

CLIENT MAIL

Minnesota Sex Offender Program

Issue Date: 6/6/23 Effective Date: 7/11/23 Policy Number: 420-5030

POLICY: Minnesota Sex Offender Program (MSOP) clients may correspond with persons outside the facility by both incoming and outgoing mail service. MSOP staff inspect all incoming mail. MSOP staff inspect all outgoing mail except for privileged mail.

AUTHORITY: Minn. Stat. Chap § 144.651, subd. 1-30
Minn. Stat. Chap. § 253B.03, subd. 2
Minn. Stat. Chap. § 253D.19, subd. 1
Minn. Stat. Chap. § 253D.17

APPLICABILITY: MSOP, program-wide

PURPOSE: To provide procedures for managing incoming and outgoing client mail to prevent the possible introduction of contraband and maintain the safety and security of the facility, staff and public.

DEFINITIONS:

Bulk mail - second-class, third-class, or fourth-class mail consisting of identical pieces mailed under permit in quantity and paid for as one lot.

C-Mail – see MSOP Division Policy 420-5035, “Client C-Mail.”

Complete return address – includes the sender’s correct name, full address, city, state and zip code.

Correspondence - communication by exchanging letters.

Hygiene product – a consumable item used with or without a hygiene tool to maintain personal hygiene.

Hygiene tool – a non-consumable item used with or without a hygiene product to maintain personal hygiene.

Immediate family – See MSOP Division Policy 420-5100, “Visiting” and MSOP Division Policy 225-5160, “CPS Client Visits” for definition.

Legal mail – includes correspondence to or from court, court staff, verified attorneys and established groups of attorneys involved in representing clients in judicial proceedings. The destination or return address must clearly indicate it is to or from one of these sources to qualify as legal mail. Legal mail does not include:

1. mail to/from the Minnesota Attorney General Office (AGO); or
2. mail to/from individual attorneys in the AGO, attorneys working for the Minnesota Department of Human Services (DHS) and/or MSOP attorneys.
3. Writing “confidential” or “legal mail” does not make the mail legal or privileged if it does not meet this definition.

Mail – includes letters, publications, or packages delivered by the United States Postal Service or by other established and authorized carriers.

Package – a wrapped or boxed object, a parcel or bundle containing one or more objects, a container in which something is packed for storage or mailing to be delivered by an authorized carrier.

Personal documents – see MSOP Division Policy 420-5250, “Client Property.”

Privileged mail – the destination or return address must clearly indicate it is to or from one of these sources in order to be defined as privileged mail (bulk/presorted mail from these sources is not considered privileged mail):

1. American Civil Liberties Union (ACLU);
2. Bureau of Criminal Apprehension;
3. Bureau of Indian Affairs;
4. “Special mail” to the MSOP Executive Director as outlined in section D.2 of MSOP Division Policy 420-5099, “Client Requests and Grievances;”
5. Common entry point in Nicollet and Carlton counties;
6. Federal Bureau of Investigation;
7. Foreign country consulates and embassies;
8. Joint House Senate Subcommittee on Claims;
9. Minnesota and federal Congress members;
10. Minnesota and federal Departments of Health;
11. Minnesota Civil Liberties Union;
12. Minnesota Department of Human Rights;
13. Minnesota Department of Human Services (DHS) Licensing Division;
14. Minnesota Governor’s Office;
15. Minnesota Lawyer’s Professional Responsibility Board;
16. Minnesota professional licensing boards;
17. Outgoing official absentee ballots for local, state, or federal elections;
18. Office of Health Facility Complaints;
19. Ombudsman for Mental Health and Developmental Disabilities;
20. President of the United States;
21. State and federal elected officials (except for the Minnesota Attorney General’s Office (AGO));
22. State Law Library;
23. Tribal government or councils;
24. United States Department of Justice;
25. United States Marshals Service;
26. United States Office of Civil Rights; and
27. United States Postmaster General.

Questionable item – an item neither clearly allowed nor defined as contraband upon initial review by staff.

Unallowable mail – incoming or outgoing mail, in whole or in part, is designated unallowable if it:

1. contains contraband or pertains to sending contraband into or out of the facility (refer to MSOP Division Policy 415-5030, “Contraband” and MSOP Division Policy 225-5310, “CPS Contraband”);
2. contains currency (bills or coins);
3. contains stamps (excluding Community Preparation Services (CPS));

4. contains items posing a safety or sanitation hazard, including cosmetics or other foreign substances in or on the mail, and/or has odors (including perfume/cologne/aftershave);
5. not easily searchable multi-layer;
6. contains grocery items including food or perishable items (except from approved grocery vendors and CPS clients in stages Demonstrating Change Across Settings and Preparing for Successful Re-entry);
7. hygiene and over-the-counter (OTC) products from approved hygiene vendors or as outlined in MSOP Division Policy 320-5211, "Health Maintenance Products;"
8. does not have a complete return address on the outside packaging or within the mail item; and/or
9. does not list a recipient's name (legal first and last name (or a version of the client's first name)) on the outside packaging.
10. Clients may not use the facility address for a personal business, non-profit or group organization. No business name or position title may be identified at the facility address. Special Services staff return any incoming mail so addressed to the sender (see MSOP Division Policy 415-5030, "Contraband").

PROCEDURES:

- A. Mailroom Security - access to mailrooms is restricted to staff assigned to work in the mailroom (i.e., Special Services staff), or as designated by the Special Services supervisor, facility security director/designee, or CPS Operations Manager.
- B. Incoming Client Mail
 1. Special Services staff will:
 - a) open and visually scan all incoming mail with the exception of privileged and legal mail.
 - b) in the course of scanning mail, read incoming mail if there is a reasonable suspicion (as defined in MSOP Division Policy 415-5010, "Searches - Clients"). If the contents constitute a risk to the safety and security of the facility, specific individuals or the general public, or when there is a reason to believe the client or the sender is involved in criminal activity, staff secure the item and route as outlined in section B.1.k) below;
 - c) forward all mail from health care agencies including but not limited to private healthcare agencies, insurance programs and county health and human services programs to Health Services for review. Health Services review all mail and forward to the appropriate recipient as outlined below:
 - (1) claims forms - Health Services Director/designee;
 - (2) healthcare bills - Health Services Director/designee;
 - (3) memos from outside specialists - copy to provider and/or HIMS for review/filing, then forwarded to the respective client;
 - (4) insurance cards - copy, then forward to the respective client;
 - (5) medical records - stamped and forwarded to the provider to review then forwarded to HIMS for filing;

- d) staff process media consistent with MSOP Division Policy 420-5230, "Media Possession by Clients," MSOP Division Policy 420-5250, "Client Property," and MSOP Division Policy 225-5300, "CPS Client Property;"
- e) open, inspect, and process incoming packages according to MSOP Division Policy 420-5250, "Client Property" and MSOP Division Policy 225-5300, "CPS Client Property;" and
- f) dispose of packing material, including padded envelopes, cardboard, bubble-wrap, and packing peanuts, with no notice to clients.
- g) Clients are responsible for costs related to returning an item, including repackaging fees.
- h) If Special Services staff determine an incoming mail item is unallowable, the staff issues a Contraband Notice (420-5250b) to the client. An item without a recipient's legal first and last name (or a version of the client's first name) listed on the outside of the package is stamped and returned to the sender.
- i) Staff secure incoming or outgoing cards, letters or e-mail containing descriptions of sexual conduct, or promoting sexual violence, child molestation, or incest as defined in MSOP Division Policy 420-5230, "Media Possession by Clients" on a Notice and Receipt of Secured Items form (420-5250a) and route to the client's primary therapist for review. The primary therapist, with the support of the clinical supervisor, may deem these items contraband or counter-therapeutic. The client must choose a disposition within 30 days of the Contraband Notice (420-5250b).
- j) Staff dispose of contraband found in incoming bulk rate mail with no notice to the client.
- k) Staff may route questionable items for review and determination to one of the following:
 - (1) Media Review Committee (see MSOP Division Policy 420-5230, "Media Possession by Clients");
 - (2) Allowable Items Workgroup (see MSOP Division Policy 420-5252, "Allowable Items Workgroup");
 - (3) facility security director;
 - (4) CPS Operations Manager;
 - (5) Office of Special Investigations (OSI); or
 - (6) the client's primary therapist.

2. Sorting Incoming Client Mail

- a) Special Services staff returns mail to the sender when the mail is not addressed to the client by the client's legal first and last name or a version of the client's legal first name. Staff accept and process mail to a client under the client's former legal name for up to 90 calendar days following a legal name change order.

- b) Mailroom staff dispose of incoming bulk rate mail not addressed to a specific client, subscribed periodicals, newspapers and magazines. If any of the following notices are on the envelope, mailroom staff stamp the item "Refused" and return it to the Post Office:
 - (1) Address Service Requested;
 - (2) Forwarding Service Requested;
 - (3) Charge Service Requested;
 - (4) Address Correction Requested; and/or
 - (5) Return Service Requested.

3. Forwarding Mail for Transferred Clients or Clients Who Have Left the Facility - Special Services staff:

- a) forward first-class mail, priority mail, express mail, and subscribed periodicals to the client's forwarding address three months after the client has transferred or left the facility. After three months, or if a forwarding address is unavailable, Special Services staff return these items to the sender;
- b) dispose of third class, fourth class, nonprofit, and bulk mail;
- c) forward mail and C-mail for clients on escape status to the Office of Special Investigations (OSI); and
- d) hold approved mail and C-mail for clients transferred to, or temporarily held at another facility and still in MSOP custody, unless other arrangements are approved by the facility director/designee.

C. Distribution of Mail

- 1. Special Services staff process and distribute all approved incoming and outgoing mail (including packages identified as privileged and/or medical) within 24 hours of receipt, excluding weekends, holidays, interruptions of daily facility operations (e.g., searches) or emergencies. Special Services staff process packages not identified as privileged or legal mail within 72 hours of the date of delivery, excluding weekends, holidays, or emergencies.
- 2. Designated staff deliver mail and C-mail to and from the mailroom and the distribution locations.
- 3. Mail Delivery/Pickup
 - a) *Moose Lake Complex* – clients pick up their mail at the Complex centralized mail distribution area during posted hours. MSOP posts any changes or interruptions in pick up times.
 - b) *Moose Lake Main Building* - Special Services staff deliver mail to client living units. Clients may pick up their mail each weekday at a time identified by the unit group supervisor.
 - c) *St. Peter* – Special Services staff deliver mail to the distribution location for pickup and delivery to units by unit staff. Clients pick up their mail each weekday at a time identified by the unit group supervisor.

- d) *CPS* - MSOP assigns clients at CPS a locked mailbox and set of keys.
- e) Recipient Identity Verification (Moose Lake and St. Peter)
 - (1) Clients must display their client ID card when picking up mail.
 - (2) Staff verify the client's identity by comparing the client's face with the client's ID card and verifying the client's name corresponds with the addressee on each piece of mail.
 - (3) Prior to leaving the mail distribution area, the client verbally acknowledges that all mail was received as addressed. If the client does not verbally confirm that mail was received correctly, the client keeps the mail, and staff generate a Communication Log (410-5075a) (Phoenix) entry at the end of the shift, detailing the client(s) who did not verbally confirm that all mail was received as addressed.

D. Outgoing General Mail

1. Clients must leave outgoing mail, excluding privileged or legal mail, unsealed and place it in the general outgoing mailbox on the residential units or at the Complex centralized mail distribution area. Staff return outgoing sealed general mail to the client.
2. St. Peter only: unit staff place outgoing mail in the distribution location for pickup by Special Services staff.
3. The outside of the envelope may only include:
 - a) postage stamp(s);
 - b) client's name and address; and
 - c) recipient's name and address.
4. Special Services staff visually check and scan all outgoing mail.
5. In the course of scanning mail, Special Services staff read outgoing mail if there is a reasonable suspicion (as defined in MSOP Division Policy 415-5010, "Searches – Clients"). If the contents constitute a risk to the safety and security of the facility, specific individuals or the general public, or when there is a reason to believe the client or the recipient is involved in criminal activity, staff secure the item and route as outlined in section B.1.k) above.
6. Special Services staff stamp all outgoing client mail to indicate the item has been mailed from a secure treatment facility (excluding CPS).
7. Special Services staff forward outgoing mail to the local post office daily Monday through Friday, excluding holidays or emergencies.
8. Clients may correspond by letters, post cards and signed greeting cards with other MSOP clients within the same site by using the designated client-to-client envelopes provided by MSOP. Clients corresponding between program sites and with other Department of Human Services (DHS) staff must use the United States Postal Service (USPS).

- E. Postage - if outgoing mail requires additional postage, Special Services staff return the mail to the client.

F. Non-Delivery of Incoming/Outgoing Client Mail

1. Staff identifying unallowable or suspicious mail or C-mail constituting an imminent and serious risk to the safety and security of the facility, specific individuals or the general public, must notify the officer of the day (OD) and place these item(s) into evidence in accordance with DCT Security Policy 145-1035, "Evidence Handling by Staff," write an Incident Report (410-5300a) (Phoenix), and refer the item(s) to OSI for disposition. MSOP does not return mail meeting this criteria to the sender or deliver it to the intended recipient. Special Services staff notify the client within a 24-hour period when an item is secured for this reason unless notice would inhibit an investigation of potential criminal behavior or other conduct in violation of facility rules.
2. When unallowable incoming or outgoing mail is detected and not delivered, Special Services staff send the client a Contraband Notice (420-5250b) stating the reason(s) for non-delivery. Staff do not need to send notices for unopened mail returned to the sender because of improper name or address. When a package or item received in the mail contains contraband, Special Services staff remove the contraband item(s), route the rest of the package or item to the client, and process the contraband item(s) per MSOP Division Policy 420-5250, "Client Property" or MSOP Division Policy 225-5300, "CPS Client Property." If the contraband is something illegal or may be used in perpetrating a crime, Special Services staff place the entire package into evidence and notify OSI (refer to DCT Security Policy 145-1035, "Evidence Handling by Staff").
3. If clients refuse opened mail, Special Services staff place the refused mail on a Contraband Notice (420-5250b) per MSOP Division Policy 415-5030, "Contraband" or MSOP Division Policy 225-5300, "CPS Client Property."
4. If a client refuses unopened mail, staff stamped "Refused by Addressee" on the mail and return to the sender, documenting via the Legal/Privileged Mail database (Phoenix).
5. If a client refuses internal mail, staff return it to the sender and document via an Incident Report (410-5300a) (Phoenix).

G. Limitations on Incoming/Outgoing Letters/Packages

1. Clients may not send/receive money or property in any form to/from:
 - a) any other MSOP client;
 - b) a client who has been temporarily transferred to another facility,
 - c) another client's immediate family;
 - d) any business run by a client's immediate family member; or
 - e) any relative within an immediate family member's household unless the two share the same immediate family member.
2. Staff must secure mail containing personal documents, or copies of these items, complete a Notice and Receipt of Secured Items form (420-5250a) and place these items in the client's personal documents file (Moose Lake and St. Peter only – clients at CPS maintain possession of these documents).
 - a) Clients who want copies made of their personal documents must submit a Client Request (420-5099a) along with a Data Request/Copy Cost (135-5170a) to ML Special Services/SP Finance.
 - b) Special Services staff process the Data Request/Copy Cost (135-5170a) and place the copies into the client's personal documents file.

- c) If a client wants to send out their personal documents, the client must submit a Client Request (420-5099a) to ML Special Services/SP Finance along with a pre-addressed envelope and a Transfer Authorization (125-5300d) to cover postage. Staff process the transfer authorization and mail out the item(s) as requested.
- 3. Clients may not receive correspondence addressed to multiple clients, unless it is coming from a court, then it is given to the client whose name is listed first on the mail.

H. Mail Monitoring

1. Approval

Mail monitoring of a client or sender of mail may be used only when based on articulated objective information. All mail monitoring must be pre-approved in writing by the MSOP Executive Director prior to implementation.

- a) OSI must submit a written Mail Monitoring Request (420-5030b) to the MSOP Executive Director and MSOP Legal and Records Director for review.
- b) The request must include the following criteria:
 - (1) there is a reasonable suspicion that mail to or from the monitored individual constitutes a safety or security risk to the facility, specific individuals, or the general public; and/or
 - (2) there exists a reasonable basis to suspect the client or sender is involved in criminal activity.
- c) The MSOP Executive Director and MSOP Legal and Records Director review the request for mail monitoring and approve or deny the request. The request is then forwarded to the OSI Director/designee who notifies the facility director of the outcome.

2. Implementation

- a) OSI notifies Special Services staff of approved mail monitoring requests.
- b) If a client or sender of mail is on mail monitoring, all mail to or from that person, with the exception of privileged mail, is reviewed by OSI prior to coming into or going out of the facility, consistent with section H.1 above.
- c) OSI maintains a list of each individual on mail monitoring. The list includes the date mail monitoring was approved and implemented, the reason for monitoring, and a summary of all monitored mail.

3. Expiration/Extension of Mail Monitoring Authorization

- a) Approved mail monitoring requests expire 30 days (OSI wants discretion for longer periods) after approval, unless extension is granted. The MSOP Executive Director and MSOP Legal and Records Director may approve 30-day extensions of the mail monitoring authorization.
- b) OSI must follow the process and approval in section H.1 above for any extension request.
- c) The MSOP Executive Director and MSOP Legal and Records Director may impose conditions for the extension.

d) OSI notifies Special Services staff of approved mail monitoring extensions.

I. Processing Privileged and Legal Mail

1. Staff distribute all privileged and legal mail as outlined in Section C above.
2. Upon verification of client addressee, designated staff open the privileged or legal mail in the client's presence, removing and scanning the contents and envelope to ensure it contains no contraband or additional enclosed letters or envelopes.
 - a) If the privileged or legal mail is free of contraband and/or additional enclosed letters/envelopes, the staff gives the client the privileged or legal mail and envelope.
 - b) If the privileged or legal mail contains contraband or additional enclosed letters/envelopes, the staff informs the client the privileged or legal mail is unallowable and provides a Contraband Notice (420-5250b).
 - c) Special Services staff track privileged and legal mail daily. Each client receiving privileged or legal mail signs a Receipt of Privileged mail verifying receipt. If a client refuses to sign the Receipt of Privileged Mail, staff still give the client the mail and document the refusal on the form. Staff return the signed copies to the Special Services staff.
 - d) If the privileged or legal mail is not picked up within five business days, MSOP returns the mail to sender without further notice to the client.
3. Clients in the High Security Area receive their privileged or legal mail unless prohibited in the client's Levels of Observation Directive (see MSOP Division Policy 215-5270, "Levels of Observation"). Staff open, inspect, and deliver privileged and legal mail at the client's door instead of the unit designated area.
4. Special Services staff stamp all privileged or legal mail, incoming and outgoing with the date it was received and processed (St. Peter) or enter into Phoenix (Moose Lake).

J. Clients in the High Security Area or on Levels of Observation receive mail as outlined in MSOP Division Policy 415-5087, "High Security Area" or the client's Levels of Observation Directive (215-5270a-4030a).

REVIEW: Annually

REFERENCES: MSOP Division Policy 420-5250, "Client Property"
MSOP Division Policy 225-5300, "CPS Client Property"
DCT Security Policy 145-1035, "Evidence Handling by Staff"
MSOP Division Policy 415-5010, "Searches - Clients"
MSOP Division Policy 415-5030, "Contraband"
MSOP Division Policy 225-5310, "CPS Contraband"
MSOP Division Policy 415-5087, "High Security Area"
MSOP Division Policy 420-5230, "Media Possession by Clients"
MSOP Division Policy 420-5035, "Client C-Mail"
MSOP Division Policy 420-5252, "Allowable Items Workgroup"
MSOP Division Policy 420-5100, "Visiting"
MSOP Division Policy 225-5160, "CPS Client Visits"

MSOP Division Policy 215-5270, "Levels of Observation"
MSOP Division Policy 410-5300, "Incident Reports"
MSOP Division Policy 410-5075, "Communication Log"
MSOP Division Policy 320-5211, "Health Maintenance Products"
MSOP Division Policy 420-5099, "Client Requests and Grievances"

ATTACHMENTS: Mail Monitoring Request (420-5030b)

Contraband Notice (420-5250b)
Notice and Receipt of Secured Items (420-5250a) (Phoenix)
Receipt of Privileged Mail (MSOP Mail Tracking database)
Communication Log (410-5075a) (Phoenix)
Incident Report (410-5300a) (Phoenix)
Client Request (420-5099a)
Data Request/Copy Cost (135-5170a)
Transfer Authorization (125-5300d)
Levels of Observation Directive (215-5270a-4030a)

SUPERSESSION: MSOP Division Policy 420-5030, "Client Mail," 4/4/23.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

/s/
Nancy A. Johnston, Executive Director
Minnesota Sex Offender Program