

	DEPARTMENT OF PUBLIC SAFETY CORRECTIONS ADMINISTRATION POLICY AND PROCEDURES	EFFECTIVE DATE: NOV 3 0 2011	POLICY NO.: COR.15.02
		SUPERSEDES (Policy No. & Date): COR.15.02 & 2/17/2010	
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1.0 PURPOSE

To provide guidelines for the monitoring of inmate correspondence, the circumstances under which such monitoring is warranted, and to supplement the Administrative Rules of the Corrections Division as they pertain to this subject

2.0 REFERENCES AND DEFINITIONS

.1 References

- a. Hawaii Revised Statutes (HRS), Section 26-14.6, Department of Public Safety (PSD).
- b. HRS, Section 353C-2, Director of PSD, Powers and Duties.
- c. HRS, Section 353-30.
- d. Departmental Policies and Procedures (P&P), COR.08.03, Seizure of Evidence; COR.08.04, Contraband; COR.11.01, Inmate Segregation; COR.12.02, Inmate Legal Activities; COR.13.03, Adjustment Procedures Governing Serious Misconduct Violations and the Adjustment of Minor Misconduct Violations; COR.15.05, Inmate Access to Publications; and COR.17.01, Confiscation and Disposition of Personal Property of Inmates.
- e. American Correctional Association (ACA), Standards for Adult Correctional Institutions, 4th Edition, 4-4487, 4-4488, 4-4489.
- f. ACA, Guidelines for the Development of a Security Program, 3rd Edition, Correctional Mail Operations.

.2 Definitions

Contraband – Anything not specifically authorized for possession by the facility Warden, or which inmates are prohibited from obtaining or possessing by statute, rule, regulation, or order.

3.0 POLICY

Inmates shall retain their right of free expression and communication. Access to the public is an integral part of rehabilitation. Inmates shall be permitted to

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communicate with their families and friends as well as with public officials, the courts, individual members of the news media, and their attorneys. Correspondence shall be subject only to the limitations necessary to maintain order and security of the correctional institution.

4.0 PROCEDURES

- .1 There shall be no limit on the volume of letters an inmate may send or receive, except when there is a reasonable belief that a limitation is necessary to protect public safety or institutional order and security.
- .2 Correspondences to and from shall be in English unless authorized in accordance to the following:
 - a. Accommodations shall be made for inmates who are unable to write in English or if the recipient of the correspondence does not read English. Under these conditions, the inmate shall make a request to the Warden for approval to correspond and receive mail in a different language.
 - b. Inmates who are authorized to correspond in a language other than English may have their correspondence delayed in sending and / or receiving the document due to the review process by translators.
- .3 Incoming or outgoing mail to and from inmates shall be inspected.
- .4 Inmates in segregation shall be provided the same opportunities for writing and receipt of personnel, legal, and privileged mail as are available to the general population unless there is a programmatic basis for restriction as determined by the Adjustment or Program Committee. Suspension of correspondence shall never be for punishment purpose.
 - a. Factors that may warrant a restriction on correspondence include an offense involving the mail; threatening a State or Federal government official or other person, attempting to solicit funds or samples and subscribing to a publication without paying, planning an escape and planning or introducing contraband; i.e., weapons, drugs, drug paraphernalia, alcohol, etc.
 - b. Privileged correspondence shall not be subject to any restriction. However, recognizing the special nature of legal mail does not mean that it is above inspection.

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- c. The inmate shall be advised in writing of any correspondence restriction and given the opportunity to appeal the decision.
 - d. Reference Departmental Policy COR.11.01, Inmate Segregation, for further guidelines concerning inmate / ward correspondence while in segregation.
- .5 Privileged mail shall be subject only to inspection for contraband in the presence of the inmate. Privileged mail shall not be subject to censorship, unless there is sufficient cause to believe mail is in fact private or threatening under the pretext of legal mail. In such cases, reason for censorship will be documented and authorized by the facility Warden or his designee.
- .6 In order for mail to be considered privileged, it must be contained in a letterhead or official envelope, which is, marked "confidential" and which also bears the signature and typed or printed name of the correspondents. All mail from attorneys shall also bear the attorney's bar number.

Each inmate may correspond via privileged mail with the following:

- (1) Courts of the State of Hawaii or the United States
- (2) The inmate's previously identified personal attorney
- (3) The Hawaii State Ombudsman
- (4) The governor of the State of Hawaii
- (5) The Attorney General
- (6) The Director of the Department of Public Safety
- (7) The Corrections Division Administrator
- (8) The State of Hawaii Paroling Authority
- (9) The facility Warden
- (10) Elected state or federal officials

Those inmates committed under the jurisdictions other than the State of Hawaii may, in addition, correspond via privileged mail with the:

- (1) Chief executive of other jurisdictions
 - (2) Director of the department in the other jurisdiction to which committed
- .7 Employees shall not send any information or communication concerning an inmate which discusses in any way the status of an inmate to any agency, attorney's or individuals outside the Department including State and Federal Courts, unless that agency requests such information through proper channels.

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- .8 All replies to requests for information concerning inmates from outside agencies, attorney's or individuals shall be in accordance with established policies and shall be routed through the appropriate administrative authority as follows:
 - a. Requests for inmate information addressed to the Director shall be routed through the Director's Office for signature.
 - b. Requests for inmate information addressed to the facility Warden shall be routed through the facility Warden's Office for signature.
 - c. Request for inmate information addressed to the Internal Affairs (IA) Office shall be routed through the IA Chief Investigator's Office.
- .9 Facility Wardens shall publish and make available to inmates and personnel information indicating authorized items which are not restricted as contraband.
- .10 Correspondence to courts, attorneys, or other privileged sources shall be unlimited unless it becomes apparent that the correspondence is frivolous or criminal in nature; i.e., threatening, fraudulent, etc.
- .11 Inmates who do not have an amount equal to the cost of a first class stamp in their spendable account may be provided with postage.
- .12 An inmate who has less than the cost of writing paper in his spendable account shall be provided with writing paper with which to conduct personal correspondence.
- .13 If the inmate has less than the cost of a pen in his spendable account he shall be provided with a pen with which to conduct personal correspondence.
- .14 Inmates shall be required to pay for postage for official correspondence to the courts. If an inmate does not have an amount equal to the cost of a first class stamp in his account, and if an attorney does not represent an inmate, the facility may provide the inmate with postage.
- .15 All persons corresponding to inmates/detainees must fill out attached form PSD 8247 Visiting/Correspondence Application.
- .16 Inmates are allowed notary services. If such services are requested, the inmate shall be allowed to pay for a private notary to come to the facility and render the services.

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.17 Inmates shall pay for photocopying of their legal document(s) as outlined in COR.12.02, Inmate Legal Activities.

5.0 SCOPE

This policy applies to all Department correctional facilities.

APPROVAL RECOMMENDED


 Deputy Director for Corrections

11/30/11
 Date

APPROVED:


 Director

11/30/11
 Date

**STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY**

VISITING/CORRESPONDENCE APPLICATION

I, _____, (Date of Birth _____) of _____,
(Print--Applicant's Name) (Address)

the _____ of _____, request permission to
(Relationship) (Inmate or Ward's Name)

visit and/or correspond (Circle one or both) with the above-named inmate or ward.

LAWS AND REGULATIONS

1. A person commits the offense of promoting prison contraband in the first degree if he/she intentionally conveys a dangerous instrument or drug to any person confined in a correctional or detention facility; or being a person confined in a correctional or detention facility, he intentionally makes, obtains, or possesses a dangerous instrument or drug.

A "dangerous instrument" shall have the same meaning as defined in Section 707-700 (4); a dangerous instrument may only be possessed by or conveyed to a confined person with the warden's express prior approval; a "drug" shall include any of the items listed in Section 712-1240 (1)-(3) and (5)-(7); a drug may only be possessed by or conveyed to a confined person under medical supervision.

Promoting prison contraband in the first degree is a class B felony.

A person who has been convicted of a class B felony may be sentenced to ten (10) years imprisonment and a \$10,000 fine. (See Section 710-1022, Hawaii Revised Statutes.)

2. A person commits the offense of promoting prison contraband in the second degree if he/she intentionally conveys known contraband to any person confined in a correctional or detention facility; or being a person confined in a correctional or detention facility, he/she intentionally makes, obtains, or possesses known contraband.

"Contraband" means any article or thing which a person, confined in a correctional or detention facility, is prohibited from obtaining or possessing by statute, rule, regulation, or order.

Promoting prison contraband in the second degree is a class C felony.

A person who has been convicted of a class C felony may be sentenced to five (5) years imprisonment and a \$5,000 fine. (See Section 710-1023, Hawaii Revised Statutes.)

3. None but official visitors shall be allowed to visit any state correctional facility or to have any oral or written communication with the committed person, unless granted written permission by the warden of the correctional facility; nor shall any visitor deliver to or receive from any committed person any letter or message except with permission granted by the warden of a state correctional facility pursuant to the Administrative Rules of the Department. Unauthorized communications, passing of documents, or visiting is a class C felony.

Visiting. Visiting an inmate is a privilege and may be restricted or denied. (See Administrative Rules of the Corrections Program Concerning Visits.)

Procedures at all facilities shall be consistent with the following provisions:

- All non-privileged correspondence, packages, and other personal property dispatched or received by inmates may be inspected by the correctional facility. Privileged mail may only be inspected for contraband. (See Administrative Rules of the Corrections Program concerning Correspondence.)
- Every visitor upon authorized entry into a correctional facility or its grounds will be subject to a search of his or her person, vehicle, or any item in his or her possession. (See Hawaii Administrative Rules, Title 23, subtitle 2, Chapter 100-6)

I HAVE READ AND UNDERSTAND THE LAWS AND REGULATIONS SET FORTH HEREIN AND I AGREE TO ABIDE BY THEM.

Applicant's Signature

Date

Social Security Number

Approved/Disapproved:

Warden

Date