



**POLICY STATEMENT**  
Commonwealth of Pennsylvania • Department of Corrections

<b>Policy Subject:</b> <b>Inmate Mail and Incoming Publications</b>		<b>Policy Number:</b> <b>DC-ADM 803</b>
<b>Date of Issue:</b> <b>December 2, 2011</b>	<b>Authority:</b> <b>Signature on File</b> <b>John E. Wetzel</b>	<b>Effective Date:</b> <b>December 23, 2011</b>

## **I. AUTHORITY**

The Authority of the Secretary of Corrections to direct the operation of the Department of Corrections is established by Sections 201, 206, 506, and 901-B of the Administrative Code of 1929, 71 P.S. §§61, 66, 186, and 310-1, Act of April 9, 1929, P.L. 177, No. 175, as amended.

## **II. APPLICABILITY**

This policy is applicable to all facilities operated under the jurisdiction of, or conducting business with the Department of Corrections.

## **III. POLICY**

It is the policy of the Department to allow an inmate access to communication with members of society through the established public mail system<sup>1</sup>, to inspect mail, determine the types of publications allowed, and to review publications intended for inmates. Restrictions shall be related directly to facility order and security, public safety, and obscenity laws and statutes.<sup>2</sup>

## **IV. PROCEDURES**

All applicable procedures are contained in the procedures manual that accompanies this policy document.

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<sup>1</sup> 4-4492

<sup>2</sup> 4-4487, 4-4488, 4-4490

**V. SUSPENSION DURING AN EMERGENCY**

In an emergency or extended disruption of normal facility operation, the Secretary/designee may suspend any provision or section of this policy for a specific period.

**VI. RIGHTS UNDER THIS POLICY**

This policy does not create rights in any person nor should it be interpreted or applied in such a manner as to abridge the rights of any individual. This policy should be interpreted to have sufficient flexibility to be consistent with law and to permit the accomplishment of the purpose(s) of the policies of the Department of Corrections.

**VII. RELEASE OF INFORMATION AND DISSEMINATION OF POLICY**

**A. Release of Information**

1. Policy

This policy document is public information and may be released upon request.

2. Confidential Procedures (if applicable)

Confidential procedures for this document, if any, are not public information and may not be released in its entirety or in part, without the approval of the Secretary of Corrections/designee. Confidential procedures may be released to any Department of Corrections employee on an as needed basis.

**B. Distribution of Policy**

1. General Distribution

The Department of Corrections' policy and procedures shall be distributed to the members of the Central Office Executive Staff, all Facility Managers, and Community Corrections Regional Directors on a routine basis. Distribution of confidential procedures to other individuals and/or agencies is subject to the approval of the Secretary of Corrections/designee.

2. Distribution to Staff

It is the responsibility of those individuals receiving policies and procedures, as indicated in the "General Distribution" section above, to ensure that each employee expected or required to perform the necessary procedures/duties is issued a copy of the policy and procedures either in hard copy or via email, whichever is most appropriate.

**VIII. SUPERSEDED POLICY AND CROSS REFERENCE**

**A. Superseded Policy**

1. Department Policy

DC-ADM 803, Inmate Mail and Incoming Publications, issued April 18, 2008, by former Secretary Jeffrey A. Beard, Ph.D.

2. Facility Policy and Procedures

This document supersedes all facility policy and procedures on this subject.

**B. Cross Reference(s)**

1. Administrative Manuals

- a. DC-ADM 005, Collection of Inmate Debts
- b. DC-ADM 801, Inmate Discipline
- c. DC-ADM 802, Administrative Custody Procedures
- d. DC-ADM 804, Inmate Grievances
- e. 6.3.1, Facility Security
- f. 7.8.1, Inmate Recreational and Therapeutic Activities

2. ACA Standards

- a. Administration of Correctional Agencies: 2-CO-5D-01
- b. Adult Correctional Institutions: 4-4266, 4-4274, 4-4275, 4-4276, 4-4487, 4-4488, 4-4489, 4-4490, 4-4491, 4-4492, 4-4493, 4-4494, 4-4495, 4-4496
- c. Adult Community Residential Services: None
- d. Correctional Training Academies: None



**PROCEDURES MANUAL**  
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Release of Information:

**Policy Document:** This policy document is public information and may be released upon request.

**Procedures Manual:** The procedures manual for this policy may be released in its entirety or in part, with the prior approval of the Secretary/designee. Unless prior approval of the Secretary/designee has been obtained, this manual or parts thereof may be released to any Department employee on an as needed basis only.

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## Section 1 – General Procedures

### A. Mail Privileges

1. An inmate is permitted to correspond with the public, his/her attorney, and public officials.<sup>1</sup>
2. There is no limit to the number of correspondents to whom an inmate may send or from whom an inmate may receive mail.<sup>2</sup>
3. An inmate may not:
  - a. correspond with another inmate, former inmate, parolee, probationer or co-defendant ***unless approval is given pursuant to this policy;***
  - b. transfer or receive through any means whatsoever, negotiable instruments, money, or items of monetary value to or from any other inmate, former inmate, parolee, probationer, co–defendant, ***the individual family members of any of the preceding individuals, or a victim or*** victims of the inmate’s criminal acts or their immediate family ***members*** without the prior written approval of the Facility Manager/designee. ***Approval granted at one facility shall transfer with the recipient inmate to any other Department facility; however, any approval granted or transferred may be revoked for changed circumstances.***

NOTE: An inmate shall be permitted to receive cancelled checks, but shall NOT be permitted to receive blank checks, cash advances, vouchers, and/or credit/debit/charge cards from any source;

- c. correspond with a current or former employee, current or former volunteer, current or former contract employee, or victim(s) of the inmate’s criminal acts (the Office of the Victim Advocate will provide verification that an individual is a victim of the inmate’s criminal acts, at the request of the Facility Manager/designee) except with the written approval of the Facility Manager/designee. ***Approval granted at one facility shall transfer with the recipient inmate to any other Department facility; however, any approval granted or transferred may be revoked for changed circumstances;***
- d. send or receive correspondence containing threatening or obscene materials, as well as correspondence containing criminal solicitations or furthering a criminal plan or misconduct offense;
- e. use the facility address to fraudulently identify himself/herself as an employee, agent or representative of the facility; for example:

Theodore Smith, Paralegal

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<sup>1</sup> 4-4266, 4-4275, 4-4487, 4-4492

<sup>2</sup> 4-4266, 4-4487, 4-4488

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SCI Mahanoy  
301 Morea Road  
Frackville, PA 17932

- f. write to an individual who has informed the Department, in writing, that he/she does not wish to receive correspondence from the inmate. This restriction is not to be interpreted to infringe on the right of an inmate to correspond with a public official with regard to the performance of his/her official duty.
  - g. correspond with any prohibited party directed through a third party;
  - h. correspond with a public official using an address different than the official's business address;
  - i. send or receive battery-operated greeting cards;
  - j. send or receive "bill-me-later" or free gift transactions; and/or
  - k. receive correspondence or homemade artwork in correspondence that has any item affixed to it (excluding a mailing label that is affixed to the envelope) with glue or other types of adhesives, including tape. An unaltered, commercially manufactured greeting card, other than a battery operated greeting card, will be permitted.
4. When an inmate wishes to correspond with an inmate at another facility (whether under the Department's jurisdiction or the jurisdiction of any other state, county, or federal agency or contractor) or a juvenile in a detention center:
- a. neither inmate can be in disciplinary custody status;
  - b. each inmate must submit a request to the counselor at his/her current facility; the request must include the name and number of the other inmate, the relationship between them, and the name of the facility where the other inmate is located;
  - c. the counselor will verify the relationship between the inmates, and prepare and circulate a **DC-46, Vote Sheet**;
  - d. if approved, the counselor will prepare a **Correspondence Between Inmates Form (Attachment 1-A)**, obtain the Facility Manager/designee's signature, and forward it to the Facility Manager/designee of the other facility;
  - e. ***the Facility Manager at the recipient inmate's facility shall review the Correspondence Between Inmates Form and determine whether to approve the request to correspond;***
  - f. ***if both Facility Managers approve the request,*** a copy of the **Correspondence Between Inmates Form** shall be placed in the **DC-14**, a notation shall be made in the

automated *Inmate Cumulative Adjustment Record (ICAR)*, and the mailroom supervisors at both facilities shall be notified;

- g. the inmates must refrain from mentioning facility security, staff or inmates in their communication;
  - h. the facility may read both incoming and outgoing correspondence between the inmates, to ensure compliance with the conditions of these procedures; and
  - i. **permission** to correspond with an inmate **at a facility under the Department's jurisdiction or the jurisdiction of any other state, county, or federal agency or contractor or a juvenile in a detention center may be withdrawn at any time.**
5. Each inmate will be permitted, without cost, to mail **eight** one-ounce, first-class letters per month.<sup>3</sup>
6. There will be no limit on the number of letters that an inmate may send at his/her own expense.<sup>4</sup> Envelopes are available for purchase through Commissary. If an inmate has purchased envelopes prior to a transfer to another facility, the inmate shall be allowed a one-for-one exchange of envelopes upon arrival at the new facility.
7. No **threatening**, obscene or **explicit sexual material, nudity**, contraband, **material containing a criminal solicitation, or material describing or in furtherance of a criminal plan may be** contained in the mail **or placed on the envelope**. Such mail/**envelope** will be opened, returned to the sender, or disposed of at the inmate's expense.
8. **In addition to any disciplinary sanction that may be imposed under DC-ADM 801 "Inmate Discipline," incoming correspondence other than privileged correspondence of an inmate who violates any of the procedures in this directive may be subject to mail monitoring, upon written approval by the Facility Manager. Incoming correspondence other than privileged correspondence may be copied upon written approval by the Regional Deputy Secretary only if there is reason to believe that the security of the facility may be threatened, that this directive is being violated, there is evidence of criminal activity or of a misconduct offense or in connection with an investigation being conducted by the Office of Special Investigations and Intelligence (OSII).**<sup>5</sup>
9. All outgoing mail shall include on the envelope the full-approved inmate name, Department inmate number, and return address printed in a legible, undisguised manner on the upper, left-hand corner of the envelope. An envelope not bearing this information will be opened and returned to the inmate, if identified.

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<sup>3</sup> 7-4489, 4-ACRS-6A-06

<sup>4</sup> 4-4488

<sup>5</sup> 4-4491, 4-ACRS-6A-08



10. All outgoing correspondence will be stamped “**Inmate Mail – PA. DEPT. OF CORRECTIONS.**”
11. The inmate shall seal and place all outgoing correspondence in the collection boxes provided in each housing unit and/or other designated locations.
12. Photographs containing **obscenity, explicit sexual material or** nudity, as specified in **Section 3** are prohibited.
13. In accordance with **18 Pa. C.S.A. §5903**, the Department will not disseminate obscene or explicit sexual materials to an inmate under the age of 18. Any inmate under the age of 18 found to be in possession of **obscene or** explicit sexual materials will be subject to a misconduct in accordance with **DC-ADM 801**.

### **B. Privileged Correspondence**

1. Outgoing Privileged Correspondence: **mail addressed to a specific attorney or law firm that includes on the envelope the full-approved inmate name, Department inmate number, and return address printed in a legible, undisguised manner on the upper, left hand corner of the envelope will be processed according to the applicable procedures set forth in Section 2 of this procedures manual.**
2. Incoming Privileged Correspondence:
  - a. **Incoming privileged correspondence will be processed according to the applicable procedures set forth in Section 2 of this procedures manual.**
  - b. **The Office of Chief Counsel will issue a control number to a court or attorney as provided in 37 Pa. Code §93.2.**

### **C. Stationary, Pen, and Postage for Indigent Inmates**

Upon written request, an indigent inmate, as defined in the Glossary of Terms, shall be provided with stationary and a pen, and shall be able to anticipate the cost for postage to file papers necessary to the good faith pursuit of legal remedies.<sup>6</sup>

1. No-Cost Stationery and Pens
  - a. An inmate who needs no-cost stationary may submit a request to the Facility Business Manager/designee. The request shall contain:
    - (1) the date of the request;
    - (2) whether a pen or the use of a pen is needed;

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<sup>6</sup> 4-4274, 4-4276, 4-ACRS-6A-06

- (3) the current balance in his/her inmate facility account, if known; and
- (4) the ***name of the court in which the case is pending***, the case/docket number, the caption/***title of the case*** and type of case.
- b. The Business Manager/designee shall review the information contained in the request slip and verify that the inmate has insufficient funds to purchase the needed material.
- c. The Business Manager/designee shall respond to the request within five (5) working days of receipt.
- d. Upon approval, the inmate shall be provided free of charge:
  - (1) the use or permanent possession of a common type of stick ball pen; and
  - (2) a packet of 50 sheets of clean paper and five sheets of carbon paper. Paper must be 8 ½" x 11" in size. Should the quantity of paper or carbon paper provided prove to be insufficient, the inmate may submit a request for one more additional packet per month.

## 2. Postage and Copying

### a. Anticipated Postage

- (1) An indigent inmate may anticipate on his/her account, postage for legal mail, to include Exhaustion of Grievances, and copying charges of up to \$10.00 per month.<sup>7</sup> Under no circumstances, shall the Business Manager/designee approve requests in excess of \$10.00 per month. An inmate is responsible for managing his/her funds and monthly postage allowance to meet his/her legal needs.
- (2) The Business Manager/designee shall respond to a request ***to anticipate postage*** within five (5) working days of receipt.
- (3) After all deductions are taken in accordance with Department policy **DC-ADM 005, "Collection of Inmate Debts"** any money received in an inmate's account shall be used to satisfy the postage debt and copying fees.

### b. Postage Limitations

An inmate will be permitted to anticipate the deposit of funds into his/her account for regular first-class postage only except that:

- (1) a "Petition for Review" to respondents is the only legal document required to be served by certified mail;

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<sup>7</sup> 4-ACRS-6A-06

- (2) an inmate may use, but is not required to use, certified mail, return receipt to file a “Petition for Review” with the Court;
- (3) an inmate may not be permitted to anticipate the deposit of funds into his/her account to mail documents in any case in which he/she is not a party;
- (4) any misuse of postage and incomplete or false requests shall be grounds for disapproval of any further anticipation for postage and for discipline; and
- (5) the inmate may **seek review of** any decision regarding this section as outlined in Department policy **DC-ADM 804, “Inmate Grievances.”**

#### **D. Inmates Who Regularly Use Names Different from the Name on the Commitment Form**

1. An inmate who has made a permanent legal change in his/her name, so that it differs from the commitment name, may submit a request to the Facility Manager for permission to use the new name for limited purposes. This request must include the reason(s) why the inmate wishes to use the new name.
2. The Facility Manager shall review and grant permission for limited use of the name if the name was changed for legitimate reasons. Legitimate reasons shall include changes because of change in marital status, religious reasons, and ethnic identification. Only permanent changes will be approved. Multiple changes will not be honored.
3. The Facility Manager shall notify the inmate of his/her decision on the request to use the new name. If the request is approved, the Facility Manager shall inform the inmate in writing of the permitted uses of the new name. The Facility Manager shall advise the inmate that the approved new name may not be used to mislead or commit fraud and that abuse of the guidelines established for this procedure may result in withdrawal of approval to use the new name. If this request is disapproved, the Facility Manager shall explain the reasons for disapproval.
4. The facility is not required to permit an inmate to use a new name, which has not been approved by these procedures.
5. The new name shall be added to the inmate’s records as an AKA (also known as). No Department records will be changed absent a court order specifically directing that the records be changed. If such an order is issued, it shall be referred to the Office of Chief Counsel for review. This type of change will not be handled pursuant to the procedures established here. A court order authorizing and ordering a change of name does not automatically mandate changes in existing records.
6. When an inmate changes his/her name, the Records Office shall notify the Office of Victim Advocate (OVA) and the Parole Supervisor at the facility.
7. The inmate must continue to respond when addressed by his/her commitment name and to sign the commitment name for all purposes except those listed below:

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- a. a visitor may identify the inmate he/she wishes to visit by using the approved new name;
  - b. the inmate may execute a **DC-155, Section 1 Power of Attorney**. A notation shall be made on the second form indicating this form does not supersede the **DC-155** under the commitment name, but is only additional authorization;
  - c. after the execution of the new power of attorney form the inmate may receive and send mail, packages, and publications using the approved new name. The inmate may also receive checks and money orders addressed in the approved new name;
  - d. it is the inmate's responsibility to advise any person who wishes to use the approved new name for the purposes described above that he/she must, whenever using the new name, also provide other data; inmate number and commitment name, so that the facility can identify the inmate. A visitor, correspondence, and publication that does not present or contain data sufficient to identify the inmate may be disapproved; and
  - e. it is the inmate's responsibility to change his/her name on his/her social security card. **Form SS-5** is to be used for a name change. (See Department policy **7.3.1, "Reentry Services."**) A new card will be issued with the inmate's original social security number. A new number is not issued for a name change. The inmate will have to send the original Court Order that grants the legal name change with the application for name change. Photocopies or notarized copies of documents are not accepted.
8. An inmate shall be issued and charged for the replacement ID Card when there has been an authorized name change in accordance with Department policy **6.3.1, "Identification Cards."**
  9. The inmate shall be charged ten dollars (\$10) for a new fingerprint card that is required for a name change.
  10. Abuse by the inmate of any of these guidelines shall be treated as disobedience of a direct order, and may be grounds for revocation of permission to use the new name, and for disciplinary action.
  11. An inmate may appeal a decision pursuant to these procedures to the Secretary. Exceptions to this procedure shall be made only with the approval of the Secretary.
  12. When the inmate is given a "no contact" restriction, the name of the individual who requested the restriction and the date the restriction was issued to the inmate shall be entered into the Unit Management System, under the "Security Concerns" tab.

## Section 2 – Security Procedures

### A. Incoming Correspondence

1. **All incoming correspondence, other than privileged correspondence shall be opened in the facility's mailroom by staff and inspected for contraband. Mailroom staff will not read incoming correspondence unless authorized to do so under the applicable provisions of this policy.**
2. Internet pages, news clippings/articles, etc. shall be deemed to have come from an original source. The content of these items shall be reviewed by mailroom staff to ensure that the content is acceptable in accordance with this policy. Content that may potentially violate the criteria set forth in **Section 3** of this manual shall be reviewed by the Inmate Publication Review Committee (IPRC) for possible violations of this policy.
3. Incoming correspondence other than privileged correspondence may be read upon the written order of the Facility Manager/designee. **Incoming correspondence other than privileged correspondence may be reproduced upon written order of the Regional Deputy Secretary** only when there is reason to believe that the security of the facility may be threatened, that this directive is being violated, or there is evidence of criminal activity or of a misconduct offense, **or in connection with an investigation being conducted by the Office of Special Investigations and Intelligence (OSII).**<sup>1</sup> **The Facility Manager/Designee shall review the status of the facility's mail monitoring on a monthly basis.** In cases where the Regional Deputy Secretary's approval is required, a request must be made in writing every 30 days for continued reproduction of correspondence. This request should also include a brief update of the ongoing investigation.
4. The facility Security Office shall submit a quarterly report to the Regional Deputy Secretary outlining all inmate correspondence being monitored/reproduced on the **Inmate Correspondence Tracking Form (Attachment 2-A).**
5. If approved by the Regional Deputy Secretary, the Chief of Security/OSII/designee will notify the Facility Manager/designee and the Intelligence Gathering Captain to commence monitoring and/or photocopying the correspondence. A request must be made in accordance with **Subsection A.3. above** to continue reproduction of correspondence.
6. Federal, State, and local income tax filing documents shall not be delivered to an inmate, as these may be used to file fraudulent tax returns. If an inmate has a legitimate need to file a tax return, he/she may request the proper forms from the Unit Management Team.
7. When a refund check from the Pennsylvania Treasury Department or an Internal Revenue Service (IRS) refund check is received, mailroom staff shall notify the Intelligence Gathering Captain/Security Lieutenant. These checks are identifiable by the

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<sup>1</sup> 4-4491, 4-ACRS-6A-08

address information that shows through the window on the envelope, REVREFUND, is printed and visible. The Intelligence Gathering Captain/Security Lieutenant shall contact the PA Department of Revenue/IRS Office of Criminal Tax Investigations and advise them of the inmate's name, social security number, and check amount. The PA Department of Revenue and/or IRS representative will advise the Security Office as to the legitimacy of the refund.

8. When a birth certificate, Social Security Card, Drivers License, etc., is received for an inmate, mailroom staff will forward it to the Business Office (to be held until the inmate is released), and notify the inmate and his/her counselor of the receipt of the document(s).
9. When any documentation concerning Uniform Commercial Code (UCC) filings, the redemptive process, "Acceptance for Value" presentments or documents indicating copyright or attempted copyright of a name is received, mailroom staff shall notify the Intelligence Captain/Security Lieutenant. An **Unacceptable Correspondence/UCC Related Materials Form (Attachment 2-B)** shall be completed and sent to the inmate. The inmate shall have 10 days from the date of the notice to provide in writing to the Intelligence Captain/Security Lieutenant an explanation of the legal basis or purpose for his/her possession of the material. In the alternative, the inmate may choose to file a grievance under the **DC-ADM 804**, explaining the legal basis or purpose for his/her possession of the material. Any and all documents or materials referenced in this paragraph shall be confiscated and considered contraband whether processed through the mailroom or found anywhere else within the facility.
10. Account Statements
  - a. Inmate Savings Accounts
    - (1) An inmate is permitted to maintain a previously opened savings account or to open a savings account outside of the facility.<sup>2</sup>
    - (2) The term "savings account" includes the following:
      - (a) passbook or statement savings account;
      - (b) certificate of deposit account;
      - (c) U.S Savings Bond;
      - (d) Investment account; and
      - (e) Tuition Assistance Plan (TAP) plan.

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<sup>2</sup> 4-4046

- (3) All savings account passbooks and account identification (e.g., account identification card, check cashing, or debit card, etc.) shall be held by the facility Business Office until the inmate is released.
  - (4) Savings account statements and deposit and withdrawal slips may be held by the inmate with his/her personal property, unless there is reason to believe that there is a threat to facility security or criminal activity, in which case, the materials will be considered contraband.
- b. Inmate Checking Accounts
- (1) An inmate with a checking account opened prior to his/her incarceration shall not use the account while incarcerated.
  - (2) The opening of a checking account while incarcerated is prohibited.
- c. Inmate Credit or Charge Accounts
- (1) An inmate with a charge card or credit card account opened prior to his/her incarceration shall not charge to the account while incarcerated.
  - (2) The opening of a charge card or credit card account while incarcerated is prohibited.
  - (3) “Blank checks” or “cash advance vouchers” associated with charge and credit card accounts are considered contraband, and shall not be provided to inmates.
  - (4) Credit or charge account solicitations and applications are considered contraband, and shall not be provided to inmates.
  - (5) Account statements for inmates who opened a charge card or credit card account prior to incarceration, may be held by the inmate with his/her personal property, unless there is reason to believe that there is a threat to facility security or criminal activity, in which case, the materials will be considered contraband and confiscated by staff.

## **B. Incoming Privileged Correspondence**

1. ***Incoming privileged correspondence that is hand-delivered to the Department in accordance with 37 Pa. Code § 93.2 (c) (1) (i) or which is identified by a control number issued by the Office of Chief Counsel in accordance with 37 Pa. Code § 93.2 (c) (1) (ii) and correspondence sent by a court will be opened and inspected for contraband in the presence of the inmate to whom it is addressed.***
2. If upon opening the envelope in the presence of the inmate, the staff member without reading the contents, notices that the envelope contains absolutely no legal material (e.g., contains only a publication readily available to the public with no notations from

counsel), the staff member shall **not issue the contents to the inmate** and shall complete a **DC-121, Part 3, Employee Report of Incident**, in accordance with Department policy **6.3.1., “Facility Security.”** The report shall include: the contents that were deemed not to be legal material; the name and Department number of the inmate who received the mail; and the name and address of the person who sent the mail. The Facility Manager/designee shall forward a copy of the staff member’s report to the Office of Chief Counsel and the **Central Office Security Division** for review and tracking.

3. **Incoming privileged correspondence that is hand-delivered to the Department or identified by a control number issued by the Office of Chief Counsel may be read upon the written approval of the Secretary of Corrections when there is reason to believe that there is a threat to facility security or criminal activity.**

#### C. **Outgoing Correspondence other than Privileged Correspondence**

1. The Facility Manager/designee may authorize **the opening and reading of outgoing correspondence other than privileged correspondence only when there is reason to believe that the security of the facility may be threatened, that this directive is being violated, there is evidence of criminal activity or of a misconduct offense or in connection with an investigation being conducted by the OSII.**<sup>3</sup>
2. **Outgoing correspondence other than privileged correspondence may be reproduced upon written approval of the Regional Deputy Secretary only when there is reason to believe that the security of the facility may be threatened, that this directive is being violated, there is evidence of criminal activity or of a misconduct offense, or in connection with an investigation being conducted by the OSII.**

#### D. **Outgoing Privileged Correspondence**<sup>4</sup>

1. Outgoing privileged correspondence will not be opened, read, censored, or reproduced outside the presence of the inmate, except under the following conditions:
  - a. **the Facility Manager/designee must request, in writing, the opening, reading, censoring, and/or reproducing of outgoing privileged mail outside the inmate’s presence and transmit the request to the Secretary/designee and set forth the reasons for the request; and**
  - b. **the Secretary/designee may grant permission to open, read, censor, and/or reproduce outgoing privileged mail outside of the inmate’s presence only when there is reason to believe that there is a threat to facility security or criminal activity including, but not limited to, the following:**
    - (1) **any information relating to a possible escape;**

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<sup>3</sup> 4-4491, 4-ACRS-6A-08

<sup>4</sup> 4-4492



- (2) ***the introduction of weapons, drugs, money, or other contraband that presents a clear threat to the security of the facility;***
  - (3) ***any information relating to a possible prison disturbance or other activity that presents a clear threat to the security of the facility; and***
  - (4) ***any information relating to other criminal activity; specifics of the suspected activity must be provided.***
2. A log shall be kept of instances where ***outgoing privileged correspondence is opened***, read, ***censored and/or reproduced***, and the inmate shall be notified unless such notification would impede an investigation of ***a threat to facility security including*** a misconduct offense or suspected criminal activity. The inmate shall be notified that his/her mail was ***opened***, read, ***censored, and/or reproduced*** at the completion of the investigation.

#### **E. Electronic Mail (Email)**

1. All incoming inmate e-mails are monitored by a software program designed to alert staff if an e-mail contains inappropriate content.
2. Facility mailroom staff shall forward any e-mail that contains inappropriate content to the facility Security Office for review.
3. The facility Security Office shall review the e-mail content for threats to the security of the facility, evidence of criminal activity, or any violations of this directive.
4. If the facility Security Office has determined that the e-mail is not a threat to the security of the facility, evidence of criminal activity, or in violation of this directive, it will be returned to the mailroom to be delivered to the inmate.
5. ***Email may be read and reproduced by the facility Security Office, the Central Office Security Office and/or the OSII.***
6. The mailroom will return any inappropriate e-mail to the sender.

## Section 3 – Handling and Distribution of Mail

### A. Incoming/Outgoing Inmate Mail

1. Outgoing mail placed in housing unit collection boxes or other designated locations shall be collected each day, Monday through Friday. A reasonable effort shall be made to ensure that such mail is delivered to the US Postal Service on the same day.
2. **Outgoing mail shall NOT be placed in the lock-boxes designated for inmate grievances and/or DC-135 forms.**
3. **The inmate will be notified when outgoing mail is being withheld.<sup>1</sup>**
4. Incoming mail shall be opened and inspected for contraband in the facility's mailroom.<sup>2</sup>
5. Incoming mail, including packages, will be processed **on Monday through Friday** excluding state/federal holidays as outlined below.
  - a. The facility will not accept any mail that has postage due.
  - b. Every piece of inmate mail shall be checked against the inmate roster. **All incoming mail must include the approved inmate name and Department number.**
  - c. If an inmate has been transferred or released **first class** mail **and publications** shall be forwarded unopened, to the new address, if known, for 60 days.<sup>3</sup> **If no forwarding address is available, mail will be returned to the US Postal Service unopened to be returned to the sender.** It is the inmate's responsibility to notify correspondents and publishers of a change of address.
  - d. An inmate **who wishes** to have **his/her** mail held by the mailroom while on furlough or an Authorized Temporary Absence (ATA) **must submit written notice to the mailroom supervisor. A DC-135 shall be used for this purpose.**
  - e. Each piece of incoming mail shall be delivered to the inmate within 24 hours **of processing**, unless the mail contains content requiring review by the Incoming Publications review Committee (IPRC) in accordance with **Subsection E. below or the mail is being held for investigative purposes.** Packages shall be held no more than 48 hours, excluding weekends and holidays **unless it is being held for investigative purposes.<sup>4</sup>**

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<sup>1</sup> 4-4491

<sup>2</sup> 4-4491

<sup>3</sup> 4-4496, 4-ACRS-6A-09

<sup>4</sup> 4-4495

- f. An inmate who receives a letter of a disturbing nature should bring the matter to the attention of the housing unit officer and make arrangements to discuss the problem with his/her unit manager or counselor.
6. **Incoming cashier's** checks shall be recorded, indicating the nature of the receipt, the sender, the amount received, and the date.<sup>5</sup> A **DC-130B, Cash Transaction Receipt** shall be issued to the inmate for all amounts received. The **cashier's** check shall be forwarded to the facility Business Manager who shall deposit the money into the inmate's account.<sup>6</sup>
7. The facility **will not accept** personnel checks, cash or **money orders** sent through the mail. If a personal check, cash or **money order** is discovered during an inspection for contraband, the entire piece of mail will be returned to the sender with a notice that it is being returned because of non-permitted contents.<sup>7</sup> **Money orders will only be accepted through the JPAY Lock Box Service which is available at no cost to the inmate or sender. This service will allow the funds to be posted to inmate accounts electronically; this results in quicker access to deposited funds. The sender must mail a completed deposit slip and money order to JPAY. Additional information concerning the JPAY service is available through the Department's website; [www.cor.state.pa.us](http://www.cor.state.pa.us) or [www.jpays.com/moneyorder](http://www.jpays.com/moneyorder). Any financial instrument, including money orders and cashier's checks must be sent to the inmate as part of a legitimate business transaction in order for it to be accepted by the facility. If a family member or friend directly sends, or has any business or financial entity send a financial instrument in an attempt to circumvent the requirement to use JPAY Money Order Lock Box Service, It will be deemed contraband.**
8. Official documents (driver's license, birth certificate, social security card, welfare card, medical cards, etc.) **contained in incoming mail shall not be delivered to the inmate, but shall be placed in the designated safe.** Mailroom staff shall notify the inmate and his/her counselor of the document being held and forward the correspondence only to the inmate.
9. Incoming correspondence that is determined to be undeliverable for any reason other than those stated in **Section 1.A.3.**, shall be marked appropriately and returned to sender at the inmate's expense, **destroyed, held for investigation, held as evidence,** or otherwise disposed of **properly.**<sup>8</sup>
10. All correspondence that is read and/or withheld in accordance with this directive and appears to be in violation of **Subsection 1.A.3.** shall be handled as follows:

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<sup>5</sup> 4-4494

<sup>6</sup> 4-4493

<sup>7</sup> 4-4493

<sup>8</sup> 4-4494

- a. the Deputy Superintendent for Facilities Management (DSFM)/designee shall review correspondence and notify the inmate and the sender when a letter is rejected;<sup>9</sup>
  - b. the correspondence may be held for at least seven working days after notification is sent, to permit reasonable opportunity to appeal the decision. The Facility Manager/designee shall respond to all appeals and make a final decision whether the correspondence shall be rejected; and
  - c. an inmate who violates this directive shall not lose basic correspondence privileges. However, violations may result in the monitoring of mail until such time as it is determined that further violations will not occur. Any violation of this directive may result in misconduct charges being filed.
11. ***Incoming mail containing contraband shall be confiscated and held for further inspection and disposition. The contraband shall be returned to the sender (if known) at the inmate's expense unless doing so would be illegal, destroyed, held for investigation, held as evidence, or otherwise disposed of properly.***<sup>10</sup>

#### **B. Presorted Standard Mail**

Magazines and newspapers sent by Presorted Standard Mail ***will be accepted and reviewed according to the Department's policies and procedures.***

#### **C. Certified or Registered Mail**

1. Each facility shall establish procedures in cooperation with the local Postmaster for the processing of certified and registered mail.
2. Determination of mail to be sent by these methods is the responsibility of the inmate.
3. Except as provided in **Section 1.C.** of this manual, the inmate must have funds available in his/her account and an approved cash slip for such postage payment in order to send mail certified or registered.

#### **D. Inmate Organization Correspondence**

1. Only approved inmate organizations as defined by Department policy **7.8.1, "Inmate Recreational and Therapeutic Activities"** may send and receive mail.
2. Payment of postage is the responsibility of the inmate organization.
3. All incoming and outgoing inmate organization correspondence must be reviewed and approved by the facility staff coordinator for the organization.

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<sup>9</sup> 4-4491

<sup>10</sup> 4-4494

4. Outgoing correspondence must be sealed and delivered to the mailroom by the staff coordinator.

## **E. Incoming Publications**

### 1. General Procedures

- a. ***Incoming publications are not to be considered outside purchases under DC-ADM 815, “Personal Property, State Issued Items, and Commissary/Outside Purchases,” or Department policy 6.5.1, “Administration of L5 Housing Units,” unless the publication may be obtained from the facility library in which case the publication may only be obtained as a loan through the facility library.***
- b. All publications must be received from the original source **or the facility library**. Covers of hardbound publications may be damaged through examination or removed where inspection of the cover is deemed necessary and no reasonably available alternative form of inspection is adequate.<sup>11</sup>
- c. Magazines must be mailed directly from the original source. Single copies of small letter-sized pamphlets may be received in regular correspondence from family members, friends, or religious advisors.<sup>12</sup>
- d. Newspapers may be mailed or delivered to the facility.<sup>13</sup>
- e. Publications, new or used, that are sent directly from a publisher, bookstore, book club, distributor, or department store, accompanied by a packing slip, shall usually be deemed to have come from the original source.
- f. Books, newsletters, and other mail from non-profit religious and charitable organizations, when addressed to an individual inmate shall be delivered to the inmate even if mailed at less than first or second-class mail rates (Presorted Standard Mail rate), as long as the publication is permitted based on all other criteria set forth in this policy.
- g. Inmates are permitted to receive donated publications, with the following stipulations:
  - (1) must be mailed directly from the original source (e.g., publisher, bookstore, book club, distributor, or department store);
  - (2) must be specifically addressed to an individual inmate; and

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<sup>11</sup> 4-4490

<sup>12</sup> 4-4490

<sup>13</sup> 4-4490

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- (3) any donated publication containing content that may be in violation of the security, obscenity, **explicit sexual material**, and/or nudity criteria must be forwarded to the IPRC for review and approval before permitting the material.
- h. Donated publications may also be accepted for common inmate use/reference. Such publications may come from any source (not necessarily the “original source”) to the extent that the publication will enhance library or religious offerings without compromising security operations. Therefore, publications donated to a facility must be forwarded to the Librarian or FCPD as appropriate, upon receiving security clearance and IPRC approval, when necessary.
- i. If a publication **or photograph that is otherwise permitted to be possessed by an inmate** contains content that may potentially violate any of the criteria set forth in **Subsection E.3. below**, the Mailroom Supervisor, School Principal, or the Librarian shall forward these publications to the IPRC, along with an **Incoming Publication Review Form (Attachment 3-A)**.<sup>14</sup>
- j. If a publication contains a free sample item (lotion, perfume, etc.), the Facility Manager/designee shall review the item to determine if it shall be permitted into the facility. If it is determined that the item is not to be permitted into the facility, it is to be removed from the publication and the publication is to be delivered to the inmate.
- k. An inmate may receive more than one copy of a publication only with special approval of the IPRC.
- l. Upon transfer, publications/**photographs** approved at one facility shall not necessarily be permitted in another facility. The IPRC at the receiving facility will review any publications/**photographs** that **may violate the criteria set forth in this policy**.
- m. Upon receipt of mail sent at less than First or Second Class Rate, the mail inspector shall verify that the stamp specifically states “Presorted Standard Mail” and if the words “Presorted Standard Mail” are not printed on the mail, it shall be processed as regular incoming mail.
- n. If the words “Presorted Standard Mail” are marked on the item, the mail inspector shall determine if the item meets the definition of a publication as defined in the Glossary of Terms. If the criteria for a publication is met, it shall be accepted and processed in accordance with **Subsection E.2. below**, regardless of the postal rate at which it was mailed. If the item has a “Presorted Standard Mail Stamp,” but does not meet the criteria for a publication, delivery will be refused.

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<sup>14</sup> 4-4490

## 2. Review Process

- a. The IPRC shall determine whether written or printed material is a publication within 10 working days after the material is received.
- b. Each issue of a publication shall be reviewed individually **except that a publication that appears on the Department's Prohibited Publication List (Attachment 3-B) in accordance with Subsection E.5. below** shall be banned **without review**. When the determination is made to deny a publication that is included on the **Department's Prohibited Publication List**, the staff person denying the publication must provide the inmate with individual notice that the publication has been **prohibited**. This shall be done using the **Notice of Incoming Publication Denial Form (Attachment 3-C)** and requires completion of Section I only.
- c. **When a facility IPRC determines to deny a publication it must enter the name, date, publisher and reason(s) that the publication was denied, including page numbers, on the Notice of Incoming Publication Denial Form.**
- d. The IPRC shall notify the inmate of a decision to disapprove an incoming publication **or photograph** by providing an individual, written notice to the inmate, using the **Notice of Incoming Publication Denial Form**.
- e. Any publication that contains one or more sections dealing with prohibited topics must be disapproved in its entirety. If a publication is disapproved because of a section(s) dealing with prohibited topics, neither facility staff nor the original source may alter the publication by removing the prohibited section(s) in an attempt to make the publication acceptable. The publication must remain in its original format.
- f. **All publications and photographs** shall be reviewed against the criteria listed in **Subsection E.3. below**.
- g. No publication shall be prohibited solely on the basis that the publication is critical of penal facilities in general, of a particular facility, of a particular facility staff member, of an official of the Department or of a correctional or penological practice in this or in any other jurisdiction.
- h. Recognized original source textbooks in chemistry, physics, or the social sciences, shall be permitted as long as these publications adhere to the criteria outlined below in **Subsection E.3. below**.

## 3. Criteria

A request for and receipt of any publication or photograph may be disapproved when the publication **or photograph** contains content considered to pose a potential threat to security, contains **nudity, explicit sexual materials, or obscene material as defined below**:

a. Security Issues

Written narratives/language and/or visual/graphic representations/images containing any of the following content shall be denied:

- (1) information regarding the manufacture of explosives, incendiaries, weapons, escape devices or other contraband;
- (2) instruction regarding the ingredients or manufacture of poisons, drugs, or intoxicating beverages;
- (3) writings which advocate violence, insurrection or guerrilla warfare against the government or any of its facilities or which create a danger within the context of the correctional facility;
- (4) writings that advocate, assist, or are evidence of criminal activity or facility misconduct;
- (5) racially inflammatory material, material that could cause a threat to the inmates, staff, and security of the facility, **material that encourages or promotes the belief that one group of persons is superior over another, or describes rites or ceremonies that include instruments that could be used to cause harm to one's self or others, except if this material is contained in religious material or a sacred text in which case it must be reviewed using the criteria set forth in paragraph c. below,** or
- (6) maps, road atlas, etc. that **would facilitate the planning of an escape or criminal activity or would pose a security threat to the Department, its staff, contractors, volunteers, or facilities.**

b. **Publications or Photographs Containing Obscene Material, Explicit Sexual Material, and Nudity (See Decision Making Process for Granting or Refusing Exceptions to the Nudity Prohibition, Attachment 3-D)**

- (1) **Except as provided below, correspondence, publications and/or photographs containing obscene material, explicit sexual material, and/or nudity as defined in the Glossary of Terms are prohibited from entering a facility or being possessed within a facility.**
- (2) **Correspondence, publications, or photographs containing nudity, explicit sexual material, or obscene material as defined in the Glossary of Terms may be permitted if the material has artistic, educational, or medical value. The following considerations shall guide the Department in determining whether to permit nudity, explicit sexual material, or obscene material:**
  - (a) **Is the material in question contained in a publication that regularly features sexually explicit content intended to raise levels of sexual**



**arousal or to provide sexual gratification, or both? If so, then the publication shall be denied for inmate possession.**

- (b) Is it likely that the content in question was published or provided with the primary intention to raise levels of sexual arousal or to provide sexual gratification, or both? If so the publication or content will be denied for inmate possession.**
- (3) Notwithstanding the provisions of paragraph (2) above, an inmate under the age of 18 shall not be permitted to receive or possess obscene material or explicit sexual material.**

**c. Religious Materials and Sacred Texts**

- (1) Religious material and sacred texts that contain otherwise prohibited material shall be prohibited if they explicitly direct followers to act violently or encourage violent acts against persons of other races, nationalities, religions, etc. or direct the use of instruments to cause harm to one's self or others. Religious material and sacred texts that only promote a sincerely held belief as opposed to directing followers to act on those beliefs shall be permitted.**
- (2) The following considerations will guide the Department in determining whether religious material and sacred texts are to be permitted or prohibited:**
  - (a) Does the religious material or sacred text contain racially inflammatory material or encourage or promote the belief that one group of persons is superior over another or contain descriptions of religious rites that may include instruments that could be used to harm one's self or others?**
    - i. If not, the religious material or sacred text must be permitted.**
    - ii. If so, does the religious material or sacred text explicitly direct followers to act violently or encourage violent acts against persons of other races or nationalities, etc. or to use instruments to harm ones self or others?**
  - (b) The IPRC may consult with the facility chaplaincy program director in evaluating religious publications and sacred texts. The Department's Policy Director, Office of Planning, Research, and Statistics (PRS) shall consult with the Religious Accommodation Review Committee in reviewing appeals from the denial of religious publications or sacred texts.**

#### 4. Appeal Process

- a. An inmate *may* appeal **the denial of a publication or photograph within seven working days to the Facility Manager. The Facility Manager shall respond to an appeal within 15 working days of receipt. The Facility Manager may extend the time for responding to the appeal an additional 15 working days by advising the inmate of such extension within the original 15 days response period. Any appeal which is not responded to within the periods set forth above shall be deemed denied. The response shall be in writing and may affirm or deny the IPRC decision and may include additional reasoning.**
- b. **An inmate may appeal the decision of the Facility Manager or a deemed denial to the Department's Policy Director, PRS, within 15 working days of the date of the decision. The Department's Policy Director, PRS, shall respond to an appeal within 15 working days of receipt. The Policy Director, PRS, may extend the time for responding to the appeal an additional 15 working days by advising the inmate of such extension within the original 15 working days response period. Any appeal which is not responded to within the periods set forth above shall be deemed denied. The response shall be in writing and may affirm or deny the Facility Manager's decision and may include additional reasoning.**
- c. **If the denial of a publication or photograph is appealed, the Facility Grievance Coordinator shall notify the Mailroom Supervisor, who shall hold the publication or photograph until the appeal process is completed after which the publication or photograph shall be forwarded to the mailroom officer for final processing.**
- d. If the inmate chooses not to appeal, a cash slip must be sent to the mailroom in order to mail the publication **or photograph** out **of the facility**. If the inmate refuses to submit a cash slip within 15 working days of the decision, **or if mailing the publication or photograph is illegal**, the publication **or photograph** shall be destroyed.

#### 5. Denied Publication Listing

- a. By the **15<sup>th</sup>** of each month, **the Department's Policy Director, PRS, shall update the Department Prohibited Publication List to include all publications that were prohibited after final review. Previously prohibited publications which are now approved shall be deleted from the list on an as needed basis. The Department Prohibited Publication List shall be posted on the Department's public website at [www.cor.state.pa.us](http://www.cor.state.pa.us) and shall be available in the main library of each facility.**
- b. **The Department's Prohibited Publication List shall be maintained in the facility libraries for a period of one year.**

- c. An inmate who is interested in reviewing the content of the **Department's Prohibited Publication List** may access this information through the library at his/her facility.
  - d. All publications on the **Department's Prohibited Publication List** shall be denied at all facilities.
  - e. In the event that the decision to deny a publication is reversed via the appeal process, the **Department's Policy Director, PRS**, shall notify **the Superintendent's Assistant at the prohibiting facility, who in turn, shall notify the IPRC at the prohibiting facility** that the publication is to be permitted.
  - f. In the event that the inclusion of a publication on the **Department's Prohibited Publication List** is challenged by a staff member, the staff member shall identify the concern to the facility's IPRC. The IPRC shall forward the concern to the **Department's Policy Director, PRS**, for a decision to either maintain the publication on the **Department's Prohibited Publication List** or to **permit** the publication.
6. Possession of Publications and **Photographs**
- a. Each inmate in general population may retain in his/her cell only that quantity of publications **and photographs** that will fit within his/her allotted storage space along with any personal property of that inmate.
  - b. Each inmate in a Level 5 Housing Unit may retain in his/her cell only the quantities of publications **and photographs** that are permitted under the policy applicable to that housing unit.