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Edward L. Evans, Interim Director Oklahoma Department of Corrections		Signature on File	

Correspondence, Publications, and Audio/Video Media Guidelines

Offenders may have unlimited communication with persons or organizations subject to the limitations necessary to protect public safety, institutional order, and security as specified in this procedure. (2-CO-5D-01, 4-4487, 4-ACRS-6A-07)

For the purpose of this procedure, the term “offender” will apply to anyone under the authority, custody or care of a prison or a community-based facility operated by or contracted with the Oklahoma Department of Corrections (DOC).

I. Mail Regulations

A. Outgoing Correspondence

All outgoing mail will include and must meet the following requirements:

1. The return address will be on the envelope or package in the upper left corner and include:
 - a. The offender's name under which sentenced and the offender's legal name, if the offender has obtained a name change in accordance with Oklahoma law;
 - b. The offender's DOC number and complete housing assignments (e.g., unit, quad, cell, bed); and
 - c. The offender's complete address including the facility name, address, town, state, and zip code.

The envelope will be properly addressed and will not include any hand-drawn artwork or unnecessary writing or notes.

2. All outgoing offender correspondence will have the following statement stamped on the back of the envelope:

"This correspondence is from an offender under the custody of the Oklahoma Department of Corrections (DOC). For specific information about the offender sending this correspondence such as offense, projected release date, photo, etc., refer to our website at <http://www.ok.gov/doc> Click on the "Offenders" link then the "Offender Lookup" link or contact (list facility contact and facility telephone number) at the facility telephone. Further, the facility is not responsible for the substance or content. Objectionable material may be returned to the facility head at (list facility name)."

3. All outgoing offender mail to any DOC staff member will be sent by first class mail postage paid. The use of inter-agency/intra-agency mail is prohibited, as post marked envelopes may be required as proof of mailing.
4. Outgoing correspondence may only contain mail from the offender whose name appears on the envelope. Letters or correspondence from other parties to be forwarded is prohibited. Incoming correspondence may not include letters or messages to be passed along or mailed by the recipient to another person or offender.
5. If the offender has legitimate earnings from the previous year, the W-2 statement and/or income tax forms may arrive at the facility. The facility head will designate a process by which the offender may be afforded the opportunity to file tax forms. No offender may possess another offender's tax information. At no time will tax documents be in the offender's sole possession.

6. Correspondence in a language other than English will be reviewed by staff fluent in that language. If not available at that facility, the correspondence will be forwarded to a fluent staff member for review. Reviews will normally be completed in two weeks, unless circumstances dictate otherwise. If no interpreter can be found, the offender will be given the opportunity to pay for translation or the correspondence will not be allowed.

B. Prohibited Correspondence

Each facility will establish a system for fair and equitable review of all questionable material received through the mail.

1. Correspondence will not include anything of a threatening nature, contraband, or anything that suggests plans for escape, illegal, or other unauthorized activity.
2. Correspondence related to business operations will be prohibited except that necessary to protect property interests vested before incarceration. Said correspondence must be approved by the facility head or designee.
3. Solicitation or receipt of any advertisements or publications not paid for in advance will be prohibited. All orders for publications will be made directly to the publisher of the material or to a verifiable bookstore.
4. The purchase of any material contingent on future orders is prohibited, such as book of the month clubs, etc.
5. Publications are prohibited that:
 - a. Contain instructions for the manufacture of drugs, weapons, explosives, other unlawful substances, or tattoos;
 - b. Advocate the overthrow of the United States, Oklahoma, or other state government;
 - c. Advocate terrorism, criminal behavior, racial, religious, or national hatred, or any material that creates an unsafe environment for the offenders or staff;
 - d. Contain instructions for military, police or security tactics for riots, hostage negotiations and any Homeland Security drills;
 - e. Contain survival guide information;
 - f. Are addressed to a staff person, volunteer, or an offender club or organization with instructions to deliver the

- publication to a specific offender;
- g. All hardbound, except for religious texts; or
 - h. Are used books of any type and books not received directly from the publisher, book store, book vendor (i.e., Amazon, etc.) or through approved donation.
6. To create a correctional environment conducive to the physical safety of offenders and staff and to aid in the rehabilitative process by discouraging violence or unnatural or aggressive sexual behavior, obscene and indecent materials will be prohibited.
- a. Written materials containing depictions or descriptions of sexual conduct that are obviously offensive and, taken as a whole, have as their dominant theme an appeal to the prurient interest, will be prohibited.
 - b. Visual representations or photographs that contain actual or simulated sexual activity to include intercourse, sodomy (oral or anal), sexual acts by instrumentation, homosexuality, bestiality, sadomasochism, and child pornography are prohibited.
 - c. Nude photos/depictions of the offender or an acquaintance, friend or family member of the offender will be prohibited.
 - d. Sexually explicit materials are prohibited. Sexually explicit materials include nude pictures, drawings or depictions of female breasts or the genitalia of either gender.
7. The facility is not authorized to implement a prohibition on any materials that offenders may receive by subscription, such as a magazine, newspaper, or other similar type of periodical. Each issue of the material has to be received and reviewed to determine whether or not it violates the correspondence restrictions of this agency. (4-4490, 4-ACRS-6A-08)

The offender will be notified within 72 hours of the receipt of the prohibited item by using the "Return to Sender Notification" form ([Attachment A](#), attached). This will serve to notify the offender that the item arrived and is being reviewed by the Literary Review Committee.

- a. Each facility head is authorized to designate an employee, or a group of employees, to be responsible for review of materials coming into the facility. The designee will be responsible for accepting or rejecting all materials (property, mail, etc.) coming into the facility.

10. For all facilities at minimum security or higher, the following will be adhered to:

All incoming non-privileged mail and packages, as well as incoming privileged or legal mail, will be inspected by the use of an x-ray machine, narcotic detecting canine, or each piece will be physically opened and inspected by facility staff.

C. Correspondence Restrictions

1. There will be no correspondence between offenders except as approved in writing by the appropriate facility heads. Such correspondence will be limited to immediate family members, as defined in [OP-030118](#) entitled "Visitation."
 - a. In such case, each item of correspondence will be read and approved by the facility head or designee.
 - b. Once an offender has been approved to correspond with another offender (relative), the approval will be accepted by any receiving facility upon the offender's transfer. The approval may be revoked for cause.
 - c. There will be no correspondence between offenders and those under other departmental supervision, offenders of juvenile detention centers, or offenders in jurisdictions other than Oklahoma; except as approved by the appropriate facility/district heads.
 - d. No correspondence with former offender(s) until three years following completion of sentence.
2. Photographs will not be included in outgoing correspondence unless approved by the facility head or designee. Each facility head will establish a process for staff approval of photographs in outgoing mail.
3. Correspondence and greeting cards containing recording devices are prohibited. Incoming mail containing recording devices will be considered prohibited correspondence in accordance with this procedure.
4. Undeliverable correspondence includes but is not limited to; letters or packages containing return postage, improperly addressed mail, "bill me" solicitations, mail containing any marks indicating the envelope is contaminated with body fluids of any type, mail lacking a complete return address and stickers on the outside of envelope. Undeliverable items will be logged as "return to sender."

5. Receipt of correspondence containing money or property in any form, from another offender or another offender's family member, as well as sending money or property to another offender or another offender's family member, to include attempting to conceal the transfer of money or property through another person who is not a family member, is prohibited.
6. Stamps received in correspondence are prohibited. The offender may choose to donate any stamps received to the mail room for use as indigent offender postage in lieu of returning them to sender.
7. Former DOC or contract staff may not correspond with offenders for a minimum of 180 days after termination or leaving employment.

D. Allowable Correspondence

1. The volume, length, language, or recipient of outgoing/incoming correspondence will not be restricted unless there is reasonable suspicion, belief, or grounds that warrant limitation to protect the public, institutional order, and security, unless otherwise outlined in this procedure. (4-4488)
2. Offenders will be permitted to correspond with the news media. Such correspondence will not be considered privileged. (2-CO-3C-01)
3. An offender on segregation housing status will have the same correspondence privileges as offenders in general population. (4-4266)
4. Publications that are accepted by a facility after the system of review, as set out in Section I. item B. of this procedure, will be stamped as "Accepted" by the facility with a stamp that designates the facility that accepts the publication and the date of the decision. This acceptance will continue as long as the offender's placement remains consistent in security level. Should the accepted publication be altered or defaced in a way that alters or defaces the "Accepted" stamp, the publication will be removed from the facility by the offender either sending the publication home or destroying the publication as contraband. The form of the stamp to be used will be developed by the General Counsel and will be made available to the facility head.
5. Religious materials not addressed to a specific offender, but sent or donated in bulk, will be delivered to the facility chaplain for distribution. Such publications will be reviewed and stamped as "Accepted" in accordance with the proceeding section.
6. Offender Messaging System

Offender messaging (authorized electronic mail) is not confidential. All incoming offender messaging may be inspected and read by staff. The messages will normally be processed and delivered in the same method as incoming non-privileged mail.

- a. Offender family and friends shall be responsible for enrolling in the Offender Messaging System. Offender family and friends shall have an account established to send messages.
- b. All costs associated with offender messaging shall be the responsibility of the sender.

E. Provisions of Indigent Offender Services

1. An offender without funds will be provided paid U.S. postage for no more than a total of two, one-ounce privileged or non-privileged letters per week. (4-4489, 4-ACRS-6A-06)
2. Indigent mail requirements for legal mail to the courts or an attorney of record, is in accordance with [OP-030115](#) entitled "Access to Courts/Law Library."

F. Certified Mail Service

1. Certified mail service will be available to offenders at cost to the offender.
2. Certified mail will not be accepted if the offender is not at the addressed facility. Such mail shall be returned to the postal carrier/office.

G. Violations

1. Any offender who violates United States postal regulations or DOC correspondence procedures will be subject to prosecution by appropriate authorities and/or disciplinary action.
2. All correspondence and publications retained as personal property will be subject to search or reading for contraband or security violations.
3. An offender may be placed on restricted correspondence status by the facility head or designee for violation or abuse of the correspondence guidelines for up to 90 days. This is an administrative action separate from the disciplinary process.
 - a. The facility head will issue a memorandum to the mail room of the notification of the restriction.

- b. Notification and instructions will be provided to the offender advising of the restriction.
 - c. An offender on restricted status will be permitted to correspond only with persons approved by the facility head and with individuals classified as legal/privileged correspondents. The facility head will be the authorizing agent to place offenders on or remove them from restricted correspondence status.
4. All outgoing and incoming mail, including privileged and legal mail, for offenders on restricted status will be searched and read for unauthorized content.

II. Procedures for Processing Mail

A. Outgoing Non-privileged Mail

1. All outgoing non-privileged mail will be subject to inspection and reading for enforcement of correspondence guidelines and institutional security. (4-4491, 4-4494, 4-ACRS-6A-08)
2. Mail violating correspondence guidelines will be returned to the offender with an explanation of the violation unless it is used as evidence in a court/administrative hearing. The offender may also be placed on the restricted correspondence list and/or be subject to disciplinary action.

B. Incoming Non-privileged Mail

1. All incoming non-privileged mail and packages will be opened and inspected for enforcement of correspondence guidelines and institutional security. All such correspondence is subject to being read. All incoming mail must contain the name and return address of the sender and the name, DOC number, unit and bed/cell number of the offender. (4-4491, 4-4494, 4-ACRS-6A-08)
2. Mail received which violates the offender correspondence guidelines, will be held for 15 days pending offender response to the written notice of the facility's intent to return the correspondence.
 - a. If a grievance is filed, such correspondence will be held until 30 days after final disposition of the grievance.
 - b. After the 15 days or disposition of the grievance resulting in unfavorable results to the offender, the correspondence will

be handled in a manner consistent with this procedure as described in Section I. B. 8. item e.

3. Unauthorized items will be returned to the sender at the offender's expense within 30 days or the items will be disposed of appropriately. (4-4494)
 - a. The offender will be given an explanation of why the item was seized. It will be the offender's responsibility to notify the sender.
 - b. The offender will also be notified as to the option of either having the material returned to the sender or sent home at the offender's expense, or having the material destroyed.
 - d. This does not include contraband in violation of federal or state law or evidence that may be used in any criminal proceeding by the state or by the department in any disciplinary hearing. Any contraband violating federal or state statutes will be delivered to the proper authority for disposition.
4. Cash or personal checks found in the mail will be returned to the sender. If cost is incurred, it will be at the expense of the offender. (4-4493)
5. Cashier checks or money orders will be credited to the offender's trust fund draw account and a receipt given to the offender. It will be the responsibility of the offender to notify the sender of receipt. (4-4493).
6. Incoming letters and packages will be normally distributed within 24 hours excluding weekends, holidays, furloughs and emergencies.
 - a. Unauthorized items or items to be reviewed by the Literary Review Committee will be processed as outlined in this procedure and may require additional time for review.
 - b. Mail received for offenders on out count, if unopened, will be forwarded within five days.
 - c. Outgoing letters and packages will be placed in the United States mail within 24 hours excluding weekends, holidays, furloughs and emergencies.
 - d. Opened letters and packages will be forwarded within a reasonable time and at the offender's expense. (4-4495)

7. All facilities will maintain the forwarding address of offenders who have been released or paroled on file for one year. Location of transfers will be obtained as needed from the offender record system. (4-4496, 4-ACRS-6A-09)
 - a. First class, presorted first class, express mail and priority mail will be forwarded directly to the offender's current location within 24 hours of receipt, excluding weekends, holidays, and emergencies.
 - b. First class, presorted first class, express mail and priority mail received for escaped or deceased offenders will be returned to sender as non-deliverable.
 - c. Periodicals (magazines or newspapers) and junk mail (bulk mailing, presorted standard, presorted, standard, non profit organization, and advertisements) will not be forwarded to any offender, but will be discarded or donated to the education department. It is not required to log these items.
 - d. Offenders are responsible to notify sending parties of their address changes.
8. Unauthorized items will be returned to the sender using the "Return to Sender Notification" form ([Attachment A](#)).

III. Privileged Mail (4-4492)

A. Privileged Correspondents

Offenders are permitted to send sealed letters to the following class of persons and organizations. The following individuals will be considered privileged correspondents:

1. Governor of the State of Oklahoma (see special instructions in Section III. B. item 5. of this procedure);
2. Attorney General of the State of Oklahoma (only concerning issues unrelated to litigation);
3. Elected members of the Oklahoma State Legislature;
4. Oklahoma Board of Corrections members;
5. Oklahoma Pardon and Parole Board members;
6. Oklahoma Secretary of Safety and Security;
7. Oklahoma Department of Corrections staff;

- a. Director;
 - b. Associate and Deputy Directors;
 - c. The office of the General Counsel;
 - d. Administrative Review Authority;
 - e. Administrator of Private Prison and Jail Administration; or
8. Elected federal officials.

B. Handling of Privileged Mail

1. The facility head or designee will ensure the name and address of sender, name and address of recipient and date of all incoming and outgoing privileged mail is entered in a mail log and identified as privileged mail.
2. All outgoing privileged mail will be correctly addressed and the envelope marked "privileged." If incorrectly marked or addressed, the mail will be returned to the offender to be corrected.
3. Outgoing privileged mail may be searched and read upon reasonable suspicion that unauthorized activities or material has been placed in the privileged mail and the search is authorized by the facility head. Incoming mail marked "privileged" that does not contain a return address shall be returned to the post office. Incoming privileged mail may be opened and inspected for contraband when staff suspects the mail did not come from an approved privileged mail correspondent. When privileged mail is opened, the offender should be present, unless waived in writing, or circumstances dictate otherwise. (4-4492)
4. To ensure the security of outgoing mail and correspondence, facilities will establish procedures requiring the offender to place outgoing privileged mail in an envelope in the presence of a staff member before sealing the envelope. The staff member must sign off and date the sealed envelope."
5. Correspondence to the Governor or Governor's Office will be screened for inappropriate personal, offensive or threatening content. If such content is present, the correspondence will be handled as prohibited correspondence.

IV. Legal Mail (2-CO-3C-01, 4-4275, 4-ACRS-6A-01)

A. Legal Correspondents

The following individuals will be considered legal correspondents:

1. Courts;
2. Attorneys of record or those in official attorney-client relationships (name and address of the attorney will be on the envelope). Mail to and from a paralegal service is not considered legal mail as they may not represent persons and there is no attorney/client relationship or privilege. Mail to attorneys soliciting their services is not considered legal mail; and
3. The Attorney General of the State of Oklahoma and any attorneys representing the Department of Corrections or department employees in the course of litigation related to the department.

B. Handling of Legal Mail (4-4275, 4-4492, 4-ACRS-6A-01)

1. The facility head or designee will ensure that name and address of sender, name and address of recipient and date of all incoming and outgoing legal mail is entered in a mail log and identified as legal mail.
2. All outgoing legal mail will be correctly addressed and the envelope marked "legal." If incorrectly marked or addressed, the mail will be returned to the offender to be corrected. This mail may be searched upon reasonable suspicion that unauthorized activities or material has been placed in the outgoing legal mail and the search is authorized by the facility head.
3. All incoming legal mail will be opened in the presence of the offender addressee and checked for contraband only.
 - a. "Opened" means removing the material from the envelope to check for contraband.
 - b. "Checking for contraband" also means a cursory review of the material by leafing through the material to ensure it is in fact legal material and nothing is concealed between the pages.
 - c. Incoming mail marked "Legal Mail" that does not contain a return address shall be returned to the post office.
4. Offender legal mail is not to be mailed with administrative correspondence of the agency.

5. To ensure the security of outgoing mail and correspondence, facilities will establish procedures requiring the offender to place outgoing legal mail in an envelope in the presence of a staff member before sealing the envelope. The staff member must sign off and date the sealed envelope.
6. If the offender has transferred, the legal mail will be forwarded to the offender's current facility.

V. Audio/Video/Electronic Media/Internet Use and Access

A. Receptions and Transmission

1. The electronic reception and transmission, including the internet or other on-line type services, of obscene or indecent materials (as defined in Section I. B. item 6. of this procedure) by or to offenders is prohibited.
2. Each facility will act in accordance with [OP-060107](#) entitled "Systems of Incarceration," [OP-030120](#) entitled "Offender Property;" and [OP-040109](#) entitled "Control of Contraband and Physical Evidence," regarding the use of or the reception or transmission of any audio, video, cable TV, or telephonic media based upon security of the facility and the needs of the offenders.

B. Video/Audio Tapes, Computer Games or Programs, and CD ROMS

Internet access to or the distribution of violent, obscene, or indecent computer games or programs or the possession of such video/audio tapes, or CD recorded material by, or to, offenders is prohibited.

C. Use of Internet

Offenders may not directly or indirectly use any internet services for subscribing to any services for personal advertising or unauthorized electronic mail that passes and/or receives messages from or to unidentified persons or addresses nor to receive any information on any offender, state employee, elected official or crime victim.

VI. Use of Copyrighted Materials

B. Conditions for Use

Copyrighted materials may be used under the following conditions. For the purposes of this procedure, materials may include copyrighted written materials, videos or audios in any format.

1. Any requests to use copyrighted materials must be submitted utilizing the "Request for Use of Copyrighted Materials" form

([Attachment B](#), attached) to the facility where the material is to be used.

2. The holder of the copyright must provide written permission to use the material. This documentation must be submitted with [Attachment B](#) to the facility where the material is to be used.
3. The facility will then forward [Attachment B](#) and the documentation from the copyright holder, granting permission to use the material to:
 - a. The Programs Unit if the copyrighted material is to be used as part of an offender program or activity;
 - b. The Religious and Volunteer Services Unit if the copyrighted material is to be used as part of a religious service or activity; or
 - c. The office of the General Counsel if it to be used for any other purpose.
4. If the copyrighted material is to be used as part of an offender program, it must have programmatic value. Decisions regarding the programmatic value of the material will be made by the Programs Unit.
5. All materials must be previewed by staff to determine the nature and appropriateness of the content. Videos with a Motion Picture Association of American (MPAA) rating of R, NC17 or X will not be used.

VII. References

Policy Statement No. P-030100 entitled "Provision of Programs and Services/Offender Rights and Responsibilities"

OP-030115 entitled "Access to Courts/Law Library"

OP-030118 entitled "Visitation"

OP-030120 entitled "Offender Property"

OP-040109 entitled "Control of Contraband and Physical Evidence"

OP-060107 entitled "Systems of Incarceration"

OP-090124 entitled "Offender Grievance Process"

21 O.S. § 586, 1021, 1024 et. seq., 1040 et. seq.

12 O.S. 1991 § 2004.3.2.A

Shabazz v. Parson 127 F.3d 1246 (10 cir. 1997)

Jones v. Salt Lake County, et al, 503 F.3d 1147 (10th Cir, 2007)

VIII. Action

The facility head will be responsible for the development of local procedures.

The appropriate deputy director/division head is responsible for compliance with this procedure.

The General Counsel will be responsible for the annual review and revisions.

Any exceptions to this procedure will require prior written approval from the director.

This procedure is effective as indicated.

Replaced: Operations Memorandum No. OP-030117 entitled
"Correspondence, Publications, and Audio/Video Media Guidelines"
dated May 29, 2012

Distribution: Policy and Operations Manual
Department Website
Offender Bulletin Boards

<u>Referenced Forms</u>	<u>Title</u>	<u>Location</u>
DOC 030117A	"Prohibited Correspondence Notification"	Attached

<u>Attachments</u>	<u>Title</u>	<u>Location</u>
Attachment A	"Return to Sender Notification"	Attached
Attachment B	"Request for Use of Copyrighted Material"	Attached

