



**WEST VIRGINIA
DEPARTMENT OF MILITARY
AFFAIRS AND PUBLIC SAFETY**

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**CHAPTER:
DMAPS OPERATIONS**

REFERENCE AND RELATED STANDARDS:

DOC: WV DOC Policy Directive 503.00

RJA: WV DJS Policy Directive 509.00

DJS: WV RJA Policy Directive 16002

SUBJECT: Legal Mail

DATE: December 1, 2017

EFFECTIVE: December 5, 2017

PURPOSE

To provide direction to the Division of Corrections (DOC), Division of Juvenile Services (DJS), and Regional Jail Authority (RJA) as it pertains to the handling and internal disposition of legal mail for each agency's incarcerated population.

CANCELLATION

DMAPS: None, this is a new DMAPS policy

APPLICABILITY

This policy applies to all employees who handle legal mail at any of the three agency facilities. The intent of this directive is to further define and establish additional procedures that each agency already has in place relative to the handling of mail internally for their respective populations.

DEFINITIONS

The following terms are defined as listed within the scope of this policy: Refer to current agency policy for definitions specific to legal mail.

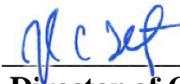
PROCEDURES

1. Legal Mail
 - a. A six-digit alphanumeric code (the "Code" or "Codes") will be generated for each business day in a year. Weekends and holidays are to be assigned the Code for the immediately preceding business day.
 - b. A master list of the Codes will be maintained in a secured location in the office of Public Defender Services ("PDS"). The number of possible combinations is 2,176,782,336.

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- c. Before 10:00am on each business day, a representative of PDS will email the Code for that day to the distribution list provided by the office of the Secretary of Military Affairs and Public Safety (“MAPS”) and to the public defender and the office manager for each of the public defender corporations in the State of West Virginia. Additionally, before 10:00a.m. on each business day, a representative of PDS will enter the Code for that date in a message distributed by PDS’ online “Voucher Processing System.”
- d. For any correspondence to an incarcerated client addressed to the facility housing the client, public defenders or panel attorneys, i.e., attorneys in private practice appointed by a court to represent an indigent defendant in a criminal proceeding (“Counsel”), are to write the Code generated for the date of the mailing on the reverse outside of the envelope in the lower left corner. Counsel is to also place after the Code the date on which the Code was placed on the envelope, together with the initials of the person making the notations on the envelope.
- e. The facilities to which the mail is delivered are to determine if the envelope contains a Code and if the Code is for a date that is proximately close to the date of delivery to the facility. Even if a Code is verified, the facilities still retain and reserve the right to employ in the facilities’ discretion internal procedures for ensuring that the mail is a legitimate communication from Counsel to a client, including, but not limited to, opening the mail in the presence of the client.
- f. In the absence of a Code or a Code that is proximately close to the date of delivery, the facilities shall follow the established internal procedure for opening legal mail to ensure that the legal mail is legitimately from Counsel.
- g. This directive does not replace or cancel any agency legal mail policies that are currently in place. Employees of DOC, DJS and RJA will refer to the respective agency policy for what constitutes the definition of legal mail. This policy is strictly to enhance and provide further guidance and to promote the safe, secure and orderly operation of agency facilities.

APPROVED:



Director of Correctional Operations

5 December 2017

Date