

125-3-3-.01 Mail. Amended.

(1) All incoming and outgoing non-privileged mail is subject to inspection and random reading by correctional staff, in order to reveal escape plots, plans to commit illegal acts, plans to violate institution rules, or other security concerns.

(2) The Superintendent may reject correspondence sent by or to an inmate if it is determined detrimental to the security, good order, or discipline of the institution, the protection of the public, or if it might facilitate criminal activity.

(3) All mail between inmates or residents shall be inspected for contraband or dangerous information.

(4) An inmate's mail privilege may be withdrawn as a result of action taken where an abuse of the mail privilege is found, or as a result of action where persons request termination of correspondence with the inmate.

Authority Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-1, 42-2-4, 42-2-11, 42-5-14, 42-5-53, 42-5-159, 42-10-2. **History.** Rule entitled "Mail" adopted as R. 415-3-3-.01. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-3-3-.01 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency. **Repealed:** New Rule of same title adopted. F. Sept. 16, 1986; eff. Oct. 6, 1986. **Amended:** F. Oct. 23, 1990; eff. Nov. 12, 1990. **Amended:** F. Feb. 10, 1998; eff. Mar. 2, 1998.

125-3-3-.02 Inspection of Mail.

Both outgoing and incoming mail will be inspected for contraband. Contraband is considered to be an item not issued to an inmate or available or authorized for purchase through the mail or the institutional store or specifically authorized by the Warden/Superintendent. All incoming/outgoing mail must have a complete name and address of the sender and receiver on the envelope. A complete address for outgoing/incoming inmate mail shall include the inmate's full name, state I.D. number, unabbreviated institutional name, post office box, city/state, and zip code. A return address must be present on incoming mail so that undeliverable mail may be returned to the sender. Outgoing non-privileged mail discovered to contain or reasonably suspected of containing contraband or information presenting a direct threat to institutional security may be opened and inspected.

Authority Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-4, 42-2-11, 42-5-14, 42-5-15, 42-5-53, 42-10-4. **History.** Rule entitled "Inspection of Mail" adopted as R. 415-3-3-.02. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-3-3-.02 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency. **Repealed:** New Rule of same title adopted. F. Sept. 16, 1986; eff. Oct. 6, 1986. **Amended:** F. Jan. 13, 1989; eff. Feb. 2, 1989. **Amended:** F. May 6, 2005; eff. May 26, 2005.

125-3-3-.03 Privileged Mail. Amended.

(1) Inmates may write uncensored and sealed letters to the following officials:

- (a) The Governor.
- (b) The Lieutenant Governor.
- (c) Members of the General Assembly of Georgia.
- (d) The President and Vice-President of the United States and Members of the United States Congress.
- (e) Members of the State Board of Corrections.
- (f) The Commissioner of the Department of Corrections.
- (g) Deputy Commissioners of the Department of Corrections.
- (h) The Executive Assistant of the Department of Corrections.
- (i) Members of the State Board of Pardons and Paroles.
- (j) The Courts.
- (k) The Inmate's Attorney. This category shall include any attorney, licensed to practice in State or United States Courts, Courts of Appeals, or the Supreme Court, with whom the inmate has had or is attempting to establish an attorney-client relationship.
- (l) The Press. The term "Press" is defined as newspapers, news magazines, news services, and radio and television stations. Privileged press mail must reflect the return address including the name of the newspaper, news magazine, news service, radio station or television station commercially printed on the envelope. The mailing address of outgoing press mail must reflect the name of the newspaper, news magazine, news service, radio station or television station.
- (m) Other Governmental Agencies. This category is defined as agencies or instrumentalities of municipal, county, state and federal governments.

(2) Mail to and from the above sources may be externally inspected by fluoroscope, metal detecting device, or manual manipulation for the purpose of detecting contraband. Such inspection must not be permitted to create undue delays. Any correspondence discovered to contain or reasonably suspected of containing contraband or of being inauthentic may be opened and inspected provided such action is taken in the presence of the inmate concerned. Privileged mail shall not be subject to restriction as a disciplinary measure. All privileged mail shall be opened and inspected for contraband by an appropriately designated staff member in the presence of the respective inmate.

Authority Ga. Constitution 1982, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-1, 42-2-11, 42-5-53, 42-10-2.

History. Rule entitled "Privileged Mail" adopted as R. 415-3-3-.03. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-3-3-.03 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency. **Amended:** F. Oct. 23, 1990; eff. Nov. 12, 1990. **Amended:** F. Mar. 6, 2003; eff. Mar. 26, 2003.

125-3-3-.04 Publications.

(1) Inmates may receive a limited number of individual books, periodicals, or newspapers produced by publishing concerns provided the publications are received direct from the publisher concerned or direct from an established retailer.

(2) Inmates may not receive books, periodicals, or newspapers the contents of which could clearly and reasonably be expected to present a threat to institutional security and discipline.

(a) Inmates may not receive publications or material which, taken as a whole, would be found by the average person, applying contemporary community standards, to appeal to the prurient interest, which depicts or describes sexual conduct in a patently offensive way in a manner prohibited by the law of this State and by the laws of the United States, and which, taken as a whole, lacks serious literary, artistic, political, or scientific value.

(3) Membership in book clubs or similar enterprises may be restricted on a case by case basis due to the inadequate inmate funds, space limitations, or safety requirements. Each Warden/Superintendent may establish a specific limit upon the number of publications admissible per inmate, consistent with the accommodations available at his institution. Duplication of publications reasonably available through institutional library facilities may be restricted because of space or fire hazard considerations.

(4) Any publication which is determined by the personal inspection of the Warden/Superintendent or his/her assistant to be a threat to the security, discipline or good order of the institution or which violate laws of the state of Georgia can be excluded by the Warden/Superintendent. This decision will remain in force until such time as the inmate makes an appeal. Notice shall then be given to the inmate of the Warden's decision. The inmate may submit in writing to the Warden/Superintendent reasons for authorizing receipt of the publication. These written reasons shall be forwarded to the Commissioner or the Commissioner's designee along with the Warden/Superintendent's reasons for exclusion of the publication. Notice of final determination made by the Commissioner or the Commissioner's designee shall similarly be given the inmate upon receipt by the Warden/Superintendent.

Authority Ga. Constitution 1982, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-11, 42-5-53, 42-10-2. **History.** Rule entitled "Publications" adopted as R. 415-3-3-.04. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-3-3-.04 of same title. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency. **Repealed:** New Rule of same title adopted. F. June 28, 1989; eff. July 18, 1989.

125-3-3-.05 Funds. Amended.

(1) An inmate may receive funds only in the form of United States Postal Money Orders, Cashier's Checks, or Money Orders issued by companies licensed to sell Money Orders in the State of Georgia. Those companies which currently hold a valid license to issue Money Orders are published annually by the Accounting/Payroll Section after notification from the Department of Banking and Finance. This listing is included in the standard operating procedures promulgated by the Commissioner.

(2) Mailed personal checks, business checks, and cash are not acceptable for credit to inmate accounts.

(3) Any exceptions to the above must be approved by the Warden/ Superintendent. Such exceptions may include attorney fees, institutionally authorized retail purchases, or charitable contributions.

Authority Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-4, 42-2-11, 42-5-53, 42-10-2.

History. Rule entitled "Funds" adopted as R. 415-3-3-.05. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-3-3-.05. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency. **Amended:** F. Nov. 17, 1987; eff. Dec. 7, 1987. **Amended:** F. Dec. 10, 1992; eff. Dec. 30, 1992.

125-3-3-.06 Packages.

- (1) All packages received at the institution shall be inspected for contraband as previously defined by these rules. Unauthorized items contained in a package to an inmate, except items constituting evidence of a prosecutable offense, shall be returned to the sender by the institution and a record thereof maintained at the institution.
- (2) With the prior approval of the Warden/Superintendent and within the limits established by him for his institution, items may be received by inmates which would otherwise be prohibited by these rules.
- (3) Thirty days prior to Christmas, each Warden/Superintendent will publish instructions concerning the receipt of Christmas packages.
- (4) Outgoing packages may be mailed by an inmate, but will be inspected for unauthorized items prior to dispatch. Postage and wrapping materials must be provided by the sender-inmate.

Authority Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-4, 42-2-11, 42-5-51, 42-5-53, 42-5-60, 42-10-2. **History.** Rule entitled "Packages" adopted as R. 415-3-3-.06. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-3-3-.06. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.

125-3-3-.07 Abuses.

The following acts or practices will be considered abuses of the mailing privilege:

- (a) The writing of letters containing obscene, profane, or indecent language;
- (b) Writings which contain threats against an individual and writings which contain escape plots;
- (c) Writings which use or attempt to use the mailing privilege for any purpose which would present a clear threat or danger to institutional security and/or discipline or writings which violate postal regulations;
- (d) Writings which contain derogatory or personal attacks by an inmate on any person addressed under the privileged mail authorization and receipt of sealed mail in authentic or purportedly authentic envelopes but from an inauthentic source; and
- (e) The receipt of mail or an attempt to mail any letters or packages not in the prescribed manner established by the Warden at each individual institution.

Authority Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-11, 42-5-14, 42-5-53, 42-10-2.

History. Rule entitled "Abuses" adopted as R. 415-3-3-.07. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125-3-3-.07. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.

125-3-3-.08 Disciplinary Action.

(1) Commission by an inmate of any of the abuses set forth in Rule 125-3-3-.07, Abuses, will result in disciplinary action which may include withdrawal of an inmate's private correspondence privilege for a specified period. In order to avoid unnecessary apprehension among an inmate's correspondents when an inmate's mail privilege is suspended for disciplinary purposes, the institution will permit the inmate to notify persons on his mailing list of the period of suspension. Completed notification cards of indigent inmates will be processed by the institution. An inmate who is deprived of his private correspondence privilege for disciplinary reasons may appeal to the Warden/Superintendent as provided in Chapter 125-3-2, Discipline.

(2) Disciplinary action will not be taken against an inmate for committing the abuse specified in Rule 125-3-3-.07, Abuses (a), concerning the writing of letters containing obscene, profane or indecent language, unless the unauthorized language has been brought once to the attention of the inmate and he repeats said abuse in subsequent correspondence.

(3) Disciplinary action will not be taken against an inmate for committing the abuses specified in Rule 125-3-3-.07(d), Abuses, concerning derogatory or personal attacks on a person addressed under the privileged mail provision, unless the recipient of the outgoing writing complains and documents said complaint with the objectionable writing.

Authority Ga. Constitution 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-11, 42-5-14, 42-5-53, 42-10-2.

History. Rule entitled "Disciplinary Action" adopted as R. 415-3-3-.08. F. Nov. 14, 1984; eff. Dec. 4, 1984, renumbered as R. 125- 3-3-.08. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.

125-3-3-.09 Limitations.

(1) When abuses specified in Rule 125-3-3-.07(b), (c), and (e) of the mail privilege have been found, the Warden/Superintendent may prohibit further correspondence by the inmate with the person to whom the offending material is directed. Removal for abuses (a) and (d) shall be authorized only in accordance with paragraph (2) of this Rule.

(2) Where a Warden receives a complaint from a person with whom the inmate has been corresponding and where termination of the correspondence is requested, the Warden shall notify the inmate of said person's desire and inform the inmate that further correspondence with the individual shall end.

(3) The Warden shall maintain a list of persons with whom the inmate may no longer correspond as a result of action taken under paragraph (1) and/or (2) of this Rule.

(4) Where an inmate has been prohibited from corresponding with a person as a result of action taken pursuant to paragraph (1) and/or paragraph (2) of this Rule, he may at any time apply to the Warden, in writing, for reinstatement of the privilege to correspond with the person. If reinstatement is denied, the inmate shall be informed in writing of the reason for denial. Application for reinstatement may be made only once within any sixty day period. When consideration of reinstatement is made of a person removed from the correspondence privilege under the provisions of paragraph (2) of this Rule, the Warden or his representative shall communicate with the person making the original complaint to determine if resumption of correspondence is desired.

(5) When any mail has been rejected or not forwarded to the addressee pursuant to the foregoing rules, the inmate shall be immediately notified of that fact in writing. The notice shall identify the correspondent, shall specify the date received at the institution and identify the reason for rejection or non-forwarding. (6) Unauthorized items enclosed within a letter or package addressed to an inmate shall be **removed and processed in accordance with standard operating procedures promulgated by the Commissioner.** The letter or package shall be forwarded to the inmate and a record made of the **identity and disposition of the items removed.**

Authority Ga. Constitution 1982, 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-11, 42-5-14, 42-5-53, 42-5-55, 42-10-2. **History.** Rule entitled "Limitations" adopted as R. 415-3-3-.09. F. Nov. 14, 1984; eff. Dec. 4, 1984. Rule of same title renumbered as Rule 125-3-3-.09. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency. **Amended:** F. July 16, 2002; eff. Aug. 5, 2002.

125-3-3-.10 Mail Handling.

Inmates shall not be utilized in processing the mail.

Authority Ga. Constitution 1982, 1983, Art. XI, Sec. I, O.C.G.A. Secs. 42-2-4, 42-2-11, 42-5-53, 42-10-2.

History. Rule entitled "Mail Handling" adopted as Rule 415-3-3-.10. F. Nov. 14, 1984; eff. Dec. 4, 1984.

Rule of same title renumbered as Rule 125-3-3-.10. F. June 28, 1985; eff. July 20, 1985, as specified by the Agency.