>	3	Notify the probationer or parolee's supervising PPO of the correspondence.

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<b>Functional Roles and Responsibilities</b>	<b>Step</b>	<b>Tasks</b>
	4	<ul style="list-style-type: none"> <li>If the PPO responds stating that the correspondence should not be allowed, notify the mailroom supervisor and the inmate that the correspondence will not be allowed, and withhold any future correspondence as contraband.</li> <li>Document the information in the c-notes section of the Corrections Integrated System (CIS).</li> </ul>

## 12. Indigent Inmates

Indigence does not reduce the importance of an inmates' need to communicate with friends, family, and others outside of the correctional facility. The IDOC will not bear the cost of mailing packages for indigent inmates. However, indigent inmates will be given access to the following in accordance with directive 114.03.03.011, *Inmate Trust Account*.

- One standard mail envelope, domestic or international, a week
- Up to four sheets of paper a week
- A writing instrument (pen, pencil, or security pen)
- One additional mail envelope per week for 'confidential' correspondence as defined in this SOP. (See section 9.)
- Envelopes, postage, photocopies for 'legal mail' as defined in SOP 405.02.01.001, *Access to Courts*

## 13. Statehouse Mail

Inmates cannot use statehouse mail.

## 14. Internal IDOC Mail System

Inmates may use the internal IDOC mail system to contact IDOC staff and the Commission of Pardons and Parole.

## 15. Incoming Mail

Incoming mail must be sent to the facility in white, legal or letter sized envelopes. Incoming Legal Mail is exempt from the white envelope requirement.

Incoming mail that presents no procedural problems as identified in this SOP will be processed and delivered within 24 hours of receipt, Monday through Friday, excluding legal holidays.

Incoming mail will be opened, inspected, and may be read to ensure that it complies with this SOP, is not sexually explicit, does not violate the secure and orderly operation of the facility, and does not adversely affect the rehabilitative progress of inmates.

If staff have a reasonable suspicion that a stamp, label, or sticker is being used to conceal contraband, such items may be removed before the mail is delivered.

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## 16. Incoming Confidential Mail

Incoming confidential mail must be delivered to the unit sealed. A unit staff member will open and inspect the envelope in the presence of the inmate but will not read it. However, incoming confidential mail may be scanned to ensure that it does not violate the provision of this SOP. If contraband or materials are found that violate the provisions of this SOP, the mail will be withheld and immediately forwarded to the facility head or designee.

## 17. Undeliverable Mail

Mail that the U.S. Postal Service (USPS) returns as undeliverable will be opened by prison investigators, who will examine the contents. The investigator will ensure that the inmate listed in the return address was the sender. If the mail appears to be that of the inmate named in the return address and if no contraband or other violations of IDOC rules are found, the mail will be returned to the inmate.

If evidence indicates that the inmate listed in the return address did not send the mail, the mail is not given to the inmate listed in the return address. If the inmate that sent the mail can be identified, disciplinary action will be taken in accordance with *Disciplinary Procedures: Inmate* SOP 318.02.01.001.

If the sender cannot be identified, the mail will be destroyed.

### **Undeliverable Legal Mail**

Mail that is marked as legal mail, that the USPS returns as undeliverable, will be sent to the resource center. In the presence of the inmate, an IDOC paralegal will open and scan the mail to ensure that (1) it is legal mail, (2) the mail belongs to the inmate named in the return address, and (3) the mail does not contain contraband or violate IDOC rules. If it is legal mail belonging to the inmate named in the return address and does not contain contraband or violate IDOC rules, the paralegal will give the mail to the inmate.

Mail marked as legal mail that (1) does not qualify as legal mail, (2) does not belong to the inmate listed in the return address, (3) contains contraband, or (4) violates IDOC rules, is withheld and forwarded to the facility head or designee for further investigation or disposition. If the inmate that sent the mail can be identified, disciplinary action will be taken in accordance with *Disciplinary Procedures: Inmate*.

## 18. Publications

Books, magazines, and newspapers can be new or used but must be sent by the publisher or a bookstore with a paid receipt or invoice. Magazines may have a receipt or invoice or may have a printed delivery label with the inmate's name and address. If these, or similar, proof of origin and purchase are not present, the item will be returned to sender.

Books are considered property, which will be logged in and marked on the inside front cover using the following label.

Inmate: _____ IDOC #: _____
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When books are received, they will be forwarded to the property officer within 24 hours.



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## 19. Incorrectly Addressed Incoming Mail

All incoming mail must be clearly addressed with the inmate's committed name (no nicknames), IDOC number, institution, and housing assignment. Incoming mail that is incorrectly addressed will be handled in accordance with the following guidelines.

If possible, incorrectly addressed mail will be delivered to the inmate with a note indicating the need for address correction. If after being notified, the sender continues to send mail incorrectly addressed, mail can be returned to the sender.

Mail should be returned to the sender if an inmate refuses to notify senders of his correct address or encourages senders to use an incomplete or incorrect address.

## 20. Correspondence Courses and Materials

Correspondence and materials involved in a correspondence course may differ from the limits set in this SOP. Therefore, in facilities where correspondence courses are allowed, facility heads, in consultation with education staff members, will designate an employee to approve correspondence courses.

The designated person must approve a correspondence course before an inmate can participate. If the inmate and the course are approved, the designated person will notify the mailroom supervisor of the inmate's name and the name of the school or organization. Correspondence and materials between the inmate and the correspondence source will then be allowed.

If the mailroom has any concerns regarding a specific incoming or outgoing item, the mailroom supervisor may withhold the item and discuss the concerns with the facility head or designee. The delivery of the item should not be delayed more than two business days, unless the facility head or designee approves the withholding of the item. If the item is declared contraband, the processes for the handling of contraband outlined in this SOP will be followed.

## 21. Transfers within the IDOC

When an inmate is transferred to a different housing unit or institution, mail will be forwarded for 60 days from the date of transfer. After 60 days, mail should be returned to the sender.

## 22. Release from an IDOC Correctional Facility

Inmates are responsible for filing a change of address with the U. S. Postal Service and notify the facility mailroom of their new address before their release from IDOC custody.

When an inmate is paroled or released from the custody of the IDOC and the address is known, mail will be forwarded for a period of 60 days. After 60 days, incoming mail will be returned to the U.S. Postal Service.

## 23. Contraband

### ***Mail Processed Through the Mailroom***

The facility head must designate a staff member to serve as the mail review authority to review items withheld as contraband.

Contraband received through the mail is handled using the following process steps:

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Functional Roles and Responsibilities	Step	Tasks
<b>Mailroom Staff</b>	1	Determine whether or not the mail contains contraband.
	2	Remove any contraband found and forward allowable items to the inmate.
	3	Take the following actions based on the type of contraband found: <ul style="list-style-type: none"> <li>• Cash; personal or two-party checks; or greeting cards that are padded, laminated, multilayered, musical, or larger than 8" x 10": Return to sender using appendix B, <i>Correspondence/Publication/Item/Contraband Denial Form</i>, for explanation.</li> <li>• Promotional items: Destroy</li> <li>• Illegal: Forward to local law enforcement</li> <li>• All other contraband: Continue to step 4.</li> </ul>
<b>Mailroom Staff</b>	4	Within three working days, notify the inmate using appendix B, <i>Correspondence/Publication/Item/Contraband Denial Form</i> .
	5	Forward the contraband to the property officer or designee.
<b>Property Officer or Designee</b>	6	Handle the contraband in accordance with SOPs 320.02.01.001, <i>Property: State-issued and Inmate Personal Property</i> and 316.02.01.001, <i>Grievance and Informal Resolution Procedure for Inmates</i> .

### ***Incoming Currency***

If a cashier check, money order, refund check from a vendor, State of Idaho draft, or US Treasury check is found in legal or first class mail in the unit, the staff members should take the following action:

1. Accept the item from the inmate.
2. Log the item in the daily log. Place the following information in the daily log and on an envelope:
  3. Inmate's name
  4. Maker of the money order or check (Well Fargo, Traveler's Express, etc.)
  5. Serial number of the check or money order
  6. Amount of the check
  7. Staff's name

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8. Take the money order or check in a sealed envelope to the control center, at the end of the officer's shift.

9. Place in a designated secured processing area such as lock box, control room, etc.

Either the mail staff or accounting will pick it up on the next business day.

The check will be deposited to the inmate's account and a receipt will be attached to the envelope and returned to the inmate.

## 24. Monitored Mail Lists

Any inmate can be placed on a monitored mail list for mail if there is a reasonable suspicion of illegal activity, the introduction of contraband, or other issues that threaten the safe and secure operation of an IDOC facility or rehabilitation of inmates. The facility head or designee must approve an inmate's placement on a monitored mail list. When placed on a monitored mail list, all of the inmate's mail will be reviewed for possible contraband. The inmate's mail may be delayed up to two business days to accommodate this process. If mail is determined to be contraband, the processes in section 23, must be followed. If it is determined that the mail does not contain contraband, it will be delivered to the inmate as soon as possible but no later than the day following the two-business day period.

## 25. Staff Mail

To ensure that all mail is processed efficiently the following procedures apply to IDOC staff and approved volunteers:

- Staff and volunteers should not receive personal mail at work.
- When communicating with outside agencies and individuals, staff and volunteers will take reasonable efforts to ensure the agency or individual has the staff's correct name, work unit, facility name, and address.
- Mailroom and administrative staff will make a reasonable effort to identify the staff member or volunteer when the address on incoming mail is incorrect.

## 26. Legal Mail

Legal mail is handled in accordance with SOP 405.02.01.001, *Access to Courts*. Legal mail that is processed through the resource center will be logged in the Access to Courts database.

Legal mail, incoming and outgoing, that is not processed through a resource center will be logged by mailroom staff. The mailroom will log the following information:

- The **incoming log** – the received date, sender, and the inmate's name and IDOC number
- The **outgoing log** – the date the inmate delivered each piece of mail to staff, the date mailed from the institution, the addressee, and the inmate's name and IDOC number

## DEFINITIONS

**Contraband:** Anything--of any kind--that is prohibited by Board, Department, or facility rules, policies, directives, or standard operating procedures. Contraband also includes anything--of

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any kind--that a facility head has not approved (1) for possession by an inmate or (2) to bring into a facility or onto Department property.

**Indigent Inmate:** An inmate who has been housed at an IDOC correctional facility (including a contract facility) for 30 consecutive days and whose trust account has a balance of \$0.15 or less and has had no deposits for 30 consecutive days.

**Legal Mail:** Confidential communication directly between (1) an inmate and an attorney (for the purposes of seeking or providing legal services only), (2) an inmate and the court, (3) opposing parties for service of documents (pursuant to court rules), or (4) third parties for service of documents (pursuant to court rules).

**Statehouse Mail:** The internal mail system for the State of Idaho that does not require postage.

## REFERENCES

Appendix A, *Inmate-to-Inmate Correspondence Request Form*

Appendix B, *Correspondence/Publication/Item/Contraband Denial Form*

Directive 114.03.03.011, *Inmate Trust Account*

Standard Operating Procedure 105.02.01.001, *General Reporting and Investigation of Major Incidents*

Standard Operating Procedure 316.02.01.001, *Grievance and Informal Resolution Procedure for Inmates*

Standard Operating Procedure 320.02.01.001, *Property: State-issued and Inmate Personal Property*

Standard Operating Procedure 405.02.01.001, *Access to Courts*

Standard Operating Procedure 503.02.01.001, *Telephones and Electronic Communications: Inmate*

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IDAHO DEPARTMENT OF CORRECTION  
Inmate-to-Inmate Correspondence Request Form

From: \_\_\_\_\_ Telephone: \_\_\_\_\_  
 \_\_\_\_\_ (Insert Number)

\_\_\_\_\_ Fax: \_\_\_\_\_  
 (Insert Facility Name and Address) (Insert Number)

Date: \_\_\_\_\_

Our Inmate: \_\_\_\_\_ IDOC #: \_\_\_\_\_  
 (Initiating Inmate's Name)

Is requesting permission to correspond with

Your Inmate: \_\_\_\_\_ IDOC #: \_\_\_\_\_  
 (Inmate's Name)

Located at: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 (Name of Receiving Institution and Address)

Idaho Department of Correction standard operating procedure permits inmates to correspond with immediate family (spouse, parents, stepparents, natural child, stepchild, adopted child, siblings (of half [1/2] or whole blood, by adoption, or stepbrother or stepsister, grandchildren of blood relation or grandparents of blood relation) and unmarried individuals who are the biological parents of the same minor child. The inmate at our facility indicates the relationship is:

☐ Husband/Wife ☐ Sibling ☐ Parent/Child ☐ Grandparent/Grandchild ☐ Co-parent

Additional Information: \_\_\_\_\_

Requesting Institution	
Relationship: _____ Not verified _____ Verified by: _____ <div style="text-align: center;">(Name and Title)</div>	Approved _____ Denied _____
Document used: _____	

Receiving Institution	
Relationship: _____ Not verified _____ Verified by: _____ <div style="text-align: center;">(Name and Title)</div>	Approved _____ Denied _____
Document used: _____	

## IDAHO DEPARTMENT OF CORRECTION

## Correspondence/Publication/Item/Contraband Denial Form

Inmate's Name: \_\_\_\_\_ IDOC #: \_\_\_\_\_ Housing: \_\_\_\_\_

Date Received: \_\_\_\_\_ Date Notice Sent: \_\_\_\_\_ Date to Return by: \_\_\_\_\_

Sender's Name: \_\_\_\_\_ Contents: \_\_\_\_\_

The item is located at the: ☐ Mail Center ☐ Property Office

This item was reviewed and denied in accordance with SOP 402.02.01.001, *Mail Handling in Correctional Facilities*. This decision can be appealed (see SOP 316.02.01.001, *Grievance and Informal Resolution Procedure for Inmates*). If you do not respond, the item(s) will be considered abandoned property and handled in accordance with SOP 320.02.01.001, *Property: State-issued and Inmate Personal Property*.

Check one (1) or more reason(s) for denial:

- ☐ Item received in a letter or package not authorized by policy or standard procedure
- ☐ Package received without prior authorization
- ☐ Publication or item describes the manufacture of weapons, bombs, explosives, escape materials, or the manufacture of alcohol, drugs, or drug paraphernalia
- ☐ Publication or item evidences gang involvement or activities such as enemy list, constitutions, structures, codes, signs symbols, slogans, photographs, drawings, training materials, clothing, etc.
- ☐ Publication or item advocates the inferiority of any ethnic, racial, or religious groups and/or makes such groups an object of ridicule and scorn
- ☐ Publication not mailed directly from the publisher or bookstore
- ☐ Unauthorized magazine, book, or newspaper clipping
- ☐ Sticker (paper or non-paper), postage stamps, or envelopes
- ☐ Greeting card is padded, laminated, multilayered, musical, or larger than 8" x 10"
- ☐ Photographs larger than 5" x 8" or instant photographs with layers
- ☐ Sexually explicit materials
- ☐ Body fluids on letter
- ☐ Unauthorized inmate-to-inmate correspondence or third-party correspondence of inmates
- ☐ Colored or padded envelopes (except legal mail)
- ☐ Envelopes or letters that are stained or have unknown substances, lipstick, or lip balm on them
- ☐ Letters or envelopes with a strong perfume-like or unusual odor
- ☐ Colored pencil(s), markers, glitter, crayons, paint, watercolors or wax on any part of the envelope or the contents of the envelope.
- ☐ Sexually explicit and pornographic material
- ☐ Electronic media items, including but not limited to CDs, DVDs, thumb drives, etc.
- ☐ Other \_\_\_\_\_

If you are mailing out the item, attach a completed withdrawal form with a staff signature.

Mail Out: ☐ Yes ☐ No Destroy: ☐ Yes ☐ No

Inmate's Signature \_\_\_\_\_

Date \_\_\_\_\_

Staff Member's Signature \_\_\_\_\_

Date \_\_\_\_\_

Staff Associate Number: \_\_\_\_\_

Date Mailed Out: \_\_\_\_\_

Date Destroyed: \_\_\_\_\_

Appendix B

402.02.01.001

(Appendix last updated 9/13/2016)