

LEGAL MAIL

Legal Mail Requirements

1. Legal mail must be correspondence to or from one of the following, as indicated in the mailing address or return address on the front of the envelope:
 - a) Any court/court clerk or opposing attorney/party
 - 1) Mail will not be treated as legal mail if the opposing party is another incarcerated individual
 - b) Washington State Bar Association
 - c) Indeterminate Sentence Review Board
 - d) Washington State Department of Enterprise Services Office of Risk Management
 - e) Prison Rape Elimination Act (PREA) auditors certified by the United States Department of Justice
 - f) Director of PREA Services
 - g) Just Detention International
 - h) PREA auditor leads certified by the United States Department of Justice when related to an audit in process at the individual's facility
 - i) The President or Vice President of the United States
 - j) Members of the:
 - 1) United States Congress
 - 2) Embassies and consulates
 - 3) United States Department of Justice
 - 4) Attorney General's Office
 - 5) State legislature
 - k) United States governors
 - l) Law enforcement officers in their official capacity
 - m) Any attorney corresponding with an individual concerning legal matters, including established groups of attorneys (e.g., American Civil Liberties Union, Disability Rights Washington, legal service corporations, public defender associations)
2. The front of the envelope must be clearly marked "Legal Mail", "Attorney/Client", or "Confidential"
 - a) Incoming mail readily identifiable as being from a court/court clerk will be handled as legal mail, regardless of whether it has been marked as such
 - b) Documents sent from any Public Disclosure Unit are not considered legal mail
3. Legal mail may only contain paper documents or authorized audio/video recordings that are legal in nature and must comply with DOC 590.500 Legal Access for Incarcerated Individuals
 - a) Legal mail does not include electronic messages or their attachments and will not be processed as legal mail

LEGAL MAIL

4. Mail that contains contraband or any material that would threaten facility order/security will be rejected

Incoming Legal Mail Procedures

1. Incoming legal mail will be opened in the individual's presence by designated employees
 - a) Once opened, the designated employee will confirm that the contents meet the criteria for legal mail and that there is no contraband
 - b) Employees will confiscate/retain the envelope for safety and security reasons and will:
 - 1) Not require a mail rejection notice
 - 2) Provide a photocopy of the envelope to the individual
 - c) Incoming legal mail may contain a postage paid, pre-addressed envelope for the individual to return documents/responses to the sender
 - d) An employee who inadvertently opens a piece of legal mail will stamp the front of the envelope that it was unintentionally opened and print the employee's name next to the stamp
 - e) If an individual refuses to sign and accept legal mail, including by callout, a designated employee(s) will document the refusal in the legal mail log with the time, date, sender's name, and individual's name
 - 1) After 2 attempts of unsuccessful delivery, the mail will be stamped "Refused by Incarcerated Individual - Return to Sender" and returned to the sender
 - (a) Prior to returning to sender, mailroom employees will verify that the individual is presently housed at that facility and has had the opportunity to attend the legal mail callouts
 - (b) Mailroom employees will document all returned legal mail in the log

Outgoing Legal Mail Procedures

1. The individual will:
 - a) Present the documents and unsealed envelope to the designated employee, who will confirm that the documents meet the criteria for legal mail and there is no contraband
 - 1) If there is a question whether the mail qualifies as legal mail, it may be retained for no more than 24 hours excluding weekends, holidays, emergency situations, or investigative review
 - b) Place the documents in the envelope and seal it in the employee's presence

LEGAL MAIL

2. The employee will:
 - a) Legibly print their name, date, and time and sign over the sealed flap of the envelope
 - b) Log out the mail in the individual's presence
3. When possible, the employee will observe the individual place the envelope in a legal mail container/drop box, or the individual will observe the employee place the envelope in the container/drop box
 - a) If unable to place the envelope in a legal mail container/drop box, the employee will secure the legal mail until delivered to the mailroom
4. The use of state-issued legal supplies for non-legal mail purposes is prohibited and will result in the mail being rejected

Individuals with Disabilities

1. Individuals with a current DOC 13-508 Accommodation Status Report may receive, possess, and send out cassette tapes as legal mail
 - a) To receive a cassette tape, the legal entity sending it must notify the facility's Legal Liaison Officer (LLO), who will notify the mailroom
 - 1) If the legal entity does not notify the LLO before sending the cassette, it will be rejected by the mailroom
 - 2) Cassettes must meet the requirements in DOC 440.000 Personal Property in Prisons
 - 3) Cassettes will be processed as legal mail and visually inspected but will not be listened to as a part of the inspection
 - b) Individuals will contact the facility Americans with Disabilities Act (ADA) Coordinator to request to listen to or create a cassette
 - c) Cassettes will be stored per 590.500 Legal Access for Incarcerated Individuals