



CA CODE OF REGULATIONS, TITLE 15

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ON-THE-JOB TRAINING

Confidential / Legal Correspondence

Collecting confidential/legal correspondence from inmates can be a frustrating task, especially when you aren't sure if the recipient is actually "confidential" by Department standards.

This is where that handy copy of the **California Code of Regulations, Title 15**, serves its purpose. Section **3141, Confidential Correspondence**, outlines with who and what agencies or offices inmates can confidentially correspond. If the person, business, or agency is not included in this section, it's most likely non-confidential mail.

So, what do you do if an inmate is

adamant the correspondence is confidential, but you just aren't sure?

Arguing with the inmate won't get you anywhere. Start by contacting your sergeant. If the sergeant isn't sure, it's best to let the inmate know you will accept the mail as confidential and process it according to policy guidelines. You should then flag that piece of mail with a removable note (sticky note, scratch paper, paper towel, etc.) stating you're not sure if it qualifies as confidential mail, and send it to the institutional mailroom. The supervisor in the mailroom can research the name



and address, and confirm with the Litigation Coordinator, if necessary.

You can always follow-up with the mailroom to find out what the outcome was, so that you will know what to do the next time you see that name or address.

What is **not** confidential / legal correspondence?

Foreign leaders, such as kings, queens, princes, princesses, and prime ministers, or their in-house lawyers, are not legal entities, per Title 15.

Entertainment sources, news organizations, and publications are not legal entities. This includes TMZ, ABC News, Time-Warner,

Random House Publishing, etc.

Correspondence with religious leaders or organizations are not confidential. While the Department respects the right for inmates to follow the religion of their choice, that correspondence is not confidential.

NOTE: *This is not all inclusive, but will hopefully give you a good foundation.*

Reach-out to your institutional mailroom if you have questions or concerns regarding inmate mail.

3141. Confidential Correspondence

(c) Persons and employees of persons with whom inmates may correspond confidentially and from whom inmates may receive confidential correspondence include:

- (1) All state and federal elected officials.
- (2) All state and federal officials appointed by the governor or the President of the United States.
- (3) All city, county, state and federal officials having responsibility for the inmate's present, prior or anticipated custody, parole or probation supervision.
- (4) County agencies regarding child custody proceedings, as clearly identified in the communication and listed on the envelope.
- (5) All state and federal judges and courts.
- (6) An attorney at law, on active status or otherwise eligible to practice law, listed with a state bar association.
- (7) All officials of a foreign consulate.
- (8) The Secretary, Undersecretary, Chief Deputy secretaries, Executive Director, Assistant Secretaries, Division directors, Deputy Directors, Associate Directors, the Chief, Inmate Appeals, and the Lead Ombudsman's Office of the Department.
- (9) A legitimate legal service organization that consists of an established group of attorneys involved in the representation of offenders in judicial proceedings including, but not limited to:
 - (A) The American Civil Liberties Union.
 - (B) The Prison Law Office.
 - (C) The Young Lawyers Section of the American Bar Association.
 - (D) The National Association of Criminal Defense Lawyers.
 - (E) California Appellate Project.