

MICHIGAN DEPARTMENT OF CORRECTIONS <b>POLICY DIRECTIVE</b>	EFFECTIVE DATE 03/01/2018	NUMBER 05.03.118
	SUBJECT PRISONER MAIL	
SUPERSEDES 05.03.118 (11/01/2017)		AUTHORITY MCL 791.203; MCL 800.43; Administrative Rules 791.6603, 791.6605
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**POLICY STATEMENT:**

Mail to and from prisoners in a Correctional Facilities Administration (CFA) or Field Operations Administration (FOA) facility shall be processed as set forth in this policy.

**RELATED POLICIES:**

- 04.02.105 Prisoner Funds
- 04.02.120 Indigent Prisoners
- 04.07.112 Prisoner Personal Property

**POLICY:**

DEFINITION

- A. Mail - Any written, typed, or printed communication of information, including magazines, catalogs, books, and photographs. Electronic messages received through the Department’s approved vendor are not considered mail for purposes of this policy.

GENERAL INFORMATION

- B. When in conflict with this policy, PD 05.01.142 “Special Alternative Incarceration Program” controls for prisoners in the Special Alternative Incarceration Program (SAI).
- C. For purposes of this policy, “prisoner” includes parolees in the Detroit Reentry Center.
- D. Prisoners shall be permitted to send and receive uncensored mail to or from any person or organization unless the mail violates this policy or Administrative Rule 791.6603. Mail shall not be prohibited solely because its content is religious, philosophical, political, social, sexual, unpopular, or repugnant. Prohibited incoming mail shall be rejected as set forth in the rejected mail portion of this policy.
- E. Prior to rejecting mail for violation of this policy, the prisoner is entitled to a fact-finding hearing conducted pursuant to Administrative Rule 791.3310 unless otherwise specifically stated in this policy.
- F. Law enforcement officials shall be contacted immediately through the appropriate chain of command if mail addressed to or sent by a prisoner contains a controlled substance or evidence of any illegal activity. Upon request of a law enforcement official and approval of the Warden, notices required to be issued and hearings required to be conducted pursuant to this policy may be delayed for a reasonable length of time to allow for a criminal investigation.
- G. An item other than funds that is received through the mail which is alleged to be contraband, but does not meet the definition of “mail” pursuant to this policy, shall be treated as property and processed as set forth in PD 04.07.112 “Prisoner Personal Property.” However, a prisoner may receive a single stamped self-addressed envelope that is sent in the mail from an attorney, a court, or a legitimate religious organization, provided the envelope is a standard white envelope and does not include address labels, stickers, or any other item affixed to it. The postage must be metered or “stamped postage” as sold by the United States Postal Service; a postage stamp affixed with adhesive or tape is prohibited. Additionally, free promotional items (e.g., compact discs; make-up samples) that are not authorized property pursuant to PD 04.07.112 that are attached to a publication, and fasteners holding mail together, may be removed and discarded upon receipt by the facility without notice to the prisoner if the item can be easily removed without risk of damage to the publication. If a fastener is removed that was holding mail together, the mail shall be securely sealed prior to delivery to the prisoner.

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Funds received through the mail shall be processed as set forth in PD 04.02.105 "Prisoner Funds."

#### WRITING MATERIALS AND POSTAGE

- H. Each correctional facility shall have available a reasonable quantity of free writing materials for use by prisoners; i.e., graphite pencils or blue/black ink pens; white paper (for example, multipurpose "copy" paper). Paper provided free to a prisoner does not need to be lined or of typing quality. Funds to purchase standard-size envelopes (e.g., 3 5/8" x 6 1/2"; 4 1/8" x 9 1/2") shall be loaned to prisoners eligible to receive a postage loan under this section if the prisoner does not have, or does not have the funds to purchase, an envelope.
- I. Additional writing materials, including typing paper for legal work, carbon paper, envelopes, and postage shall be available for prisoner purchase in correctional facilities as set forth in PD 04.02.130 "Prisoner Store." Funds to purchase a reasonable quantity of carbon paper and to purchase over-sized envelopes of a sufficient size to mail legal materials (e.g., 10" x 15"; 15" x 20") to a court, an attorney, or a party to a lawsuit due to pending litigation, including the initial filing and service of a lawsuit, shall be loaned to a prisoner who lacks sufficient funds to purchase such items in the prisoner store. The prisoner must provide proof that the items are for litigation purposes. The funds shall be loaned by the Prisoner Benefit Fund (PBF). The cost of envelopes and carbon paper provided shall be considered an institutional debt and collected as set forth in PD 04.02.105 "Prisoner Funds." Funds collected to repay a loan from a PBF shall be returned to that PBF.
- J. A prisoner on indigent status pursuant to PD 04.02.120 "Indigent Prisoners" shall be loaned funds for postage as set forth in that policy.
- K. Funds for additional first-class postage shall be loaned to prisoners who lack sufficient funds to send mail to a court, an attorney, or a party to a lawsuit due to pending litigation. This includes the initial filing and service of a lawsuit. The cost of certified mail shall be loaned only if the prisoner is required by court order to use certified mail (e.g., an order denying the prisoner's motion for substituted service by first-class mail). Postage shall be loaned to prisoners on indigent status pursuant to this paragraph only after the prisoner has used all postage available pursuant to Paragraph J.
- L. Funds for additional first-class postage shall also be loaned to prisoners who lack sufficient funds to mail a grievance or a Class II and Class III Misconduct Appeal (CSJ-274) to another facility or to mail a Step III grievance or a Request for Rehearing to Central Office. Funds shall be loaned for these purposes only if there is not a Department of Technology, Management and Budget (DTMB) interdepartmental mail run available and the mail must be posted before the prisoner will receive postage pursuant to Paragraph J.
- M. A prisoner requesting a postage loan pursuant to Paragraph K or L may be required to present the mail unsealed to staff to verify that it qualifies for the loan. In such cases, staff shall read only those sections of the mail that are necessary to make this determination. The mail shall not be read in its entirety. The cost of any postage or envelopes loaned to the prisoner shall be borne by the PBF. Any funds loaned for postage or envelopes shall be treated as an institutional debt and collected as set forth in PD 04.02.105 "Prisoner Funds." Funds collected to repay a loan from a PBF shall be returned to that PBF.
- N. Prisoners shall not be loaned postage for any reason other than as set forth above.

#### PRISONER OUTGOING MAIL

- O. Each facility shall offer prisoners outgoing mail service through the U.S. Postal Service. The facility may also offer outgoing mail service for oversize or overweight mail, including packages, through a legitimate alternate carrier. Except as set forth in Paragraphs J through M, prisoners shall be required to pay the cost of postage for any mail service used.
- P. A prisoner shall be permitted to send certified and international mail, and mail that weighs more than one ounce, via disbursement. Mail that a prisoner is sending via disbursement that is clearly identified as being to a court, an attorney, or a party to a lawsuit due to pending litigation, including the initial filing and service of a lawsuit, shall be processed as soon as possible. This includes mail being sent via

disbursement to a court, an attorney, or a party to a lawsuit pursuant to Paragraph J or K. An expedited legal mail process for such mail shall be established by the CFA Deputy Director. The expedited legal mail process also shall be available to prisoners to send mail to a court or court reporter to request a transcript of the prisoner's court proceeding and to legal service organizations (e.g., American Civil Liberties Union, State Appellate Defender Office, Michigan Appellate Assigned Counsel System). The prisoner may be required to present the mail unsealed to staff to verify that it qualifies for expedited legal mail handling. In such cases, staff shall read only those sections of the mail that are necessary to make this determination. The mail shall not be read in its entirety.

- Q. Prisoners may use DTMB interdepartmental mail runs, in facilities where such service is available, to send postage-free mail to staff in other facilities serviced by interdepartmental mail runs and to Central Office. DTMB interdepartmental mail runs shall not be used by prisoners for any other purpose. Mail designated for delivery through a DTMB interdepartmental mail run in violation of this policy shall be returned to the prisoner consistent with Paragraph W and not processed for mailing.
- R. There is no limit on the amount of outgoing mail a prisoner may send, except that prisoners are allowed to purchase and possess envelopes only in the quantities set forth in PD 04.07.112 "Prisoner Personal Property" and PD 04.02.130 "Prisoner Store." Outgoing mail must contain the prisoner's first and last name and prisoner number, and the name and address of the facility at which the prisoner is housed as the return address on the envelope. If the mail does not contain this information, the mail shall be returned to the prisoner to be corrected. However, mail which does not contain at least the prisoner's name and number may be destroyed.
- S. Outgoing mail of prisoners in segregation shall not be sealed and shall be inspected by staff prior to mailing. However, mail that is clearly identified as being sent to the business address of one of the following may be sealed by the prisoner and shall not be opened or otherwise inspected by staff prior to mailing unless the entity has specifically objected in writing to receiving mail from the prisoner sending the mail, and subject to Administrative Rule 791.6603(5) and Paragraphs M, P, and W:
1. A licensed attorney, including the Attorney General, an assistant attorney general, a prosecuting attorney, and an attorney of a legitimate legal service organization (e.g., American Civil Liberties Union, State Appellate Defender Office, Michigan Appellate Assigned Counsel System).
  2. State or federal courts.
  3. Federal, state, or local public officials.
  4. The Director or any other Central Office staff.
  5. Staff at the institution in which the prisoner is segregated.
  6. Representatives of the news media, being persons who are primarily employed to gather or report news for any of the following:
    - a. A newspaper of general circulation in the community in which it publishes;
    - b. A magazine of statewide or national circulation that is sold at newsstands or by mail to the general public;
    - c. A radio or television station which is licensed by the Federal Communications Commission.
  7. The Office of the Legislative Corrections Ombudsman.
  8. A consulate or embassy.
- T. General population prisoners shall be permitted to send sealed mail, subject to Administrative Rule 791.6603(5) and Paragraphs M, P, and W. However, outgoing mail may be opened and inspected if it is determined by the Warden or designee that there are reasonable grounds to believe the mail is being

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sent in violation of Administrative Rule 791.6603(5). However, mail which is clearly identified as being sent to the business address of one of the following may be sealed by the prisoner and shall not be opened or otherwise inspected by staff prior to mailing, unless the entity has specifically objected in writing to receiving mail from the prisoner sending the mail or as required pursuant to Paragraphs M, P, or W:

1. A licensed attorney; this includes the Attorney General, an assistant attorney general, a prosecuting attorney, and an attorney of a legitimate legal service organization (e.g., American Civil Liberties Union, State Appellate Defender Office, Michigan Appellate Assigned Counsel System).
  2. State or federal courts.
  3. Federal, state, or local public officials.
  4. The Director or any other Central Office staff.
  5. Staff at the institution in which the prisoner is housed.
  6. The Office of the Legislative Corrections Ombudsman.
  7. A consulate or embassy.
- U. A prisoner is prohibited from sending mail addressed to anyone who has objected to receiving mail from the prisoner. This only applies after the prisoner has been notified of the objection. A prisoner who continues to send mail to a person who has objected to receiving mail from that prisoner after receiving notice of the objection also may be subject to discipline in accordance with PD 03.03.105 "Prisoner Discipline."
- V. Except as set forth in Paragraph F, if it is determined that a prisoner's outgoing mail may violate Administrative Rule 791.6603(5) and that the mail therefore will not be sent, the prisoner shall be issued a notice of the alleged violation and a hearing shall be conducted pursuant to Administrative Rule 791.3310. The hearings officer shall not be the person who issued the notice. If a violation is established at the hearing, the mail shall be turned over to law enforcement authorities, if it appears to be in violation of state or federal law, or destroyed.
- W. If it is determined that a prisoner's outgoing mail cannot be processed due to insufficient postage, failure of the prisoner to sign a disbursement authorization, mail returned as undeliverable, or other reason unrelated to the content of the mail, the mail shall be searched in the same manner as incoming mail prior to its return to the prisoner. Legal mail and mail to an embassy or consulate which cannot be processed for any of these reasons shall receive special handling as outlined in Paragraphs EE through HH of this policy prior to its return to the prisoner.

#### PRISONER INCOMING MAIL

- X. Staff shall only accept mail that has been delivered from a legitimate commercial carrier (e.g., U.S. Postal Service, United Parcel Service) or through DTMB interdepartmental mail runs as provided for in this policy. Staff shall not accept mail for prisoners left at the facility by members of the public, including prisoner family members and visitors, except that attorneys may be permitted to deliver legal mail to prisoners pursuant to standards issued by the CFA Deputy Director.
- Y. Prisoners shall not be permitted to receive mail identified as being sent "bulk rate" or "pre-sorted standard," as indicated by the U.S. Postal Service marking, unless it was sent from a federal or state agency or a court, is a catalog allowed pursuant to Paragraph AA, is a publication received from the publisher or an authorized vendor pursuant to Paragraph Z, or is correspondence course material approved pursuant to PD 05.02.119 "Correspondence Courses." All other mail identified by the U.S. Postal Service marking as being sent "bulk rate" or "pre-sorted standard" may be discarded upon receipt by the facility without notice to the prisoner.

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- Z. Prisoners shall be permitted to receive books, magazines, and other publications only if:
1. Ordered by a member of the public from an internet vendor identified in Attachment A or from the publisher and sent directly to the prisoner by the vendor or publisher,
  2. Ordered by the prisoner from a vendor identified in Attachment B or from the publisher and sent directly to the prisoner from the vendor or the publisher, or
  3. The prisoner is approved to take a correspondence course pursuant to PD 05.02.119 "Correspondence Courses," and the publication is sent directly from the approved correspondence school.

All prisoner orders must be through established facility ordering procedures. Under no circumstances shall prisoners in a correctional facility be permitted to order a publication from an internet vendor.

- AA. Prisoners shall not be permitted to receive retail or wholesale catalogs through the mail, except that a prisoner who is permitted to possess a catalog pursuant to PD 04.07.112 "Prisoner Personal Property" may receive a catalog sent directly from a vendor approved at that facility as a source of allowable prisoner personal property. Unauthorized catalogs may be discarded upon receipt by the facility without notice to the prisoner.
- BB. Unless transmitted by or on behalf of the Department, mail received by staff for a prisoner via facsimile machine or e-mail may be destroyed upon receipt instead of being delivered to the prisoner, unless it is clear from the mail that it conveys emergency information (e.g., imminent death of family member) and the Warden authorizes delivery. If the mail is not delivered and the sender's address is sufficiently identified in the transmittal, the sender shall be notified by mail that the mail received via facsimile was not delivered due to the method of transmission. Subsequent transmittals by the same sender may be destroyed without notification to the sender.
- CC. All incoming mail for prisoners must be clearly identified with the recipient's name and prisoner number to ensure proper delivery. Incoming mail which does not clearly identify the recipient may receive delayed processing or, if the recipient cannot be adequately identified, may be returned to the sender.
- DD. All incoming mail that does not receive special handling pursuant to Paragraphs EE through HH shall be opened in one location at each facility and inspected at that location to determine if it contains money, controlled substances, or other physical contraband. All physical contraband shall be confiscated prior to delivery of the mail to the prisoner. The mail's written content also shall be skimmed, and if it appears from skimming the content that the mail may violate this policy, the item shall be read to determine if it is allowed.

#### MAIL REQUIRING SPECIAL HANDLING

- EE. Incoming mail to a prisoner from an embassy or consulate shall receive special handling.
- FF. A prisoner may have his/her incoming legal mail receive special handling by submitting a completed Mail Requiring Special Handling form (CSJ-246) to the institution's mailroom supervisor or designee. Only mail received directly from an attorney or a law firm, a legitimate legal service organization, the Department of Attorney General, a prosecuting attorney's office, a court, a clerk of the court, a Friend of the Court office, or the Office of the Legislative Corrections Ombudsman is considered legal mail, and only if the mail is clearly identified on the face of the envelope as being from one of the above. It is not sufficient for the envelope to be simply marked "legal mail."
- GG. Each prisoner received at a reception facility shall be asked if s/he wants his/her legal mail to receive special handling. If the prisoner does not request special handling at that time, s/he shall be told that s/he may submit a request to the institutional mailroom supervisor or designee at any time during his/her incarceration by completing a Mail Requiring Special Handling form (CSJ-246).
- HH. A request for special handling of legal mail shall be entered on the Department's computerized database (e.g., OMNI) within two business days after receipt. A prisoner shall not be required to renew his/her request upon transfer. Appropriate facility staff shall be responsible for determining if there is a

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request for special handling of legal mail when processing mail. Legal mail shall receive special handling only if requested by a prisoner as set forth in Paragraphs FF and GG.

#### Processing Mail Requiring Special Handling

- II. If it appears upon receipt that mail requiring special handling may have been mailed from someone other than the identified sender, mailroom staff shall confirm the mailing with the identified sender at a verified telephone number (e.g., Michigan Bar Journal). If confirmed, the mail shall then be processed with special handling. If the identified sender did not send the mail, an e-mail shall be sent to the identified sender confirming this information. A copy of the e-mail shall be retained with the log identified in Paragraph KK. In such cases, the mail will be processed in accordance with this policy but will not receive special handling.
- JJ. Incoming mail receiving special handling shall be opened and inspected for money, controlled substances, and other physical contraband in the prisoner's presence. The content of the mail shall not be read or skimmed. All physical contraband shall be confiscated prior to delivery to the prisoner. Mail opened in the prisoner's presence that clearly does not qualify for special handling or contains contraband shall be returned to the mailroom for processing in accordance with this policy.
- KK. A log shall be maintained to document the delivery of mail receiving special handling. The log shall include the date the mail was received in the mailroom, the sender's name, the prisoner's name and number, the date the mail was given to the prisoner, and the prisoner's signature acknowledging receipt of the mail. If the prisoner chooses not to sign or accept the mail, that shall be documented and the mail delivered to the prisoner.

#### PROHIBITED INCOMING MAIL

- LL. Envelopes which cannot be effectively searched may provide a means of introducing controlled substances, for example Suboxone or Fentanyl, or other contraband which poses a threat to the security, good order, or discipline of the facility. Therefore, envelopes will no longer be provided to prisoners when received in the mail except as set forth in Paragraph G. Staff shall replace incoming envelopes with a plain envelope purchased by the PBF before the mail is delivered to the prisoner. Staff shall ensure all of the contents allowed by policy that were received in the original incoming envelope are placed in the plain envelope for delivery to the prisoner. Staff shall also ensure the prisoner's name, number, and cell designation is clearly written on the plain envelope in order to ensure accurate delivery of the mail. The original incoming envelope shall then be discarded.
- MM. An incoming envelope received directly from an attorney or law firm, a legitimate legal service organization, a legal service organization, the Department of Attorney General, a prosecuting attorney's office, a court, a clerk of the court, a Friend of the Court office, or the Office of the Legislative Corrections Ombudsman shall be discarded only after a copy of the envelope is made showing the name and address of the sender and postmark. The copy shall be delivered to the prisoner instead of the original incoming envelope and its content processed in accordance with this policy.
- NN. Prisoners are prohibited from receiving mail that may pose a threat to the security, good order, or discipline of the facility, facilitate or encourage criminal activity, or interfere with the rehabilitation of the prisoner. The following pose such risks under all circumstances and therefore shall be rejected:
  - 1. Mail containing specific information regarding the manufacture, or operation of electronic security systems, weapons, explosives, ammunition, or incendiary devices.
  - 2. Mail depicting or describing procedures for manufacturing poisons, alcohol, or controlled substances.
  - 3. Mail violating, advocating, or promoting the violation of state or federal laws. This includes mail advocating or promoting the filing of a false or fraudulent Uniform Commercial Code (UCC) financing statement in violation of MCL 440.9501.
  - 4. Mail advocating or promoting violence, group disruption, or insurrection.

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5. Mail describing or depicting acts of sadism, masochism, bondage, necrophilia, or bestiality, or describing, depicting, or appearing to promote sexual acts involving children. This does not include small advertisements in a publication sent directly from the publisher or an authorized vendor except if the advertisement depicts or appears to promote sexual acts involving children.
6. Mail advocating racial supremacy or ethnic purity or attacking a racial or ethnic group, which is reasonably likely to promote or cause violence or group disruption in the facility.
7. Mail providing detailed instruction in the martial arts, such as judo, karate, aikido, kendu, kung fu, and similar techniques.
8. Subject to Paragraph Z, a book, magazine, newspaper, or other publication that is not received directly from the publisher, an Internet vendor identified on Attachment A, a vendor identified on Attachment B, or, if the prisoner is approved to take a correspondence course pursuant to PD 05.02.119 "Correspondence Courses," directly from the approved correspondence school. This does not apply to an article or a few pages, or copies of a few pages, from a publication that may be included with a letter or other mail, unless it is reasonably believed to be an attempt to circumvent this restriction. Retail and wholesale catalogs are specifically addressed in Paragraph AA.
9. A used publication.
10. A publication received on a credit basis (e.g., from a book club). This does not apply if the publication is completely pre-paid and receipt does not obligate the prisoner to make future credit purchases.
11. Mail containing, or encouraging or providing instruction in, the commission of criminal activity. This includes mail encouraging or providing instruction in the filing of a false or fraudulent UCC lien.
12. Mail containing a provocative or scurrilous attack on any religion or religious group. This does not include a thoughtful and rational discussion of religious beliefs or differences between religions.
13. Nude photographs, except if included in a publication sent directly from the publisher or an authorized vendor. Nude photographs are defined as any photograph exposing the buttocks (including photographs of an individual wearing a thong with the buttocks visible), pubic area or genitalia, or, except if a baby or infant, the female breast below the top of the areola. This includes exposure through "see through" materials.
14. Photographs depicting actual or simulated sexual acts by one or more persons. This includes photographs in a publication sent directly from the publisher or a vendor authorized by the facility.
15. Non-commercially produced greeting cards; commercially produced greeting cards made of non-standard card stock paper or which have embellishments, are multi-fold, or exceed 6"x8" in size.
16. Official photographs of a victim at a crime scene or depicting injuries to a victim sustained as a result of a crime that were taken for purposes of criminal investigation or prosecution. This includes photographs of the autopsy of a victim.
17. Mail depicting, encouraging, or describing methods of escape from a correctional facility. This includes blueprints, drawings, or similarly detailed descriptions of correctional facilities, courthouses and medical care facilities, and detailed roadmaps of Michigan, any state-contiguous to Michigan, or the Province of Ontario, Canada.
18. Mail written in code, or in a foreign language which cannot be screened by institutional staff to the extent necessary to conduct an effective search. However, correspondence written in a foreign language shall be processed as set forth in Paragraphs SS through UU of this policy.

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19. Mail that is known to contain personal information about an employee or an employee's family, unless it is sent by the employee and the employee is related to the prisoner by blood or marriage, or is provided with the approval of the Administrator of the Office of Legal Affairs or designee regarding pending litigation. This includes personal information published in newspapers.
  20. Mail for the purpose of operating a business enterprise while within the facility. This does not apply to mail regarding the operation of a business enterprise after release.
  21. Mail that is restricted or prohibited under a court order (e.g., personal protection order).
  22. Mail violating postal regulations.
  23. Mail containing threats.
- OO. Mail which prevents an effective search may provide a means of introducing controlled substances, for example Suboxone or Fentanyl, or other contraband which poses a threat to the security, good order, or discipline of the facility. The following prevents an effective search and therefore shall be rejected, except as set forth in Paragraph PP:
1. Mail that is taped, pasted, or otherwise joined or fastened to another item. Mail shall not be rejected for a fastener that may be removed as set forth in Paragraph G.
  2. Mail which includes the use of crayon, non-graphite pencil, highlighter, or other markers on the paper.
  3. Mail which includes glitter, lipstick marks, unusual stains, body fluids, perfumes, oils, or other foreign or unknown substance on the paper.
  4. Mail, including photographs and pictures, received on non-white, heavy weight (i.e., greater than 24 pound), construction paper, card stock, or photo paper. This does not include white lined paper.
  5. Mail with stamps, stickers, labels, or anything affixed to the paper with an adhesive.
- PP. A publication shall not be rejected under Paragraph OO if it is received directly from the publisher or an authorized vendor. Mail received directly from the following also shall not be rejected under Paragraph OO:
1. A correspondence school under PD 05.02.119 "Correspondence Courses."
  2. A governmental agency conducting official business with the prisoner, including but not limited to, a court, a Clerk of the Court, a Friend of the Court office, and the office of the Legislative Corrections Ombudsman.
  3. An embassy or consulate conducting official business with the prisoner.
  4. An attorney, a law firm, or a legal service organization conducting official business with the prisoner.
- QQ. Mail depicting a sign or symbol of a security threat group designated pursuant to PD 04.04.113 "Security Threat Groups" shall be evaluated on a case-by-case basis in order to determine if the sign or symbol is believed to pose a threat to the security, good order, or discipline of the facility, facilitate or encourage criminal activity, or interfere with the rehabilitation of the prisoner.
- RR. If any written material, picture, or photograph contained within a publication is believed to be in violation of this policy, the entire publication shall be rejected. However, if the written material, picture or photograph is in a section of a newspaper that is not stapled or otherwise affixed to the rest of the



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newspaper, only that section of the newspaper shall be rejected. The rest of the newspaper shall be delivered to the prisoner.

#### CORRESPONDENCE WRITTEN IN A FOREIGN LANGUAGE

- SS. Incoming correspondence mailed to a prisoner that is written in a foreign language shall not be interpreted or translated by Department staff or prisoners.
- TT. Wardens must retain the services of one or more vendors to provide an English summary of the content of correspondence received by prisoners that is written in a foreign language and, if necessary, a detailed English translation. The summarization and translation services shall be retained via a purchase order within the facility's delegated authority. These services shall be provided in a prompt manner but not to incur overtime charges for expedited services. Summarization and translations are not required for electronic messages forwarded through the Department's contracted vendor. The use of the vendor shall be at the Department's expense.
- UU. If correspondence addressed to a prisoner is written in a foreign language, staff designated by the Warden shall contact one or more of the facility's vendors for summarization and translation services and request a verbal English summarization of the correspondence. Appropriate facility staff shall prepare a written summarization using the Mailroom Foreign Language Summarization Log (CAJ-1032), making a specific notation of any potential violations of policy. If no violation of policy is noted, the item shall be promptly delivered to the prisoner. All pages of the correspondence shall be stamped "Translation Approved" and dated so that the correspondence will not be confiscated upon inspection or when the prisoner is transferred to another facility. If the correspondence is believed to be in violation of policy, staff shall initiate the mail rejection process as outlined in this policy.

#### REJECTED MAIL

- VV. Whenever mail addressed to a prisoner is opened and believed to be in violation of policy, a Notice of Package/Mail Rejection (CSJ-316) shall be completed and promptly sent to the prisoner, except as set forth in Paragraph F. The Notice shall identify the specific item believed to be in violation of this policy and why the item is believed to be in violation of policy. A copy of the Notice shall also be sent to the person or entity that sent the mail if a return address is identified.
- WW. Unless the prisoner waives his/her right to a hearing in writing by choosing an allowable disposition for the item, and the prisoner and staff agree on the appropriate disposition of the item, a prompt hearing shall be conducted pursuant to Administrative Rule 791.3310 to determine if the mail violates policy for the reason(s) identified in the Notice of Package/Mail Rejection (CSJ-316) and, if so, the appropriate disposition of the mail. The hearings officer shall not be the person who issued the Notice.
- XX. If a hearing is conducted, an Administrative Hearing Report (CSJ-144) shall be completed by the hearings officer. The prisoner shall be provided the opportunity to review the mail or a copy of the mail at the hearing unless the review itself would threaten the order and security of the facility, encourage or provide instruction in criminal activity, or interfere with the rehabilitation of the prisoner. If the prisoner is not permitted to review the mail or a copy of the mail at the hearing, the hearings officer shall state the reason for that decision on the Administrative Hearing Report. If a summarization was provided for correspondence written in a foreign language, the hearings officer shall review the summarization prior to issuing a finding. The hearings officer may request a full written translation of the correspondence if necessary to issue the finding.
- YY. If the hearings officer finds that the mail does not violate this policy, the mail shall be returned to the mailroom to determine if any other violations of policy exist. If other violations exist, the mail shall be processed as set forth in Paragraph VV through XX. If there is no other reason to reject the mail pursuant to this policy, the mail shall be promptly delivered to the prisoner unless it is determined by the Warden or designee that the hearings officer's decision was not supported by policy and a rehearing is ordered.
- ZZ. If the hearings officer finds that the mail violates this policy, the hearings officer shall determine the appropriate disposition of the mail as set forth in Paragraph HHH. The disposal option chosen by the hearings officer shall be specifically stated on the Administrative Hearing Report. The hearings officer

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may take into consideration the prisoner's choice of disposition in making that determination but shall identify only one disposal option on the hearing report.

- AAA. Whenever a hearings officer finds that a newspaper, magazine, book, or other publication violates this policy based on its written or pictorial content, the publication shall be submitted in a timely manner to the Warden along with a copy of the Notice and the Administrative Hearing Report. If the Warden does not agree that the publication violates this policy based on its content, that decision shall be noted on the Administrative Hearing Report and the publication promptly delivered to the prisoner with a copy of the Warden's decision. If the Warden agrees that the publication violates this policy based on its written content, s/he shall proceed as set forth in Paragraph BBB. In all other cases involving the pictorial content of a publication, the Warden shall make the final decision. The Warden may maintain a list of publications rejected under his/her authority due to pictorial content.

#### RESTRICTED PUBLICATIONS LIST

- BBB. If the Warden concurs with the hearings officer's decision that a publication violates this policy based on its written content, the Warden or designee shall promptly submit copies of the Notice, the Administrative Hearing Report, the publication's cover, and a representative sampling of the specific sections of the publication found to be in violation of this policy to the CFA Deputy Director or designee for a final determination whether the publication violates this policy. The Warden or designee shall be notified of the decision. The Warden shall ensure that the prisoner is notified of the decision and, if the CFA Deputy Director or designee does not agree that the publication violates this policy, ensure that the publication is promptly given to the prisoner.
- CCC. If the CFA Deputy Director or designee agrees that a publication violates this policy for the reason(s) identified in the Administrative Hearing Report, it shall be placed on the Restricted Publications List. The Restricted Publications List shall be maintained by the CFA Deputy Director or designee and be available to all staff on the Document Access System (DAS).
- DDD. Once a publication is placed on the Restricted Publications List, it shall be rejected at all facilities without the need for a hearing to determine the basis for the rejection removed, unless otherwise indicated on the Restricted Publication List. If a Warden maintains a list of publications rejected under his/her authority due to pictorial content pursuant to Paragraph AAA, a publication placed on that list also shall be rejected at that facility without the need for a hearing. However, a Notice of Package/Mail Rejection (CSJ-316) shall be completed whenever a publication on the Restricted Publications List or the list maintained by the Warden is subsequently received for a prisoner. Copies of the Notice shall be sent to the prisoner and to the person or entity that sent the publication, if a return address is identified. The Notice shall identify the publication and state that the publication will not be delivered because it is on the Restricted Publications List or the list maintained by the Warden, as applicable.

#### APPEAL OF REJECTED MAIL

- EEE. A prisoner who disagrees with the outcome of a hearing may file a grievance as set forth in PD 03.02.130 "Prisoner/Parolee Grievances." If the publication was referred to the CFA Deputy Director or designee for a final determination pursuant to Paragraph BBB, however, the grievance should not be filed until a final determination has been made.
- FFF. Within ten business days after the date of the Notice, the sender may appeal the proposed rejection by sending a letter to the Warden. An appeal received by any other facility staff shall be referred to the Warden as soon as possible. If the mail was referred to the CFA Deputy Director or designee pursuant to Paragraph BBB, the Warden shall not respond to the sender until a decision is made by the CFA Deputy Director or designee. If the mail was rejected because it was already on the Restricted Publications List, the sender's appeal shall be forwarded to the CFA Deputy Director or designee through the appropriate chain of command for review. In all circumstances, the sender shall be notified in writing whether the appeal is granted or denied. If the appeal is granted, that decision shall be noted on the Administrative Hearing Report and the mail promptly delivered to the prisoner.

#### DISPOSITION OF REJECTED MAIL

- GGG. Prior to disposal, rejected mail shall be retained at the facility for at least 15 business days after the date

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of issuance of the Notice of Package/Mail Rejection or hearing, whichever is later. However, if a publication was referred to the CFA Deputy Director or designee pursuant to Paragraph BBB, it shall be retained at the facility until a final decision is made by the CFA Deputy Director or designee. If the CFA Deputy Director or designee determines that the publication violates this policy, the publication shall be retained at the facility until the prisoner has exhausted the grievance process. If the sender appeals the rejection, the mail shall not be disposed of until after a response to the appeal is sent. If the mail violates state or federal law, it shall be turned over to appropriate law enforcement and only a copy retained.

HHH. After retention for the period set forth in Paragraph GGG, rejected mail shall be disposed of by one of the following methods as determined by the hearings officer or as indicated by the prisoner on the Notice of Package/Mail Rejection if a hearing is not required pursuant to Paragraph WW or DDD of this policy:

1. Returned to the sender at the prisoner's expense. Funds shall not be loaned for this purpose. If the prisoner does not have sufficient funds to pay the required postage, the mail may be destroyed no sooner than ten business days after the prisoner is notified in writing of this intent.—The mail shall be mailed out at the prisoner's expense during this ten-day period if the prisoner receives sufficient funds to pay the cost of the postage.
2. Mailed at the prisoner's expense to a person designated by the prisoner, except that the mail shall not be sent to another prisoner, a court, an identified public official, or a Department employee unless that employee or public official is related by blood or marriage to the prisoner. Funds shall not be loaned for this purpose. If the prisoner does not have sufficient funds to pay the required postage, the mail may be destroyed no sooner than ten business days after the prisoner is notified in writing of this intent. The mail shall be mailed out at the prisoner's expense during this ten-day period if the prisoner receives sufficient funds to pay the cost of the postage.
3. If the item is a photograph, book, or magazine, retained and stored by the facility for up to 30 calendar days for pick-up by a person designated by the prisoner. If the mail is not picked up within 30 calendar days, it may be destroyed no sooner than ten business days after the prisoner is notified in writing of this intent. The mail may be picked-up during this ten-day period.
4. If the item is the prisoner's original certified birth certificate, original Social Security card, original GED certificate or other official document that the prisoner may need upon release, retained in the prisoner's Record Office file until the prisoner paroled or discharges, at which time the documents shall be given to the prisoner.
5. Destroyed, except that a publication or photograph shall be destroyed only if the prisoner agrees or as allowed pursuant to nos. 1 through 3 above. Documents identified in no. 4 above shall not be destroyed.

#### PROCESSING OF MAIL

III. Facilities shall endeavor to process all incoming and outgoing mail within two business day after receipt. Mail received by any form of express mail or special delivery is not required to be expedited. Mail sent or received over holidays or weekends, and mail requiring special handling or foreign language summarization, may require additional time to process. However, mail sent via disbursement to a court, an attorney, or a party to a lawsuit shall be processed consistent with the requirements set forth in Paragraph O. Prisoners shall not be used to process mail.

JJJ. Mail received for a prisoner who has transferred to another Department facility shall be returned unopened to the postal carrier that delivered the item. The new mailing address of the prisoner shall be provided to the carrier for at least two months after the transfer to allow for forwarding of the mail, when possible. Mail received for a prisoner in a secure hospital or in Duane L. Waters Health Center shall be forwarded to the prisoner. Mail, including legal mail, received for a prisoner in any other hospital setting shall be returned to the sender unopened. If an attorney subsequently contacts the facility indicating that the returned mail contains time-sensitive information, facility staff shall contact the

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CFA or FOA Deputy Director, as appropriate, for instructions how to proceed.

- KKK. Upon notification of parole to the community or discharge, a prisoner must inform the mailroom supervisor in writing of his/her new address if the prisoner wants the mail forwarded as set forth in Paragraph JJJ. If a prisoner does not request that his/her mail be forwarded, any mail received for the prisoner shall be returned to the carrier for return to the sender or, if the carrier will not return the mail, for disposition in accordance with the carrier's regulations.
- LLL. Mail received for a prisoner who has been released on court writ shall be returned to the carrier for return to the sender. If the carrier will not return the mail, for disposition in accordance with the carrier's regulations, unless the prisoner has made other arrangements in writing with the mailroom supervisor.

#### ELECTRONIC MESSAGES

- MMM. Family members and other members of the public may transmit messages electronically to a prisoner. However, the electronic messages may be sent only through a vendor approved by the Department. The use of electronic messaging is considered a privilege. Senders are required by the vendor to comply with all of its terms and conditions of use, including not to use the service for a fraudulent or other inappropriate purposes. All electronic messages are scanned for suspicious content, recorded, and archived. All electronic messages will be monitored and will not receive any special handling, regardless of sender, even if the message would qualify for special handling if received through the mail.
- NNN. Upon receipt at the facility, electronic messages shall be searched and processed in the same manner as set forth for mail in this policy. However, the written content may be read in its entirety to determine if it violates this policy. All electronic messages that have been determined by the vendor to include suspicious content shall be read in its entirety. An electronic message that may pose a threat to the security, good order, or discipline of the facility, facilitate or encourage criminal activity, or interfere with the rehabilitation of the prisoner shall be rejected, using the same criteria as set forth in Paragraph NN for mail.
- OOO. Whenever an electronic message is rejected pursuant to Paragraph NNN, the prisoner to whom the electronic message was intended is not entitled to notice of its rejection or a hearing on the rejection. Designated staff shall notify the sender through the vendor, however, that the electronic message was rejected and therefore will not be delivered and provide the reason for the rejection. The sender may appeal the rejection in the same manner as set forth for rejected mail in this policy. The printed copy of the rejected message shall be retained for at least fifteen business days after the sender is notified of the rejection. The printed copy shall then be destroyed unless an appeal by the sender is pending or the rejection determination has otherwise been reversed. Although the printed copy is destroyed, the vendor will retain an archived copy.
- PPP. The Department may block a sender from transmitting electronic messages if the sender has repeatedly sent such messages in violation of this policy or for other reasons as approved by the CFA Deputy Director. The Department may similarly block a prisoner from receipt of electronic messages if such messages have repeatedly been sent to the prisoner in violation of Department policy or for other reasons as approved by the CFA Deputy Director. Notice of the block shall be sent to the sender or prisoner, as appropriate, within a reasonable time after the block is initiated. If blocked, the sender and prisoner may continue to send/receive mail in accordance with this policy. The sender may appeal the block to the Warden.

#### PROCEDURES

- QQQ. The CFA Deputy Director and Wardens shall ensure that procedures are developed as necessary to implement requirements set forth in this policy directive within 60 calendar days after the effective date.

#### AUDIT ELEMENTS

- RRR. A Primary Audit Elements List has been developed and is available on the Department's Document Access System to assist with self-audit of this policy pursuant to PD 01.05.100 "Self-Audits and Performance Audits."

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ATTACHMENTS

SSS. This policy includes the following attachments:

1. Attachment A - Approved Internet Vendors
2. Attachment B - Authorized Vendors for Publications

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## ATTACHMENT A

### APPROVED INTERNET VENDORS FOR PUBLIC PURCHASES

- A. Prisoners may receive publications ordered by members of the public from the following Internet vendors, provided the publication is not used and is sent directly to the prisoner from the Internet vendor:

Amazon.com  
BarnesandNoble.com  
EdwardRHamilton.com and HamiltonBooks.com  
prisonlegalnews.org/humanrightsdefensecenter.org/action/publishing/  
Schulerbooks.com  
Walmart.com

- B. Visually impaired prisoners who read Braille also may receive Braille publications ordered by members of the public from the following Internet vendor provided the publication is sent directly to the prisoner from the vendor:

American Printing House for the Blind (aph.org)

#### NOTES:

1. Under no circumstances shall prisoners in a correctional facility be permitted to order publications from an Internet vendor.
2. Prisoners also may receive publications ordered by members of the public from a publisher provided the publication is not used, was sent directly to the prisoner by the publisher, and does not otherwise violate this policy.
3. Some approved Internet vendors, such as Amazon.com, allow private individuals and other vendors to directly sell publications on their websites. In such cases, prisoners are allowed to receive the publication only if the vendor actually selling the publication is identified on this attachment as an approved vendor
4. Some approved internet vendors, such as Amazon.com, no longer include an invoice or packing slip with the packages they ship verifying that the delivered publication is in compliance with this policy. To assist in ensuring that the item can be delivered, written verification that the publication was purchased from the approved vendor must be provided. This can be done by:
  - a. Requesting a gift receipt be included with the package at the time of purchase.
  - b. Sending to the prisoner a copy of the invoice provided to the purchaser by the internet vendor. The invoice may be sent via the US mail or by e-mail through J-pay

APPROVED: HEW 01/07/2019

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## ATTACHMENT B

### AUTHORIZED VENDORS FOR PRISONER PURCHASES OF PUBLICATIONS

- A. Prisoners may order and receive non-used publications from the following vendors:
- Edward R. Hamilton Bookseller  
Prison Legal News/Human Rights Defense Center  
Schuler Books & Music
- B. Visually impaired prisoners who read Braille also may order and receive Braille publications ordered from the following vendors:
- National Library of Congress  
Service for the Blind and Physically Handicapped  
American Printing House for the Blind
- C. The Warden or designee may authorize additional local vendors from whom prisoners at their respective facilities may order and receive non-used publications. The prisoner shall be permitted to receive the publication, subject to other policy restrictions, if transferred to another facility prior to receipt of the publication.
- D. The CFA Special Activities Coordinator shall authorize vendors from whom prisoners may order and receive non-used religious publications, as set forth in PD 05.03.150 "Religious Beliefs and Practices of Prisoners." A list of authorized religious vendors is available on the Department's Document Access System (DAS).

All publications must be ordered from the above vendors through institutional ordering procedures and received directly by the prisoner from the vendor. Publications ordered from the above vendors from members of the public shall be rejected in accordance with Paragraph MM and NN of this policy. Publications ordered by prisoners are subject to all requirements set forth in this policy.

Prisoners also may receive publications ordered through institutional ordering procedures, or by members of the public, from the publisher provided the publication was sent directly to the prisoner from the publisher and does not otherwise violate this policy.

PD 05.01.142 "Special Alternative Incarceration Program" controls for prisoners in the Special Alternative Incarceration Program.

APPROVED: HEW 03/27/2018

## Notice Regarding Prisoner Mail

On October 17, 2019, the following information was emailed to all Wardens for dissemination to staff:

This is a reminder that each facility must comply with the procedures set forth in Policy Directive 05.03.118, *Prisoner Mail*, and Department Operating Procedure 05.03.118A, *Handling Prisoner Incoming Mail*, paragraph G regarding the rejection of prisoner mail, including the following:

- Mail should not be prohibited solely because the content is religious, social, unpopular, etc.
- Prisoners are prohibited from receiving mail that may pose a threat, including the example situations listed
- A notice of a rejection must be sent to the sender as well as the prisoner
- Levels of review and the appeal process

Additionally, please have the mailroom staff conduct a read-and-sign of PD 05.03.118 and Statewide OP 05.03.118A by November 15, 2019, and send the completed signatures to Litigation Specialist Jaquine Castillo.

Please ensure that any facility operating procedures are also in compliance no later than November 30, 2019, and include the review process, notice to the prisoner and sender, and the availability of appeal.

If you have any questions, please contact the Office of Legal Affairs Administrator Jared Warner.