

Memorandum

Date: 11/1/2024

To: Attorneys representing incarcerated individuals

From: Paul Schnell, Department of Corrections Commissioner

RE: MN DOC Attorney-Client Privileged Mail Policy Change

Due to ongoing safety and security concerns around sender verification and processing of privileged mail from attorneys to incarcerated clients, the Minnesota Department of Corrections is instituting a new process that will allow easier verification of such mail being sent into correctional facilities. This new system is called “TextBehind® DOCS.” Key objectives of the system are as follows:

- 1) Mitigate exposure to life-threatening contraband smuggled through postal mail, including mail purporting to be sent from attorneys to incarcerated clients.
- 2) Provide a reliable sender identity verification process.
- 3) Ensure attorney-client privilege is maintained through “Video Evidence Recording” of mail-processing, when available.
- 4) Enhance the transparency and credibility of the privileged mail handling process for corresponding parties.

All privileged mail content is always encrypted in the system. The system will require the attorney’s permission whenever data is accessed and processed for the incarcerated person(s).

Beginning Monday, December 2, 2024, attorney-client privileged mail sent to Minnesota DOC facilities without a verified QR code from TextBehind DOCS will be returned to sender. Here is the process for attorney-client privileged mail moving forward:

Send privileged mail with an envelope that displays a valid MOVE (Mail Origin Verification) QR Code that can be downloaded at no cost from the TextBehind DOCS web portal by taking the following steps:

- 1) Register for an account at <https://www.textbehind.com/docs>.
- 2) Provide the identification content required by the system. (The account verification process may take 1-2 days.)
- 3) Add your incarcerated person contact(s)
- 4) From the CREATE NEW section on the TextBehind DOCS portal, download the MOVE QR Code to print on the **OUTSIDE OF THE ENVELOPE**. Please note this QR Code is unique and dynamically

generated based on various rules. These rules may be revised occasionally, therefore, please follow the current rules specified on the TextBehind DOCS portal to avoid mail rejection.

5) Send attorney-client privileged mail with the QR code to:

Name and OID# (Identification Number)
MCF- (facility name where incarcerated person is housed)
Facility Address

Please note that this new process applies only to mail from attorneys to their incarcerated clients, not mail from courts or public officials that do not have an attorney-client relationship with the intended recipient (i.e. "special mail").

For questions specific to the TextBehind system, contact: <https://textbehind.com/contact-us>

For questions about the new policy, contact: MN DOC Commissioner, Paul Schnell Paul.Schnell@state.mn.us

A handwritten signature in black ink that reads "P. Schnell". The signature is written in a cursive, slightly slanted style.

Paul Schnell