



TEXAS DEPARTMENT  
OF  
CRIMINAL JUSTICE

**NUMBER:** BP-03.91 (rev. 5)

**DATE:** June 25, 2021

**PAGE:** 1 of 15

**SUPERSEDES:** BP-03.91 (rev. 4)  
February 25, 2020

## BOARD POLICY

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**SUBJECT:** UNIFORM INMATE CORRESPONDENCE RULES

**AUTHORITY:** 18 U.S.C. § 1716; Tex. Gov't Code §§ 492.013(a), 493.001, 493.006(b), 498.0042, 499.102(a)(12), 501.009; Tex. Penal Code § 38.111; BP-02.08, "Statement of Internal Controls"

Reference: AD-04.82, "Forfeiture of Good Conduct Time for Unauthorized or Prohibited Contact with a Victim," AD-03.72, "Offender Property," AD-14.09, "Postage and Correspondence Supplies," SATOM-02.36, "Rehabilitation Programs Division Correspondence Policy," YOP/Champions Program Operations Manual 02.05, "Prohibition Against Selling, Distributing, or Exhibiting Harmful Material to Minors," and SORP 02.06, "Rehabilitation Programs Division Correspondence Policy"

**APPLICABILITY:** Texas Department of Criminal Justice (TDCJ)

**POLICY:**

The TDCJ facilitates written contact between inmates and the inmates' families and friends. All incoming and outgoing correspondence, except as otherwise provided in this policy, is subject to delivery, inspection, and rejection in accordance with the following rules.

**DEFINITIONS:**

The following terms are defined for the purpose of this policy and are not intended to be applicable to other policies or procedures.

"Altered Photo" is an image with content in violation of this policy that has been edited, including by removing or changing the contents of the image with a computer software program or other means.

"Business Day" is Monday through Friday, excluding holidays observed by the United States Postal Service.

“Contraband,” for the purpose of inmate correspondence, is any physical item that presents a threat to the safety or security of the staff, inmates, institution, or public; this does not include any written material disapproved for its content.

“Director’s Review Committee” (DRC) is the body of appointed TDCJ administrators with the authority to hear all appeals related to rejected correspondence, publications, and placements on negative mailing lists.

“eCommDirect” is a program made available through a link on the TDCJ website or the Texas.gov website by which inmate family and friends may purchase items and have the items delivered to inmates through the unit commissary. General population (GP) Level 4 (G4), Level 5 (G5), security detention Level 2 (2A) and Level 3 (3A), protective safekeeping (P6) and (P7), mental health, and commissary restricted inmates are not eligible to receive purchases through eCommDirect.

“Educational Materials” are books and literature targeted toward educational purposes.

“E-message” is an electronic written communication sent to a TDCJ inmate. This communication shall be treated in the same manner as incoming general correspondence.

“General Correspondence” is any mail sent to or from a general correspondent or not otherwise included in the definitions of legal, media, or special correspondence.

“General Correspondent” is any person corresponding with an inmate who is not included within the definitions for legal, media, or special correspondents.

“Indigent Status” is when a TDCJ inmate: (1) has less than a \$5 balance in an inmate trust fund (ITF) account; (2) has a damaged or misplaced identification (ID) card; or (3) is on week one of lockdown status for more than seven consecutive days as outlined in AD-03.31, “Unit Lockdown Procedures.”

“Legal Correspondence” is any mail sent to or from a legal correspondent.

“Legal Correspondent” is any attorney licensed in the United States or a legal aid society, which is an organization providing legal services, that contacts an inmate in order to provide legal services.

“Mail System Coordinators Panel” (MSCP) is the body designated to assist in the maintenance and coordination of the Uniform Inmate Mail System. The MSCP serves to bring uniformity to the decisions of the various units by providing technical assistance and rule interpretation; serves as the centralized authority for the review of publications for initial unit acceptance or denial; provides training for mailroom staff; conducts in-depth monitoring of all unit mailrooms; and submits periodic reports pertaining to the inmate mail system.

“Media Correspondence” is any mail sent to or from a media correspondent.

“Media Correspondent” is any member of the editorial and reporting staff of any newspaper or magazine listed in the *Gale Directory of Publications and Broadcast Media* or the *Editor & Publisher DataBook* or the editorial and reporting staff of any radio or television station. Other members of the media, including freelance members, may petition the DRC to be included within the definition of media correspondent.

“Reference Book” is a book, such as a dictionary or encyclopedia, that can be referred to for authoritative information. The book may contain useful facts or specially organized information.

“Sexually Explicit Image” refers to material in publications, photographs, drawings, or any type of image, which depicts sexual behavior, is intended to cause sexual excitement or arousal, or shows: frontal nudity of either gender, including the exposed female breast(s) with nipple(s) or areola(s); the genitalia, anus, or buttocks, or partially covered buttocks of either gender; the discharge of bodily fluids in the context of sexual activity; or sexual behavior from any vantage point. The chests of infants and pre-pubescent children are not considered breasts, unless further restricted by a treatment program policy.

“Special Correspondence” is any mail sent to or from a special correspondent. This includes correspondence from a rape crisis center that possesses a Memorandum of Understanding (MOU) with the TDCJ to provide emotional support to inmates.

“Special Correspondent” is any member of the Texas Board of Criminal Justice; the executive director; the deputy executive director; any division directors, deputy directors, Prison Rape Elimination Act (PREA) ombudsman, or wardens of the TDCJ; any court or district or county clerk of the United States or any of the states of the United States; any member of the legislature of the states or the United States; the President of the United States or the governor of any state of the United States; the attorney general of the United States or any attorney in the United States Department of Justice; the director or any agent of the Federal Bureau of Investigation or any official of any federal, state, or local law enforcement agency, including offices of inspector general, the directors of state departments of corrections, the Bureau of Prisons, and parole commissioners from other states; the attorney general or any assistant attorney general of any state; any member or commissioner of the Texas Board of Pardons and Paroles; any foreign consulate, which includes the consul general, vice consul, deputy consul, or honorary consul of any country of which the inmate is a citizen; or the Texas State Law Library or any county law library in the state of Texas.

“Stationery” is paper and envelopes, to include carbon paper, purchased through the unit commissary by the inmate, provided through the indigent correspondence supply program, or purchased by inmate families and friends through the eCommDirect program.

“Watch List” is a TDCJ mainframe generated list of inmates on special correspondence restriction, negative mailing lists, and names submitted by the Security Threat Group (STG) officer, unit safe prisons coordinator, the Office of the Inspector General, or unit administration.

“White Paper” is white, fragrance-free copy paper or lined notebook paper, not exceeding 8 1/2” x 11”, that general correspondents may use to send correspondence to inmates. Various shades of white, such as ivory or cream, will not be allowed.

**PROCEDURES:**

I. General Rules and Instructions Regarding Correspondence

A. Permissible Correspondents

An inmate may correspond with as many persons as the inmate chooses, except as restricted by this policy.

B. Restricted Correspondents

1. Other Inmates

Inmates may not correspond with other inmates unless:

- a. The inmates are immediate family members, which means parents, stepparents, grandparents, children, stepchildren, spouses, common law spouses, siblings, aunts and uncles, and nieces and nephews;
- b. The inmates have a child together, as proven through a birth certificate, and the parental rights have not been terminated;
- c. The inmates are co-parties in a currently active legal matter; or
- d. The inmate is providing a relevant witness affidavit in a currently active legal matter.

Prior to an inmate being approved to correspond, relationship issues shall be verified through the records office and legal matters shall be verified through the access to courts department.

2. Negative Mailing List

Inmates shall be denied permission to correspond with persons on the inmate’s negative mailing list. Persons on that list may be:

- a. Minors whose parents or guardians object, in writing, to the correspondence, except an inmate’s own child or stepchild, unless the child or stepchild is the inmate’s victim as described in Section I.B.3, or there is a valid court order prohibiting contact after parental rights have been terminated;

- b. Individuals who request, in writing, not to receive further correspondence from the inmate;
- c. Inmates who request, in writing, not to receive further correspondence from an individual;
- d. Victims of the inmate who request not to receive correspondence from the inmate or with whom the court prohibits contact during confinement; and
- e. Individuals who have attempted to send contraband into the institution or otherwise committed a serious violation of these correspondence rules, as determined by the warden. A person who commits a serious violation of this policy may be prohibited from any further correspondence with a particular inmate and may be placed on a negative mailing list of persons with whom that particular inmate may not correspond. Within three business days of placement on a negative mailing list, a notice, accompanied by a statement of the reason for placement on the negative mailing list, shall be sent to the disallowed person and to the inmate, along with the procedures to appeal.

3. Victims

- a. In accordance with AD-04.82, "Forfeiture of Good Conduct Time for Unauthorized or Prohibited Contact with a Victim," the TDCJ prohibits unauthorized contact with a victim or a victim's family member by inmates if:
  - (1) The inmate is currently serving time for committing a crime against that victim;
  - (2) The victim was younger than 17 years of age at the time of the offense; and
  - (3) Written authorization for the contact was not obtained prior to the initiation of the contact.
- b. The TDCJ also prohibits in AD-04.82 the unauthorized contact of a victim by a sex offender.
- c. A court may prohibit an inmate from contacting, during the term of confinement, the victim of the offense of which the defendant is convicted or a member of the victim's family.

- d. Inmates making unauthorized contact with victims shall be charged with a major disciplinary offense and, if the charge is sustained, may forfeit all or any part of accrued good conduct time credit if the inmate is not a state jail inmate. A state jail inmate shall be assessed a major disciplinary penalty if the charge is sustained.
  - e. An inmate may also be subject to criminal charges for improper contact with a victim.
4. An inmate serving a sentence for which registration as a sex offender is required is prohibited from placing an advertisement soliciting a pen pal on an Internet website operated for that purpose, regardless of whether another person submits or pays for the advertisement for the inmate.

C. How to Correspond

Inmates are allowed to receive mail from general correspondents on white paper. Mail received on colored, decorated, cardstock, construction, linen, or cotton paper will be denied. Letters sent to inmates may not contain uninspectable substances, such as perfume, stickers, lipstick, bodily fluid, powdery substances, or artwork using paint, glitter, glue, or tape. There is no restriction placed upon the length of incoming or outgoing correspondence; however, only 10 photos are allowed per envelope. Photos in excess of 10 shall generally be denied; however, the unit mailroom supervisor in coordination with the unit warden may approve more than 10 photos. All inmate mail shall be sent and received through duly authorized channels. Inmates shall not smuggle letters in or out of the institution.

1. Authorized Channels

Inmates may only send First Class, Certified, Media Rate, or Priority United States mail through the inmate mail system. Inter-agency truck mail may only be used by inmates when communicating with TDCJ officials.

2. Cash on Delivery (C.O.D.) Mail

Inmates may neither send nor receive C.O.D. mail.

3. Packages

All outgoing packages shall not be sealed for mailing until inspected by TDCJ staff. Packages shall be free of contraband or material that constitutes a threat to security or cannot be lawfully sent through the mail. Outgoing packages may be mailed at a media mail rate if the contents of the package meet the media mail rate guidelines established by the U.S. Postal Service (USPS). These rules shall not apply to outgoing packages to

special, legal, and media correspondents, which shall be governed by the rules relating to such correspondence.

Inmates are not allowed to receive packages containing stationery supplies. Packages of publications may be sent to inmates by publishers or publication suppliers, including bookstores. The TDCJ shall accept delivery of packages from public carriers only, such as USPS, UPS, FedEx, or DHL. Special provisions are made for packages to be received from suppliers for craft shop operations. All incoming packages shall be subject to inspection. Inmates shall be notified when unauthorized packages have been denied.

4. Greeting Cards

Inmates may receive greeting cards from general correspondents as follows:

a. Cards must be postmarked within the two weeks before:

1. Mother's Day;
2. Father's Day; or
3. December 25.

If the postmark date is not within the listed timeframes, the card will be denied.

b. Greeting cards do not have to be of a certain theme, such as Mother's Day or Christmas.

c. In addition, greeting cards will still be permitted throughout the year if sent from any of the five approved vendors: Ink Cards, Pigeonly, Shutterfly, Snapfish, and Touchnote. Greeting cards from these approved vendors are not required to be postmarked during the time frames listed above.

d. Only one greeting card per envelope will be accepted.

5. Return Address and Outgoing Correspondence

Each outgoing envelope or package shall include the sending inmate's commitment name, TDCJ number, unit name, current address, and postage. Inmates having a legal name other than the commitment name may also place that name in the return address. No other information shall be made part of the return address.

Inmates may not embellish outgoing envelopes with illustrations or written messages other than the return address, the name and address of the intended recipient, and a notation that the envelope contains legal, special, or media mail; photos do not bend; or fragile.

After consultation with the MSCP, mailroom officials shall not mail any outgoing correspondence from an inmate that mailroom officials reasonably believe will be deemed non-mailable by the USPS pursuant to 18 U.S.C. § 1716. This includes envelopes or packages having noxious odors or containing liquids or powders.

6. Stationery

Any type of stationery, whether bought at the commissary, purchased through the eCommDirect program, or authorized for issuance to indigent inmates may be used for correspondence. Inmates shall not use homemade envelopes to correspond.

7. Indigent Postage

Postage and stationery for mail from indigent inmates may be secured through the warden's designee. Postage and stationery shall be made available at regular intervals to indigent inmates, including those in security detention. Postage and stationery shall be furnished to an indigent inmate for correspondence to any special correspondent listed in these rules and to any attorney or legal aid society. An indigent inmate may use indigent postage to send five one-ounce domestic letters per month to general correspondents and five items per week to legal or special correspondents. An inmate may send extra letters to general, legal, or special correspondents using indigent postage if requested for a legitimate reason and approved by the warden.

Funds expended by the TDCJ for postage and stationery for indigent inmates shall be recouped by the TDCJ from funds later deposited in the inmate's ITF account.

D. Publications

An inmate may receive publications in the mail only from the publishers or publication suppliers, including bookstores. Inmates ordering publications shall forward payments for subscriptions to individual publications with the order. Inmates shall not receive publications of any kind on a trial basis with payment postponed. Persons desiring to give publications directly to individual inmates must have the publications mailed from publishers or publications suppliers,

including bookstores or online booksellers. Publications received by inmates may be in languages other than English.

E. Reference Books and Other Educational Materials

An inmate may receive reference books and other educational materials from volunteer organizations that operate the following types of programs: literacy and education, life skills, job skills, drug and alcohol rehabilitation, support group, arts and crafts, and any other program designed to aid inmates in the transition between confinement and society and to reduce recidivism, regardless of whether the organization provides those programs to inmates assigned to units operated by the TDCJ. These reference books and educational materials shall comply with content requirements contained in this policy.

II. Special and Media Correspondence

A. Permissible Correspondence

Inmates may send sealed and uninspected letters directly to special and media correspondents. All incoming correspondence from any special or media correspondent shall be opened and inspected only for contraband, except under the special circumstances noted in these rules. The inspection shall be in the inmate's presence. All incoming special correspondence envelopes shall be prominently stamped as received by the TDCJ or cancelled so that postage-free government envelopes cannot be reused.

B. Exceptions

In individual cases, where reasonable suspicion exists to believe the correspondence rules or the law is being violated, incoming or outgoing special or media correspondence may be opened and inspected for contraband and content upon obtaining written permission of the Correctional Institutions Division (CID) director or designee.

III. Legal Correspondence

A. Permissible Correspondence

To facilitate the attorney-client privilege, an inmate may send sealed and uninspected letters directly to legal correspondents. No correspondence from an inmate to any legal correspondent shall be opened or read. All incoming correspondence from any legal correspondent shall be opened and inspected for contraband only. The inspection shall be in the inmate's presence. No correspondence to an inmate from any legal correspondent shall be read.

B. Exceptions

When an inmate violates the law or the correspondence rules using legal correspondence, the inmate may have legal mail privileges suspended except to the inmate's attorney of record, upon obtaining written permission of the CID director or designee. The attorney of record must submit a written statement naming them as the attorney of record for the inmate. The CID director shall approve the restriction of legal correspondence privileges.

IV. Handling Inmate Correspondence

A. Content Inspection of General Correspondence

All general correspondence shall be subject to the right of inspection and rejection by unit mailroom staff. All outgoing or incoming letters to and from inmates and enclosures such as clippings, photographs, or similar items, shall be disapproved for mailing or receipt if the content falls as a whole, or in significant part, into any of the categories listed below:

1. Contains threats of physical harm against any person or place or threats of criminal activity;
2. Threatens blackmail or extortion;
3. Concerns sending contraband in or out of the institution;
4. Concerns plans for escape or unauthorized entry;
5. Concerns plans for activities in violation of institutional rules;
6. Concerns plans for future criminal activity;
7. Uses code and its contents are not understood by the person inspecting the correspondence;
8. Solicits gifts of goods or money under false pretenses or for payment to other inmates;
9. Contains a graphic presentation of sexual behavior that is in violation of the law;
10. Contains a sexually explicit image;
11. Contains an altered photo or a photo that conceals or hides the face of the individual photographed in a manner that prevents identification of that individual;

12. Contains information, which if communicated, would create a clear and present danger of violence or physical harm to a human being; or
13. Contains records or documentation held by the TDCJ that are not listed in the attachment to the TDCJ *Public Information Act Manual* Chapter 2.

B. Contraband in General Correspondence

If contraband is found in an incoming letter or publication, the contraband shall be removed from the letter or publication, if possible. If the contraband cannot be removed from the letter or publication, the letter or publication shall not be delivered to the inmate.

C. Contraband in Legal, Media, or Special Correspondence

If an enclosure constituting contraband is found, the contraband shall not be delivered to the inmate.

D. Notices

The inmate and the sender or addressee shall be provided a written statement of the disapproval and a statement of the reason for disapproval within three business days after receiving the correspondence. The notice shall be given on Correspondence Denial Forms. The inmate shall be given a sufficiently detailed description of the rejected correspondence to permit effective use of the appeal procedures. The inmate, sender, or addressee may appeal the mailroom staff's decision through the procedures outlined in this policy. The inmate or sender may submit a written argument as to why the item should not be denied for the DRC's consideration.

E. Record of Legal, Special, and Media Correspondence

The mailroom shall maintain records showing the source and destination of all incoming and outgoing legal, special, and media correspondence.

F. Content Inspection of Publications

All publications are subject to inspection by the MSCP and by unit staff. The MSCP has the authority to accept or reject a publication for content, subject to review by the DRC. The MSCP shall render decisions on publications reviewed within two weeks of receipt at the MSCP office. Unit mailroom staff shall review books not previously reviewed and render a decision within two weeks of receipt at the mailroom. Inmates do not have to be notified when magazines or books are being held for review. Publications shall not be rejected solely because the publication advocates the legitimate use of inmate grievance procedures, urges

inmates to contact public representatives about prison conditions, or contains criticism of prison authorities.

1. Rejection Due to Content

A publication may be rejected if:

- a. It contains content that could facilitate an escape;
- b. It contains information regarding the manufacture of explosives, weapons, or drugs;
- c. It contains material that a reasonable person would construe as written solely for the purpose of communicating information designed to achieve the breakdown of prisons through inmate disruption such as strikes, disturbances, riots, or STG activity;
- d. A specific determination has been made that the publication contains graphic presentations of sexual behavior that is in violation of the law, such as rape, incest, sex with a minor, bestiality, or necrophilia;
- e. It contains material on the setting up and operation of criminal schemes or how to avoid detection of criminal schemes by lawful authorities charged with the responsibility for detecting such illegal activity; or
- f. It contains sexually explicit images. However, subject to review by the MSCP on a case-by-case basis, publications constituting educational, medical, scientific, or artistic materials, including anatomy medical reference books, general practitioner reference books or guides, *National Geographic*, or artistic reference material depicting historical, modern, or post-modern era art, may be permitted.

2. Notice

Written notice shall be provided to the inmate within three business days of receipt of any book requiring further review by the DRC. Publications approved by MSCP shall be delivered to inmates within three business days.

3. List of Disapproved Publications

A list of publications disapproved for receipt by inmates during the last two months shall be noted on the Law Library Holdings List at each institution. The list shall be updated every month.

G. Processing Incoming and Outgoing Inmate Mail

All mail and e-messages, including delivery, pick-up, or notifications, shall be processed by TDCJ employees or privately operated facility staff only and during normal business hours whenever possible. An inmate shall not handle another inmate's mail, except to assist staff when loading and unloading mail in bulk deliveries. Staff shall maintain direct supervision of these inmates.

All incoming mail, except packages, shall be delivered within two business days of receipt. Incoming packages shall be delivered within three business days of receipt.

All outgoing mail, except packages, shall be delivered to a USPS employee within two business days. Outgoing packages shall be delivered to a USPS employee within three business days.

Records shall be maintained to indicate the source and destination of outgoing mail from death row inmates.

Exception: Incoming and outgoing mail for inmates whose mail is being monitored may be processed within three business days of receipt, if necessary, to allow unit staff to properly examine the correspondence.

H. Forwarding of Mail

Mail received shall be forwarded to an inmate immediately in the event the inmate has left the unit and a forwarding address is available. Newspapers shall be forwarded by truck mail for seven days and other subscriptions shall be forwarded by truck mail for 45 days after an inmate is transferred between TDCJ institutions if truck mail is available between the two institutions. Should an inmate leave the unit of assignment for temporary medical treatment, correspondence, newspapers, and magazines shall be held by the unit mailroom until the inmate returns.

I. Mailrooms

All unit mailrooms shall be open and provide mail service Monday through Friday, except on holidays recognized by the USPS.

J. Treatment Programs

The Substance Abuse Treatment Program, the Sex Offender Treatment Program, the Champions Program for youthful inmates, and other treatment programs, as approved by the CID director and the Rehabilitation Programs Division director and maintained by the MSCP, may have more restrictive content-based requirements for general correspondence and publications, as long as those more restrictive requirements are directed at the treatment goals and needs of the treatment program or serve to keep the agency in compliance with established laws governing access to certain types of publications by minors.

V. Review Procedures for Denied Items

A. Handling of Denied Items

Any incoming or outgoing correspondence or publications that are rejected shall not be destroyed but shall remain with the mailroom staff subject to examination and review by those involved in the administration of the appeal procedures outlined herein. Upon completion of the appeal procedures, if the correspondence or publication is denied, the inmate may request that it continue to be held in the custody of the mailroom staff for use in any legal proceeding contemplated by the inmate, or that it be disposed of in one of the following manners, unless security concerns mandate that the inmate not have a choice in the disposition:

1. Mail the publication or correspondence to any person at the inmate's expense; or
2. Destroy the publication or correspondence, only with the inmate's written permission.

B. Correspondence and Publication Appeal Procedure

1. Appeal Procedures

a. Correspondence and Placement on Negative Mailing List

A written notice of appeal, including justification, shall be sent to the DRC within two weeks of notification of the denial of correspondence or placement on the negative mailing list.

b. Books and Magazines

Books and magazines that have been denied shall be automatically appealed. A written justification shall be sent to the DRC within three business days of rejection.

2. DRC Decision

The DRC shall render its decision within two weeks after receiving the appeal and shall issue written notification of the decision to the parties involved within two business days.

The publisher, sender, or other correspondent may challenge the DRC decision by providing written justification along with copies of the denied content to the MSCP.

3. Delegation

The DRC chairman may delegate decisions regarding correspondence and publication denials to the MSCP, which shall be governed by the guidelines applicable to the DRC regarding appeals.

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Patrick L. O'Daniel, Chairman\*  
Texas Board of Criminal Justice

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\* Signature on file