

# 13. Correspondence Plan Checklist

## Rule 291.2

Each facility shall have and implement a written plan, approved by the Commission, governing inmate correspondence. The plan shall provide for the handling of privileged and nonprivileged correspondence, both outgoing and incoming, and shall provide for the collection and distribution of correspondence.

### Rule 291.2 Inmate Correspondence Plan

#### (1) General Requirements.

- (A) Inmates **shall** be permitted to **send** as many letters of as many pages as they desire, to whomever they desire. Inmate to inmate correspondence **may be prohibited** where legitimate penological interest exists.
- (B) Inmates **may receive** correspondence in any quantity, amount, and number of pages.
- (C) Inmates shall **be allowed to retain** writing materials, stamps, and correspondence in **reasonable amounts**.
- (D) **If requested, indigent** inmates shall be furnished a reasonable amount of paper, pencils, envelopes, and stamps to correspond with their **attorney(s) and the courts**. Additionally, indigent inmates **shall be furnished** paper, pencils, envelopes, and stamps to post **at least three letters a week** for all other correspondence. A **negative balance may be maintained** on the inmate's commissary account for indigent postage and correspondence supplies.
- (E) **Correspondence may be rejected** on a case by case basis, provided it is a **violation of the inmate rules**. For purposes of this plan such correspondence is defined as:
  - (i) containing information regarding the **manufacture of explosives, weapons, or drugs**;
  - (ii) containing material that a reasonable person would construe as written solely for the purpose of **communicating information designed to achieve the breakdown of jails** through inmate disruption such as strikes or riots; and
  - (iii) a specific factual determination has been made that the publication is **detrimental to inmate's rehabilitation** because it would encourage **deviate criminal sexual behavior**.

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### (2) Privileged Correspondence.

- (A) Correspondence addressed to or received from the following persons or organizations shall be considered **privileged correspondence**:
  - (i) officials of the **federal, state, and local courts**;
  - (ii) all **federal officials and officers**, including the **President** of the United States;
  - (iii) **state officials and officers**, including the **Texas Commission on Jail Standards** and the **Governor**;
  - (iv) letters to **bona fide news media**; and
  - (v) the **inmate's attorney(s)**.
- (B) **Outgoing correspondence addressed to the persons** listed in subparagraph (A) of this paragraph **shall not be opened or interfered with** unless a search **warrant is obtained**.
- (C) **Incoming correspondence from correspondents listed** in subparagraph (A) of this paragraph shall be **opened only in the presence of the inmate with inspection limited to locating contraband**. Whenever jail officials have probable **cause to suspect** that the incoming letter is part of an attempt to formulate, devise or otherwise effectuate a plan to escape from the jail, or to violate state or federal laws, officials shall **obtain a search warrant prior to opening and reading** the correspondence of the individual involved.

### (3) Nonprivileged Correspondence.

- (A) Mail addressed to or received from persons or organizations not listed in paragraph (2)(A) of this section shall be considered nonprivileged correspondence.
- (B) **Outgoing correspondence may be opened and read**. Correspondence **may be censored** provided a legitimate penological interest exists. A **copy of the original correspondence should be retained**.
- (C) **Incoming correspondence may be opened and read**. Correspondence **may be censored** provided a legitimate penological interest exists. A **copy of the original correspondence should be retained**. If **contraband is discovered**, it shall be **confiscated** and the inmate advised of the action.

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### Notes:

- **Disclaimer:** The **bolded**, underlined, and/or **red** sections identify areas that most commonly require revision. However, **all provisions of the standard remain mandatory**, regardless of formatting or emphasis.
- Anything in **blue** is a **hyperlink** that can be clicked on to view pertinent info.
- It is helpful to preserve as much of the language in the standards as possible.
- (1)(A) - **Shall** - Required to allow inmates to send as much mail as they want.
- (1)(B) - May - Optional regarding how much mail is allowed to be received.
- (1)(C) - Reasonable amounts - so as not to create a fire hazard.
- (1)(D) Indigent inmates **must request** correspondence materials. Not given automatically.
- Please separate privileged mail and non-privileged mail in your plan. They are handled differently and the details for each need to be mentioned specifically. A good outline to consider is below:
  - **General Requirements**
  - **Privileged Mail**
    - Definition
    - Outgoing Mail
    - Incoming Mail
  - **Non-privileged Mail**
    - Definition
    - Outgoing Mail
    - Incoming Mail
- **Privileged Correspondence**
  - **(2)(A)(i-v)** Include this section **verbatim** in your plan.
  - **Privileged** correspondence **cannot be suspended**.
    - See Discipline plan [283.1](#) (4)(G).
  - Mail to the **Sheriff** is **NOT** considered privileged mail.
- **Inmate-to-inmate correspondence cannot be banned outright.** If a facility wants to limit inmate-to-inmate correspondence, this statement below has to be included in the plan and followed as written.

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- Inmate-to-inmate correspondence may be prohibited on a case-by-case basis where legitimate penological interest exists. A legitimate penological interest in this case exists only when correspondence is determined to be detrimental to the security, good order, or discipline of the institution or when correspondence might facilitate criminal activity. In the event that inmate-to-inmate correspondence is restricted, the following exceptions to the ban shall apply:
  1. Inmate correspondence between immediate family members incarcerated in the facility, or in another correctional facility.
  2. Inmate correspondence between inmates who are a party to an active legal matter.
  3. Inmate correspondence between inmates who have a child together where no parental rights have been terminated.
  4. To set up arrangements for one of the above exceptions, the inmate needs to file a request with the specific details to the Jail Administrator.
  5. Such authorization will be maintained in the inmate's file.
  6. Any other inmate wishing to correspond with each other within this facility must write to the Jail Administrator with the need for such correspondence and with whom.
  7. Additional documentation with regards to the relationship may be necessary.