



STATE OF MICHIGAN
DEPARTMENT OF CORRECTIONS
LANSING

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DIRECTOR'S OFFICE MEMORANDUM 2019 - 2

EFFECTIVE: January 1, 2019

DATE: December 13, 2018

TO: Executive Policy Team
Administrative Management Team
Wardens

FROM: Heidi E. Washington, Director

SUBJECT: Electronic Messaging (e-mail)

SUPERSEDES DOM 2018 - 2 (effective 01/01/2018)

For purposes of this Director's Office Memorandum, "prisoners" includes parolees housed in the Detroit Reentry Center (DRC).

Prisoners in correctional facilities may be allowed to receive electronic messages (e-mail) from members of the public, including family members, sent through JPay as set forth in this Director's Office Memorandum. General population prisoners at correctional facilities may also be allowed to send e-mail to members of the public as set forth in this Director's Office Memorandum through JPay. This service is available at no cost to the Department. The system links information to reveal associations between prisoners and senders for use by designated staff (e.g., inspectors). E-mailing through JPay, including use of a kiosk to send or read such messages, is considered a privilege.

All in-coming and out-going e-mail sent via JPay are scanned for suspicious content, recorded, and archived by JPay. In addition, all e-mails received by the MDOC 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. Senders are required to comply with all of JPay's terms and conditions of use, including not to transmit content that is unlawful, obscene, or is otherwise objectionable as determined by the MDOC, or for a fraudulent or other inappropriate purpose. Service terminations by JPay must be addressed with JPay and are not appealable to the Warden.

SENDING WORK RELATED MESSAGES TO PRISONERS

Staff who have been approved by the Warden or designee, and who are registered users, may send work-related e-mail to a prisoner who has access to a kiosk.

IN-COMING E-MAILS TO PRISONERS

Upon receipt at the facility of an e-mail sent to a prisoner, the e-mail shall be printed by designated staff (unless the prisoner is allowed access to a kiosk to read e-mail) and processed in the same manner as set forth for mail in PD 05.03.118 "Prisoner Mail." However, the written content may be read in its entirety to determine if it violates PD 05.03.118. Any e-mail that JPay has identified as including potentially suspicious content shall be read in its entirety. An e-mail that is determined to violate PD 05.03.118 shall be rejected. The intended prisoner recipient is not entitled to notice of the rejection or a hearing. Designated staff shall notify the sender, however, that the e-mail will not be delivered and the reason for the rejection through JPay. The sender may appeal the rejection in the same manner as set forth for rejected mail in PD 05.03.118. JPay will retain all messages as an archived copy.

Staff designated by the Warden may block a sender from transmittal of e-mail to prisoners if the sender has repeatedly sent messages in violation of MDOC policy or for other reasons as approved by the appropriate Deputy Director. Designated staff may similarly block a prisoner from receipt of e-mail if messages have repeatedly been sent to the prisoner in violation of Department policy or for other reasons as approved by the appropriate Deputy Director. Notice of the block shall be sent to the sender or prisoner, as appropriate, within seven business days after the block is initiated. If blocked, the sender and prisoner may continue to correspond via the United States Postal Service in accordance with PD 05.03.118.

APPEALING AN E-MAIL BLOCK

A sender may appeal an e-mail block initiated by MDOC staff to the Warden, unless the block was approved by the Deputy Director. The Warden or designee shall review the appeal and grant or deny it within 14 business days from the day the appeal was received. The sender shall be notified in writing if the appeal was granted or denied. Blocks that have been approved by the Deputy Director or initiated by the vendor cannot be appealed.

OUT-GOING E-MAILS FROM PRISONERS

Prisoners will not be allowed to initiate contact with a member of the public. A prisoner will only be allowed to send e-mail to a person who first sent the prisoner an e-mail. A person may block receipt of an e-mail from a prisoner if s/he chooses to do so.

Prisoners will use kiosks installed in housing units or other designated areas within the institution to send e-mail. The kiosks also will be used to retrieve e-mail sent from members of the public. Prisoners serving a toplock or "loss of privileges" sanction will not have access to the kiosk during the sanction period but may retrieve transmitted inbound e-mail after the sanction period has been served. Printing services are available via the kiosk at a fee established by the CFA Deputy Director.

Outbound e-mailing services will not be available to prisoners in any form of segregation or to prisoners in the Special Alternative Incarceration Facility. In addition, such services will not be available to prisoners housed in non-traditional general population housing or in-patient mental health units, the Duane L. Waters Health Center, Residential Treatment Programs, or the Secure Status Outpatient Treatment Program unless approved by the CFA Deputy Director or designee. Prisoners designated as STG I or STG II are restricted from sending e-mail.

All outbound e-mail is scanned for suspicious content, recorded, and archived by JPay. In addition, all outbound e-mail is subject to monitoring by the MDOC. Any outbound e-mail that JPay has identified as including potentially suspicious content shall be read in its entirety. An outbound e-mail that is determined to violate PD 05.03.118 "Prisoner Mail" shall not be transmitted to the recipient. In such cases, designated staff shall notify the sending prisoner that the message will not be transmitted and the reason for that decision. The prisoner is not entitled to a hearing to contest this decision.

Staff designated by the Warden may block a prisoner from sending e-mails if the prisoner sends e-mail in violation of MDOC policy or for other reasons as approved by the appropriate Deputy Director. Notice of the block shall be sent to the prisoner within seven business days after the block is initiated. If blocked, the prisoner may continue to correspond via the United States Postal Service in accordance with PD 05.03.118. If a prisoner disagrees with the block, s/he may file a grievance.