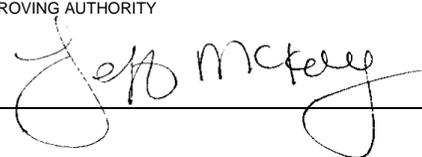


 <p>NEW YORK STATE Corrections and Community Supervision</p> <p>DIRECTIVE</p>	TITLE		NO. 4015
	Forwarding Inmate Mail		DATE 02/01/2019
SUPERSEDES DIR. #4015 Dtd. 02/28/2017	DISTRIBUTION A B	PAGES PAGE 1 OF 7	DATE LAST REVISED
REFERENCES (Include but are not limited to) Directives #0008, #4422, #4572; ACA Expected Practices 4-4446, 4-4496, 4-JCF-3A-10; 7 NYCRR part 722	APPROVING AUTHORITY 		

- I. **POLICY:** The Department will forward all first class and legal mail for any inmate transferred for as long as he or she remains in the custody of the Department. All other mail will be forwarded as directed upon receipt of [Form #2101](#), "Change of Address Order," from any inmate who guarantees payment of forwarding postage.

Upon release from custody of the Department, an inmate, if he or she wishes to ensure the forwarding of mail, must file [Form #2101](#) with the Correspondence Unit at the facility from which he or she is released.

No mail will be forwarded to a released inmate unless [Form #2101](#) is on file. Mail will be forwarded for a period of two months.

- II. **GENERAL INFORMATION:** Local Post Offices provide facilities with bulk delivery service only, sorting all mail by facility address, not the individual addressee. The Post Office's responsibility ends when such mail is delivered to the facility address.

Once the mail is delivered in bulk to the facility, it becomes the responsibility of the Department to see that each individual inmate receives all mail addressed to him or her.

[Form #2101](#), which normally provides for the forwarding of an individual's mail, is not honored by the Post Office for the forwarding of inmate mail as this is handled as "bulk delivery." Therefore, the forwarding of inmate mail is the responsibility of the Department.

Facilities must comply with the United States Postal Service requirements which require the facility to assume financial responsibility for forwarding any inmate mail it opens. Each facility will be required to establish a procedure to verify the presence of inmates at the facility prior to opening inmates' mail. When the facility opens the letter of an inmate no longer at the facility, it has the option of using the facility mail pouch or returning it to the Post Office for forwarding. When it is returned to the Post Office for forwarding, it must be placed in a new envelope, be properly addressed, and be stamped with the appropriate amount of postage.

Facilities are also required to assume responsibility for any accountable mail for which they sign. Accountable mail is deemed to be any mail which requires a signature to be received. Once the facility signs for accountable mail, it will assume responsibility for any financial cost of forwarding it to the inmate. The facility will forward legal accountable mail forthwith and assume financial liability if forwarded through the Post Office. Non-legal accountable mail may be forwarded in the facility's mail pouch if forwarded within five business days.

The Correspondence Unit at the facility which receives the mail is responsible for checking to see if the inmate is in the facility, and for the proper delivery or forwarding of all inmate mail.

III. DESCRIPTION: This procedure is designed to provide guidelines for the handling of inmate mail and the processing required by facility personnel whenever an inmate leaves the custody of the Department, is transferred to another facility, or is otherwise temporarily absent from the facility (e.g., furlough, leave of absence, out-to-court, or out-to-hospital).

Forwardable mail is considered to be: first-class mail, mail with endorsements (i.e., special services requested to forward or provide address correction), and second and personal third-class mail whereby an inmate has completed [Form #2101](#), "Change of Address Order," guaranteeing postage.

Non-forwardable mail is considered to be: general distribution mail addressed to "Box Holder," "Occupant," or similar impersonally addressed mail and second and personal third-class mail for which the inmate has not completed [Form #2101](#). Non-forwardable mail should be disposed of as it cannot be returned to the Post Office.

Holding of mail or disposing of it other than as outlined herein may be construed as a violation of statutes concerning obstruction of mails. It is therefore extremely important that mail be forwarded without delay following the instructions set forth below.

The Correspondence Unit is responsible for forwarding inmate mail.

IV. PROCEDURE

A. Orientation

1. Reception Facility: An employee delegated by the Superintendent shall inform newly received inmates of:
 - a. The Department's correspondence procedures as set forth in Directive #4422, "Inmate Correspondence Program;"
 - b. U.S. Postal regulations regarding forwarding of mail (see Attachment A); and
 - c. Their responsibilities regarding the forwarding of mail when transferred or discharged, which are to:
 - (1) Notify all correspondents of the change of address in a timely manner to ensure receiving mail after transfer or discharge;
 - (2) Complete [Form #2101](#) at the current facility prior to transfer, when possible, to guarantee the postage for the forwarding of second class mail (magazines and newspapers), when applicable, and/or personal third-class materials (e.g., catalogues, newsletters, and photographs); and
 - (3) Consider the possibility of transfer before ordering publications or subscriptions or placing mail orders.

NOTE: When [Form #2101](#) cannot be completed prior to transfer, the inmate should fill out the form and send it to the Correspondence Unit of the receiving facility. The receiving facility will mail it back to the transferring facility.
2. Other Facilities: An employee designated by the Superintendent shall:
 - a. Inform incoming inmates of the Department's policy regarding the forwarding of mail as set forth in this directive;
 - b. Provide [Form #2101](#) to incoming inmates who did not complete the form at the transferring facility;
 - c. Assist incoming inmates in filling out [Form #2101](#) if needed (see Section IV-C); and

- d. Collect completed forms and send to the Correspondence Unit to be forwarded to appropriate transferring facility.

B. Forwarding of Mail (Correspondence Unit)

1. Transfer

- a. An employee designated by the Superintendent shall provide transferring inmates with [Form #2101](#), "Change of Address Order," to be sent to the transferring facility's Correspondence Unit.
- b. The transferring facility's Correspondence Unit shall, upon notification via the facility "Change Sheet," pull the file card(s) for the inmate(s) transferred from the active file, note the facility transferred to, and re-file in the transfer file.
- c. Forward all first class, legal mail, and applicable magazines and newspapers to the inmate at his or her new facility by adhering a new address label to the envelope.
- d. Magazines and other publications that have been referred to the Facility Media Review Committee (FMRC) for review should be forwarded directly to the FMRC Chairperson at the new facility in order for the FMRC at the new facility to review the publication and make a determination based on the guidelines in Directive #4572, "Media Review."
- e. If a completed [Form #2101](#) is filled out at the facility or received from the inmate after transfer, transfer all other forwardable mail as specified by the inmate. The receiving facility shall pay any postage due and debit the inmate's account, or encumber it if the inmate does not have enough money to cover the charges.
- f. If the inmate refuses to guarantee postage for some or all personal third-class mail, it will be disposed of as it cannot be returned to the Post Office in bulk.

2. Releases

- a. When the inmate to be released signs for his or her property, the inmate shall be given [Form #2101](#) and instructed to complete it and turn it in when the inmate picks up and signs for his or her money.
- b. As the inmate signs for his or her money, he or she shall be given the opportunity to file [Form #2101](#) with the Correspondence Unit.
- c. If the inmate files [Form #2101](#), the Correspondence Unit shall:
 - (1) Upon notification via the facility's "Change Sheet," remove the inmate's file card from the active file and place it in the inactive file;
 - (2) Readdress forwardable mail, as specified by the inmate, for a period of two months;
 - (3) If the inmate refuses to guarantee postage for some or all second or personal third-class mail, it should be disposed of;
 - (4) After a two-month period, stamp all first class and forwardable mail received "Not Here" and return to the Post Office; and
 - (5) Retain [Form #2101](#) in a dead file for a year to document inmate's instructions.

- d. If a completed [Form #2101](#) has not been filed:
 - (1) Upon notification via the facility's "Change Sheet," remove the inmate's file card from the active file and place it in the inactive file;
 - (2) Stamp all first class and forwardable mail received for that particular inmate "Not Here" and return it to the Post Office; and
 - (3) Dispose of any second or personal third class non-forwardable mail received for that particular inmate.
3. Out-to-Court
 - a. Upon notification of an inmate being placed on out-to-court status via the facility "change sheet," the Correspondence Unit will hold all mail received for that inmate until such time as:
 - (1) A completed [Form #2101](#) is received from the inmate;
 - (2) The inmate is out-to-court six months or more; or
 - (3) The inmate returns from court.
 - b. Upon receipt of a completed [Form #2101](#), the Correspondence Unit shall forward all mail to the address indicated on the form.
 - c. If an inmate does not file [Form #2101](#), all mail, including legal mail, will be held until the inmate's return. The senders of legal mail shall be advised by form letter (see Attachment B) that the inmate is temporarily absent from the facility and that the legal mail received for the inmate will be held until the inmate's return.
 - d. If an inmate is absent on out-to-court status for six months or more, the Correspondence Unit shall forward all accumulated forwardable mail to the inmate's temporary address if the address has been verified.
4. Out-to-Hospital Inmates
 - a. Mail for inmates confined to a local hospital shall be hand delivered from the facility to the hospital by the supervisor in charge of the hospital detail on his or her inspection tour or by any employee assigned to visit the hospital.
 - b. The Correspondence Unit shall, upon receipt of a completed [Form #2101](#), forward all mail received for an inmate confined to a hospital (other than local) to the address indicated on the form.
 - c. If the inmate has not filed [Form #2101](#), all mail, including legal mail, will be held until the inmate's return. The senders of legal mail shall be advised by form letter (see Attachment B) that the inmate is temporarily absent from the facility and that the legal mail received for the inmate will be held until the inmate's return.
5. Turned Over to Another Jurisdiction
 - a. If the inmate files [Form #2101](#), the Correspondence Unit shall:
 - (1) Readdress forwardable mail, as specified by the inmate, for a period of six months;
 - (2) After a six-month period, stamp all first class and forwardable mail received "Not Here" and return to the Post Office;

- (3) Dispose of any second or personal third class non-forwardable mail received for that particular inmate; and
 - (4) Retain [Form #2101](#), in a dead file for a year to document inmate's instructions.
- b. If a completed [Form #2101](#) has not been filed, stamp all first class and forwardable mail received for that particular inmate "Not Here" and return to the Post Office.
- Dispose of non-forwardable second and personal third-class mail for that particular inmate.
6. Forwarding of Parcel Post
- a. With a completed [Form #2101](#) on file:
 - (1) The facility contacts the inmate at the address on record* informing him or her that:
 - (a) A package was received for him or her;
 - (b) The amount of postage required to forward it; and
 - (c) If the required postage is not received within a two-week period, the package will be returned to sender.
 - (2) Upon receipt of the postage, forward the package; or if the inmate refuses to pay the forwarding postage, return the package to sender.
 - b. Without a completed [Form #2101](#) on file, return the package to sender.
- *Packages must not be forwarded to inmate at Work Release facilities. If the Change of Address Order form indicates a work release facility, it should be returned to sender.
- C. Completion of [Form #2101](#), "Change of Address Order" – Inmate
- 1. Complete [Form #2101](#).
 - 2. Give particular attention to:
 - a. Legible printing of date;
 - b. Effective date of change;
 - c. Name and Department Identification Number (DIN);
 - d. New facility for transferred inmate or new addresses for released inmates;
 - e. Check () "do" or "do not" as it relates to guarantee of postage; and
 - f. Ensure that the form is signed and dated.

FORWARDING RULES AND RATES

CLASS	RULES	RATES
1st (Including Postcards) and Priority Mail	Will not be forwarded if it has been opened.	No additional fees.
2nd (Magazines, Newspapers)	Subject to additional postage for forwarding at the transient rate computed on each individually addressed copy.	The transient rate is for the first two ounces and each additional ounce or fraction, or at the 4th class rate, whichever is lower. Should be marked 2nd Class.
3rd (Catalogs, Newsletters)	Subject to collection of additional postage, must weigh less than 16 Oz.	Rates based on each 2 oz. or fraction of 2 oz.
4th (Parcel Post)	Subject to collection of forwarding postage at 4th class rate upon delivery.	Rates vary according to distance and weight. Outsize and Over 15 pound items have different rate schedule.
Certified, C.O.D., Insured Registered Special Delivery, and Special Handling	Subject to any ordinary forwarding postage charges. Will not be forwarded to a foreign country.	No additional fees.

**Sample Letter for Legal Mail
Facility Letter Head (see Directive #0008, "Use of Department Stationery & Business Cards")**

ADDRESSEE

Date _____

RE: Legal Mail For Inmate

INMATE NAME, DIN

Dear Sir/Madam:

Legal mail for the above-named inmate was recently received from your office. Please be advised that this inmate is temporarily absent from this facility, and may not return in the immediate future.

To avoid the confusion and delay that can accompany repeated attempts to forward this mail, it will be held at this facility until the inmate's return. If your correspondence requires a timely response from the inmate, you may wish to ascertain the current whereabouts of the inmate by contacting the Inmate Records Coordinator of this facility at (phone number). You may then direct a second copy to the inmate at the temporary location.

Sincerely,

Superintendent