



NEW MEXICO CORRECTIONS DEPARTMENT

Secretary
Alisha Tafoya Lucero

CD-151200 Correspondence Regulations	Issued: 1/17/92 Effective: 3/20/92	Reviewed/Revised: 04/08/22
Alisha Tafoya Lucero, Cabinet Secretary		<i>Original Signed and Kept on File</i>

AUTHORITY:

- A. NMSA 1978, Section 33-1-6, as amended
- B. Policy *CD-010100*

REFERENCES:

- A. ACA Standard 2-CO-5D-01, *Standards for the Administration of Correctional Agencies*, 2nd Edition.
- B. ACA Expected Practices 5-ACI-3D-02 and 5-ACI-7D-01 through 5-ACI-7D-10, *Performance Based Standards and Expected Practices for Adult Correctional Institutions*, 5th Edition.

PURPOSE:

To outline the regulations and establish guidelines governing inmate correspondence (mail).

APPLICABILITY:

All employees and inmates at any facility in the New Mexico Corrections Department (NMCD).

FORMS:

- A. **Mail Rejection** form (*CD-151201.1*)
- B. **Incoming Legal Mail and Privileged Correspondence Log** form (*CD-151201.2*)
- C. **Receipt for Open Privileged Mail** form (*CD-151201.3*)
- D. **Publication Review Panel Determination** form (*CD-151201.4*)
- E. **Mailroom Tax Form Tracking Log** form (*CD-151201.5*)

ATTACHMENTS:

None

DEFINITIONS:

- A. *Contraband*: any material prohibited by law or regulation, or material which can reasonably be expected to cause physical injury or adversely affect the security and safety of the institution.

1. Dangerous Contraband: Any item which poses a serious threat to the security of an institution and which ordinarily is not approved for possession by an inmate or for admission into the institution.

Examples may include, but are not limited to weapons, intoxicants, currency (where prohibited), tools which may be used to aid in an escape (e.g., rope), ammunition or explosives, combustible or flammable liquids, and hazardous or poisonous chemicals and gases.

2. Nuisance Contraband: Any item other than dangerous contraband, which has never been authorized, or which may be, or which previously has been authorized for possession by an inmate, but whose possession is prohibited when it presents a threat to security or its condition or excessive quantities of it present a health, fire, or housekeeping hazard.

Examples may include, but are not limited to personal property no longer permitted for admission to the institution or permitted for sale in the commissary; altered personal property; excessive accumulation of commissary, newspapers, letters, or magazines which cannot be stored neatly and safely in the designated area; food items which are spoiled or retained beyond the point of safe consumption; government-issued items which have been altered, or other items made from government property without staff authorization.

- B. First-Class Mail Letters: Small rectangular mail pieces no thicker than ¼ inch, weighing 3.5 ounces or less.
- C. Indigent Inmate: An inmate whose trust fund account has been without funds for one month prior to the request for free postage and writing materials.
- D. Legal Mail: Any letters, pleadings or legal documents to or from an inmate's attorney of record, a judge, a court of law, or an opposing attorney, to include the NMCD Office of General Counsel. Mail to any other NMCD employee is not considered Legal Mail.
- E. Privileged Correspondence: Any Prison Rape Elimination Act (PREA) correspondence and any correspondence to or from an attorney from whom the inmate is attempting to retain services; with recognized agencies that provide legal assistance; and law enforcement agents or agencies.
- F. Digital Mail Center: Electronic delivery of scanned physical mail and eMessaging to enable communication between inmates and their family and friends while minimizing risk.

POLICY:

The NMCD encourages correspondence on a wholesome and constructive level between inmates and members of their families, as well as friends or associates, with no restrictions except those necessary to ensure the safety and security of the facilities and other persons. **[5-ACI-7D-01]**

- A. Inmates are permitted to send sealed legal mail or privileged correspondence. Staff, in the presence of the inmate, may inspect outgoing legal mail and privileged correspondence for contraband before it is sealed. Incoming legal mail and privileged correspondence to inmates

may be opened only to inspect for contraband and only in the presence of the inmate, unless waived in writing or in circumstances which may indicate contamination. [5-ACI-7D-06]

- B.** All inmates' mail or packages, both incoming and outgoing, shall be opened and inspected for contraband and to intercept cash, checks or money orders. Mail is read and accepted or rejected based on legitimate institutional interests of order and security. Inmates are notified when incoming or outgoing letters are rejected. [5-ACI-7D-05][5-ACI-7D-07] [5-ACI-7D-08]
- C.** All incoming and outgoing letters are held for no more than forty-eight (48) hours and packages (if allowed) are held for no more than seventy-two (72) hours, excluding weekends and holidays, or emergency situations. "Emergency situation" is any significant disruption of normal facility or agency procedure, policy, or activity caused by riot, escape, fire, natural disaster, employee action, or other serious incident. [5-ACI-7D-09]
- D.** All first-class letters and packages shall be forwarded after an inmate's transfer or release. [5-ACI-7D-10]
- E.** Indigent inmates shall receive a specified postage allowance to maintain community ties. [5-ACI-7D-03]
- F.** Inmates will have access to publications. [5-ACI-7D-04]
- G.** Inmate to inmate correspondence must be between immediate family members and only with the approval of the warden of the facility.



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AUTHORITY:

Policy *CD-151200*

PROCEDURES: [2-CO-5D-01]

A. Limits of Correspondence:

When the inmate bears the mailing cost, there is no limit on the volume of letters the inmate can send or receive or on the length, language, content, or source of mail or publications, except when reasonable belief that limitation is necessary to protect public safety or institutional order and security. However, correspondence may be rejected by prison officials pursuant to the other rules as stated in this procedure. **[5-ACI-7D-02]**

When the inmate bears the mailing cost, it will be documented on the Debit Memo submitted by the inmate. Debit Memos shall be filed monthly.

B. Postage and Writing Materials:

1. Indigent, Reception and Diagnostic (RDC), and Special Management inmates (i.e., segregation, MHTC/ACU, LTCU) will receive two (2) envelopes and two (2) sheets of writing paper per week. All other inmates will pay for their own writing paper and envelopes.
2. All inmates in Level II, III, IV, and Special Management inmates will receive postage for two (2) First-class letters per week for personal, legal, or privileged correspondence.
3. **Indigent** inmates in Level I security facilities will receive postage for two (2) First-class letters per week.
4. Inmates will pay the cost of any additional mail by attaching a debit memo.
5. A reasonable amount of postage for the following categories of mail will be supplied by the facilities for **indigent** inmates:

Attorneys, recognized agencies that provide legal assistance, the courts , Parole Board members, the Secretary of Corrections, Department staff located at Central Office, PREA correspondence of any kind, federal and state legislators, and the Governor of New Mexico.

1. All other legal mail shall be accompanied by a debit memo.
6. Mailroom staff will track postage for accountability on the Mailroom Roster available in CMIS.
7. No inmate shall use any other inmate's name or number.

C. Mailing of Letters:

1. Outgoing letters will be deposited in the designated boxes in each facility.
2. Letters, except legal mail and privileged correspondence, will be deposited unsealed. Letters must be written in English or Spanish, except when another language of correspondence has been approved, in advance, by a Deputy Warden.
3. Inmates shall not modify institutional stationery in any way. The sender's name, number, living quarter's assignment, in English, must appear on all outgoing mail.
4. Incoming and outgoing letters are held for no more than forty-eight (48) hours excluding weekends, holidays, and emergency situations. **[5-ACI-7D-09]**

D. Inspection of Mail: [5-ACI-7D-05] [5-ACI-7D-07]

1. All outgoing mail from inmates, except legal mail and privileged correspondence will be routinely inspected for contraband.
2. Except legal mail and privileged correspondence, outgoing mail, will be read if there is reasonable suspicion to believe that the mail contains escape plans, other plans to commit a crime or to violate institutional rules or regulations, or constitutes a crime in and of itself.
3. All incoming mail, with the exception of legal mail and privileged correspondence, will be inspected for contraband.
4. Legal mail and privileged correspondence will be handled in accordance with *paragraph H* of this procedure.

E. Outgoing Mail will be rejected for the following reasons:

1. All inmates will be held responsible for the contents of their outgoing letters and deliberate violations may result in a misconduct report. Violations of postal laws may result in referral for prosecution to federal authorities.

2. Rejected outgoing mail shall be withheld, photocopied and filed for future reference, prior to return or destruction.
3. When any mail is rejected, the inmate and the correspondent will be notified in writing on the **Mail Rejection** form (*CD-151201.1*) with the reason for the rejection indicated and copies of the mail rejection form will be distributed as indicated at the bottom of the form.
4. Rejected mail notifications must receive final signature approval of the Deputy Warden or designee. Any inmate whose mail is rejected may contest the rejection through the inmate grievance procedure.
5. Outgoing mail will be rejected when the mail contains contraband, escape plans, codes, other plans to commit a crime or to violate facility rules and regulations, is intentionally deceptive, harassing or would constitute a crime in and of itself.

F. Incoming mail will be rejected for the following reasons:

1. There is a clear and present danger that the mail will endanger the internal security of the institution, contains escape plans or other plans involving the inmate in the commission of a crime or the violation of institutional rules and regulations, or would constitute a crime in and of itself.
2. The mail contains codes or other attempts to circumvent correspondence regulations.
3. The material is obscene in that it appeals primarily to the prurient interests or is patently offensive.
4. Junk mail, pamphlets, leaflets, brochures, etc., will be judged by the same standards as other correspondence. However, any incoming mail not addressed to a prisoner (occupant-type addressees) may be discarded at the discretion of prison officials.
5. Publications containing instruction on the manufacture of drugs, tattoos, weapons, or explosives.
6. Publications advocating or describing terrorism, violence, hatred, abuse, or revenge against any individual or group based upon race, religion, nationality, sex, sexual orientation, disability, age, or ethnicity.
7. Publications with information useful for escapes such as contain local area maps or survival guide information.
8. Publications promoting, or depicting as favorable, gang activity.
9. Hardbound books.
10. Photographic images of sexually explicit content that by its nature or content poses a threat or is detrimental to the security, good order or discipline of the facility, detrimental to inmate rehabilitation, or that facilitates criminal activity. This

includes but is not limited to sexually explicit depictions of partial or total human nudity. Publications that regularly and consistently contain such content may be rejected on this basis.

G. Incoming Mail Enclosures:

1. Money in the form of a cashier's check or money orders may be sent to an inmate in accordance with **Inmate Trust Accounts** policy (*CD-024500*). Neither cash nor personal checks will be accepted.
 - a. Each facility shall maintain strict accountability and control of all money received through the mail. Cashier's checks and money orders shall be tracked before forwarding to inmate accounts (i.e., receipt book, database, log, etc.). All monies held overnight must be secured in a locked box in a designated location.
 - b. Cashier's checks and money orders will be accepted by the facility and processed in accordance with Inmate Trust Accounts policy (*CD-024500*) regardless of whether the remaining content of the incoming mail is rejected.
2. Facilities will not accept cash or personal checks on behalf of inmates. Any such items received will be documented (including serial numbers and value) and returned to the sender using the **Mail Rejection** form (*CD-151201.1*).
3. Photographs will be rejected only pursuant to the same standards and procedures as publications. Photos must be sent without frames for proper inspection. An inmate may not have a picture of himself or herself alone.
4. Stamps, stickers, oil, lipstick, perfumed paper, blank personal stationery or writing paper, self-addressed stamped envelopes, and pre-stamped or self-stamped blank envelopes are not permitted.
5. Outgoing certified and registered mail is permitted if the inmate sender has the funds to pay for such service.

H. Legal Mail and Privileged Correspondence: [5-ACI-3D-02] [5-ACI-5A-06]

1. Incoming and outgoing legal mail and privileged correspondence may be opened, inspected, and read to the limited extent necessary to determine its legitimacy; in the presence of the inmate in an appropriate, secure area of the facility by the Warden or a designee to help determine if the mail is legitimate, contains contraband, or when there is an indication of contamination. Opened privileged correspondence will be documented on the **Receipt for Open Privileged Mail** form (*CD-151201.3*).
2. Staff will physically hand over the Privileged mail and legal mail will be scanned by the inmate to whom it is addressed and a copy will be made. The inmate will dispose of the original.
3. Legal mail and privileged correspondence will not be routinely opened for inspection.
4. Incoming legal mail and privileged correspondence will be tracked and signed for on the **Incoming Legal Mail and Privileged Correspondence Log** form (*CD-151201.2*).

5. Letters in this category should be sealed by the inmate and dropped in the special box provided for such letters.
6. All PREA mail is considered privileged correspondence.

I. Correspondence with the Clergy:

Mail sent or received from clergy will not be considered legal mail or privileged correspondence.

J. Access to Publications: [5-ACI-7D-04]

1. Books and magazines will be accepted and delivered to inmates if they are received directly from the publisher or vendor, subject to other restrictions set out herein and in Special Management policies.
2. Exceptions to this rule may be made by the Warden or designee for reasons of indigence or other good cause as reviewed by the PRP.
3. Inmates classified as Custody Level III, Level II, or Level I, may access newspaper publications through open Library Hours.

K. Incoming Packages for Inmates:

Inmates will be allowed to receive packages provided all of the following conditions are met:

1. Approval for receipt of said packages has been given in advance by a Deputy Warden or designee pursuant to the provisions of this section.
2. The package has been sent directly from the vendor and purchased through the business office.
3. The contents of the package must be items normally allowed to be retained by inmates and must not cause the inmate to exceed the allowed property quantities.
4. Contents that are not available from the canteen can reasonably be examined for contraband.
5. All packages shall be subject to search for contraband and/or rejected.

L. Distribution of Letters and Packages:

Incoming and outgoing letters are held for no more than forty-eight (48) hours excluding weekends and holidays. Packages are held for no more than seventy-two (72) hours excluding weekends and holidays. [5-ACI-7D-09]

M. Forwarding Mail:

The U.S. Postal service forwards all mail to the correct location if it has not been opened.

1. Upon receipt of inmate mail, the digital mail center will verify the location of the inmate prior to opening any mail for inspection.
2. If the inmate is no longer at the facility, the digital mail center will return the mail to the post office marked “return to sender.”

N. Income Tax Forms:

1. The mailroom officer shall inspect all outgoing and incoming inmate mail for any type of completed Internal Revenue Service (IRS) or New Mexico (NM) Taxation and Revenue Income Tax Forms being sent out by an inmate.
2. When the mailroom officer discovers a completed tax form being sent out or received by an inmate, he or she shall immediately affix his or her initials and the date clearly on each tax form, front and back, and on the envelope used to send the forms.
3. The mailroom officer shall use the **Mailroom Tax Form Tracking Log** form (*CD-151201.5*) to monitor and track the activity of these tax forms, assuring that the date on the form is consistent with the date on the log.
4. The mailroom officer shall then make a copy of each tax form, front and back, along with any correspondence and the envelope assuring that his or her initials and date are legible on the copies and forward them to the Security Threat Intelligence Unit (STIU) for handling in accordance with (*CD-131500*).
5. The mailroom officer shall then process the original income tax forms along with any correspondence through normal mailroom procedures.
6. If the mailroom officer discovers an income tax refund check sent to an inmate, he or she shall log the pertinent information on the **Mailroom Tax Form Tracking Log** form (*CD-151201.5*) and forward the check, along with any correspondence, to the NMCD Office of Professional Standards.

O. Disposition of Contraband: [5-ACI-7D-08]

1. If contraband is found: Suspicious material will be given to local law enforcement and mail will not be scanned. The Agency will be notified by Guarded Exchange that contraband was found. If contraband was discovered after mail is scanned, then the letter will be “revoked”, and a notification will be sent to the agency
2. Inmates attempting to send contraband will be subject to administrative disciplinary action or legal prosecution.
3. All disposition of contraband will be documented and in those cases where administrative or criminal proceedings may result from the confiscation of contraband, a chain of custody shall be attached and maintained.

**NEW MEXICO CORRECTIONS DEPARTMENT
MAIL REJECTION**

Facility: _____
Inmate Name: _____ NMCD #: _____
Housing Unit: _____ Date: _____
Name & Address of Sender: _____

THE FOLLOWING ITEMS HAVE BEEN RETURNED FOR THE FOLLOWING REASONS:

Monies: Cash Personal Check Money Order Greeting Card / Post Card
 Correspondent sending money order is not on inmate's approved visiting list.

Publication Review Panel Determination:

Magazine: _____ **Issue:** _____ **Photograph(s):** _____

Packages: Not Directly from Vendor
 No official vendor label
 Unauthorized item: _____
 No prior written approval from Property Office or Deputy Warden
 Items sent were not purchased through Facility Business Office

Article _____ **Other** _____

Enclosure in First-Class Letter: _____
(Unauthorized item for inmate retention)

Printed matter not from publisher or vendor.

Comments:

Mailroom Staff: _____ / _____
Print/Sign (date)

Administration Verification: _____ / _____
Print/Sign (date)

Inmate Notified: _____ (date)
Sender Notified: _____ (date)

**NEW MEXICO CORRECTIONS DEPARTMENT
RECEIPT FOR OPEN LEGAL/PRIVILEGED MAIL**

This is to inform you that a letter or package classified as legal/privileged correspondence was received for you.
Facility: _____ Date Received: _____

INMATE NAME	NMCD#	HOUSING UNIT

This correspondence was:

Opened when received from the U.S. Post Office

Opened accidentally: (brief explanation below):

Opened in your presence by the Warden or designee in accordance with ACA expected practices to determine if the correspondence is counterfeit and/or contains contraband.

No Contraband

Contained the following contraband: _____

By signing this document, you indicate that you have been informed of the reason(s) your legal/privileged mail was opened. You also indicate you understand that you have the right to appeal the opening of your legal/privileged mail.

Please keep a copy of this document for your records.

Staff Delivering: _____ / _____ Date: _____

Inmate Name and NMCD#: _____ Date: _____

XC: Mailroom
Inmate

