



State of Utah

GARY R. HERBERT  
Governor

GREG BELL  
Lieutenant Governor

# Utah Department of Corrections Administrative Services Bureau

GREG PEAY  
Administrative Services Bureau Director

GINA PROCTOR  
Records Manager

February 24, 2014

University of Michigan Law School  
Anelisa Benavides  
c/o Professor Margo Schlanger  
Prison Information Project  
910 Legal Research Building  
625 South State Street  
Ann Arbor, MI 48109-1215

RE: Request

Dear Ms. Benavides:

I received your request for UDC records regarding inmate orientation handbook, policy pertaining to grievances, correspondence and mail, and data pertaining to grievances from 2003 to the present time.

I understand you have already received the inmate orientation handbook. Please find enclosed the responsive UDC policies; FD02 Inmate Grievances, FD03 Inmate Mail and FD06 Legal Access. There are a total of 180 pages enclosed. The fee has been waived for these records.

With regard to the data you requested, there are no records responsive to your request. That information would need to be compiled, and UDC is not required to compile data in response to a records request. U.C.A. §63G-2-201(8)(a) provides

(8) (a) In response to a request, a governmental entity is not required to:

- (i) create a record;
- (ii) compile, format, manipulate, package, summarize, or tailor information;
- (iii) provide a record in a particular format, medium, or program not currently maintained by the governmental entity;

Therefore, this portion of your request is denied. You have the right to appeal this decision to the Utah Department of Corrections' Deputy Director. To submit a proper appeal, you must file a Notice of Appeal with the Deputy Director within 30 days of the date of this denial. The Notice of Appeal must contain your name and a copy of, or the original request, which was denied. It must also include a statement of the relief you seek (explain what you want the Deputy Director to do). You may also submit a short statement of facts, reasons and legal authority in support of your request for these records.

Send to:

Mike Haddon  
Deputy Director  
Utah Department of Corrections  
14717 South Minuteman Drive  
Draper, UT 84020

I hope you find this information helpful.

Sincerely,

Gina Proctor  
Records Manager

Enclosures

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**GRAMA Classified**  
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**GRAMA Classified**  
**Public**

GENERAL ORDER

DIVISION OF INSTITUTIONAL OPERATIONS

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**Subject:** FD02 Inmate Grievances      **Number:** DIOGO 13-007  
**Date Issued:** May 23, 2013  
**Date Effective:** May 23, 2013  
**Pages:** 19

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**Cross Reference:**      **DIOGO Review Date:**  
FD01 Inmate Discipline      November 23, 2013  
FD13 Inmate Reference Manual

**Supersedes:** DIOGO 12-008  
**X In its entirety**  
- Only the sections attached  
- This is a new policy

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**Approved:**      **DATE:**  
  
- signed by Director Steve Turley, 5/19/13 -

**Steven Turley, Director, Division of Institutional Operations**

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The attached changes to policy and procedure, **FD02 INMATE GRIEVANCES**, shall be issued as a General Order until finalized and distributed for inclusion in the UDC Policy and Procedure Manual. The purpose of this General Order is to give members a working document during implementation and may be updated as necessary.

**Housing Unit Managers should note that the information/changes included in this general order should be entered/updated as soon as possible in the Inmate Reference Manual in order for the inmates to receive fair notice.**

***DIOGO 13-007***

STATE OF UTAH  
DEPARTMENT OF CORRECTIONS

INSTITUTIONAL OPERATIONS DIVISION MANUAL

Volume: Facilities Operation: Inmate Management

Chapter: **FD02 INMATE GRIEVANCES**

Date Effective: 1-1-86

Date Revised: 5-15-13

Pages: 19

Authorized By:

Executive Director, Department of Corrections

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FD02/01.02	Policy
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FD02/01.00      GENERAL PROVISIONS

FD02/01.01      Purpose of Chapter

The purpose of this chapter is to provide the policy, procedure, and requirements for the inmate grievance system.

FD02/01.02      Policy

It is the policy of the Department that the inmate grievance system is not required as a matter of constitutional law, but is provided as an aid to inmates and DIO management to resolve conflict and problems.

FD02/01.03      Rationale

The grievance procedure provides inmates with the means to communicate their concerns and to resolve inequities and problems. Inmates have limited power to control their activities or surroundings while incarcerated.

FD02/01.04      Cross Reference

FD01 Inmate Discipline  
FD13 Inmate Reference Manual

FD02/01.05      Definitions

<b>emergency grievance</b>	grievances involving emergency circumstances which may justify priority handling to avoid delays which may subject the inmate to substantial risk of personal injury or cause other serious or irreparable harm
<b>ethnic minority resource officer (EMRO)</b>	a staff person assigned to assist inmates in the resolution of personal problems
<b>frivolous grievance</b>	any grievance that the inmate knows or reasonably should know is without merit, irresponsible, or has no rational basis in fact or law, or that is submitted for the mere purpose of delay or to embarrass staffers or other inmates



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<b>grievance</b>	a written inmate complaint within the jurisdiction of the Department alleging personal injury, loss, or harm caused by the application or omission of a policy or practice, and seeks to correct the personal injury, loss, or harm. Grievable issues do not include any complaint regarding parole procedures or decisions, disciplinary decisions, classification decisions, GRAMA decisions or issues not under the jurisdiction of DIO, personnel actions against Department staff, or monetary damages beyond actual out-of-pocket losses
<b>Hearing Office</b>	the office at the Executive Director level responsible for assigning Hearing Officers to administrative appeals
<b>LEB</b>	Law Enforcement Bureau
<b>malicious grievance</b>	any grievance filed with the intent to annoy, slander, or injure any person
<b>retaliation</b>	any unauthorized or improper action or threat of action against an inmate based upon the inmate's appropriate use of or participation in the grievance process
<b>without merit grievance</b>	a grievance written by the offender in good faith, but having no basis in law or fact to grant the inmate's requested remedy
<b>working days</b>	Monday through Friday, excluding holidays

FD02/02.00      REQUIREMENTS OF THE INMATE GRIEVANCE PROCEDURE

FD02/02.01      Procedure: Staff Training

New staff members shall receive pre-service training and, thereafter, all DIO staff members should receive periodic in-service training concerning the inmate grievance system.

FD02/02.02      Procedure: Inmate Orientation/Notice

- A. New inmates shall receive orientation concerning the grievance system upon arriving at the R&O unit.
- B. Copies of this chapter shall be made available to inmates for review during their incarceration.
- C. Inmates should also receive assistance from a unit case worker/social worker, housing unit lieutenant/captain or EMRO to:
  - 1. review current procedure;
  - 2. obtain necessary forms; or
  - 3. receive instructions concerning how to access and utilize the grievance system.

FD02/02.03      Procedure: Accessibility

- A. Inmates may file grievances regardless of status or classification.
- B. Access to available administrative resources, particularly for offenders requiring help in language interpretation or for impaired or disabled inmates, is available through the unit case manager, EMRO, the unit housing lieutenant or captain, or another inmate with approval of the housing unit captain or designee.

FD02/02.04      Procedure: Applicability

- A. The grievance system shall permit complaints by inmates regarding policies and conditions within the institution that affect them personally.
- B. In general, all inmate complaints are grievable except complaints against decisions and procedures of the Board of Pardons and Parole,

disciplinary decisions, classification decisions, GRAMA decisions and issues not under the jurisdiction of DIO.

1. Inmates with complaints regarding Board of Pardons and Parole decisions shall be referred to the Board of Pardons and Parole.
2. Inmates with complaints regarding disciplinary decisions shall be referred to the designated appeals process.
3. Inmates with complaints regarding classification decisions shall be referred to the designated challenge process.
4. Inmates with complaints regarding GRAMA decisions should refer to the GRAMA challenge process.
5. ADA decisions may be appealed utilizing the regular grievance form, refer to AG12/04.00 "Inmate ADA Accommodation Appeal Process."

FD02/02.05

Procedure: Available Remedies

The grievance procedures do not set any limit on existing administrative discretion or powers. The scope of available administrative remedies is broad and should be applied on a case-by-case basis; however, the grievance process may not be used to pursue:

- A. disciplinary or other personnel action against department employees;
- B. reassignment of department employees; or
- C. monetary damages beyond reimbursement for actual out-of-pocket losses.

FD02/02.06

Procedure: Operation and Decision

A. Initiation

1. All grievances must be filed on an individual basis by the respective inmate identifying the specific nature of the grievance.
2. Inmates are required to make and to document



reasonable attempts to resolve complaints informally.

3. Assistance, including access to current procedures, copies of necessary forms, and information on the operation of the grievance process, is available from the unit case manager, EMRO, housing unit lieutenant or captain.
4. The inmate, has the burden to articulate all relevant facts and information in the grievance. The grievance should not be sent back to the inmate, unless it is frivolous or malicious, or unless it is impossible to process the grievance without additional information.
5. In some instances a grievance may be returned to the inmate unprocessed, with a problem form specifying the reasons for the rejection. Among these reasons are:
  - a. the inmate's grievance was submitted after the 7 or 5-day working time frame;
  - b. the grievance fails to document the inmate's efforts to resolve the problem prior to submitting the grievance;
  - c. the facts in the grievance are too unclear to permit a meaningful response;
  - d. the inmate has failed to submit their evidence in support of the claims made in the grievance;
  - e. the grievance attempts to address issues related to the Board of pardons, Classification, Disciplinary or GRAMA issues that are not within the jurisdiction of the grievance process; and/or
  - f. a grievance has already been opened on the issue.

**B. Malicious or Frivolous Grievances**

1. Malicious or frivolous grievances constitute

***DIOGO 13-007***

an abuse of the grievance system and may subject the inmate to criminal, civil, disciplinary, and/or administrative action depending on the nature of the abuse. Any staff member receiving a grievance that they believe is malicious or frivolous may refer it to the Hearing Office.

2. When an inmate files a frivolous or malicious grievance, the inmate should be warned against abusing the grievance system and be given a chance to withdraw the grievance.
3. A frivolous or malicious grievance shall be referred to the Hearing Officer for possible administrative sanctions whenever the inmate has:
  - a. previously been warned against the filing of frivolous or malicious grievances; or
  - b. refused to withdraw a grievance after being warned that it is frivolous or malicious.
4. The Hearing Officer shall initiate a review of grievances referred for abuse of the grievance system.
  - a. If the Hearing Officer finds a lack of substantial evidence that the grievance constitutes an abuse of the grievance system, it shall be returned to the appropriate level of the grievance process for a response on the merits.
  - b. If the Hearing Officer finds substantial evidence the grievance constitutes an abuse of the grievance system, a hearing may be scheduled where the inmate shall be given the opportunity to show cause why the grievance should not be found frivolous or malicious.
  - c. If the Hearing Officer finds evidence that the inmate has abused the grievance system by filing a frivolous or malicious grievance, they may, depending on the severity of the abuse;

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- (1) inform the inmate that further violations may result in a modification or suspension of access to the grievance system;
- (2) modify the inmate's access to the system; or
- (3) suspend access to the grievance system for a fixed period of time, not to exceed six months.

- d. The decision of the Hearing Officer is not subject to further administrative review.
- e. Grievances submitted during the period of suspension shall be returned to the inmate without a response.
- f. When the period of suspension expires, the inmate shall be permitted to file grievances. Filing of subsequent grievances found to be frivolous or malicious shall result in additional periods of suspension from access to the grievance process for up to six months.

C. Inmate and Member Input

1. Both members and inmates are encouraged to provide written input concerning the grievance process.
2. Any phase of the grievance process can, itself, become the subject matter of a grievance.

D. Investigation and Consideration

No inmate or member having personal involvement in any incident underlying a grievance is allowed to participate in the grievance decision, except that prior involvement in the drafting or interpretation of the grievance procedures shall not be considered sufficient personal involvement to prohibit such participation.

E. Written Response



1. Each decision maker is required to provide the inmate with one copy of a written response which states the reasons for the decision reached and the procedure to be followed by the inmate to obtain a review of the decision.
2. Inmates shall be responsible to draft and maintain copies of each grievance and/or appeal.

F. Fixed Time Limitations

Fixed time limitations are applicable to each level of the grievance.

1. However, in some circumstances it may be necessary to request a time extension.
2. A staff member shall notify the inmate in writing of any time extension.
3. The inmate may wait for the response or may submit the grievance to the next level of appeal.

G. Executive Review

1. There is one level of review at the Executive Level.
2. The final determination rests with the Hearing Office.
3. Requests for review are not subject to denial by any decision maker who has already rendered an opinion.

H. Emergency Procedure

1. Grievances determined by the decision maker to be of an emergency nature shall be processed in an expedited, priority manner. Each decision maker may determine which cases should be expedited.
2. No stage shall be totally deleted because each decision maker constitutes a level at which administrative action can be taken.
3. Decisions to expedite handling and the type of response required are decided on a

case-by-case basis.

I. Retaliation

1. Retaliation is prohibited under the grievance procedures, and complaints of either formal or informal reprisals are separate grievable issues.
2. Abuse of the grievance system, however, may subject the inmate to appropriate action by the UDC.

J. Records

1. The Warden/designee and the Hearing Office shall maintain grievance records. All records shall be maintained and preserved according to the records retention schedule.
  - a. Level 1 grievances = 3 years
  - b. Level II and III grievances = 10 years
2. Individual records are private documents, and shall be scanned into UDOCA.

K. Forms

Any member may provide grievance forms to inmates.



FD02/03.00

PROCEDURAL STEPS

FD02/03.01

Procedure: Level One, Informal

- A. Within seven working days of an incident or seven working days from the time the inmate knew or should have known about a grievable incident, they shall obtain and complete Section I of the Grievance form No. 1 (GF-1) and submit it and corroborating documents or statements to the appropriate Level I Grievance Data Terminal Operator (DTO) by:
1. placing it in an envelope addressed to the appropriate Level I DTO (e.g., housing unit, medical unit, support services); and
  2. depositing the envelope in a Housing Facility Mail Drop.
- B. The facility or bureau responsible for addressing the inmate's Level One grievance shall have 21 working days from the date the Grievance form was received by the Level I DTO to:
1. gather grievance-related statements and documents;
  2. review grievance-related policy and procedure, general orders and special orders;
  3. as necessary, interview the inmates;
  4. attempt to resolve the grievance;
  5. initiate grievance-related remedial actions and/or proposals; and
  6. respond to the inmate in writing.
- C. If the Level One (Informal) attempt to resolve the grievance fails, the inmate shall have five working days from the date the Level 1 or Level 2 response is received to complete and submit Page 2 of the Grievance form I (GF-1) and submit it through the prison mail system to their Level I DTO who shall forward it with all Level One Grievance information to the Inmate Grievance DTO for the Warden/designee.

FD02/03.02

Procedure: Level Two, Warden

- A. The Warden/designee shall have 21 working days (from the date of receipt) to review, research and forward a written response to the inmate.
- B. Inmates not satisfied with the Warden's decision have five working days to appeal the decision to the Department's Hearing Office by:
  - 1. obtaining and completing a Grievance Appeal form (No. GF-5);
  - 2. placing a copy of the grievance form having Page 1 and 2 completed and the completed Grievance Appeal form into an envelope addressed to the Inmate Grievance DTO who shall attach grievance-related information gathered by Division personnel and forward to the Department's Hearing Office; and
  - 3. depositing the addressed envelope containing the specified Grievance Appeal information into the Facility Mail Drop.

FD02/03.03

Procedure: Level Three, Hearing Office Review

- A. The Hearing Office shall have 21 working days (from the date of receipt) to assign a hearing officer, review the grievance, and provide a written response to the inmate Level Three Appeal or schedule a hearing.
  - 1. The hearing shall be held at the earliest time available to the parties and the Hearing Office.
  - 2. The Hearing Office shall have 21 working days from the date of the hearing to provide a written response.
  - 3. However, if reasonable circumstances exist, the Hearing Office may extend this response time with the stipulation that the inmate be notified of the time extension within the original 21 working day time frame.
- B. There is no further administrative appeal from the Hearing Office level. The Level Three decision is final.

FD02/04.00 GRIEVANCE FORMS

FD02/04.01 Procedure: Inmate Grievance Form (GF-1)

This form is designed to initiate the inmate grievance and move to Level Two, to obtain initial information regarding the grievance, and to require the offender to document reasonable efforts to resolve the grievance informally at level one.

FD02/04.02 Procedure: Staff Response Form (GF-2)

This form is used by the Grievance Coordinator to write a response.

FD02/04.03 Procedure: Supplementary Pages (GF-3)

- A. These pages may be used in conjunction with any of the preceding forms whenever the information exceeds the space allotted on the form.
- B. Each decision maker is required to provide the inmate with one copy of a written response which states the decision and the reasons for the decision.

FD02/04.04 Procedure: Grievance Appeal Form (GF-5)

This form is designed to allow an inmate to appeal the decision of the Warden/designee to the Hearing Office.

FD02/04.05 Procedure: Codes

For tracking purposes tracking and location codes may be used by the Grievance Coordinator/designee.



INMATE GRIEVANCE FORM

GF-1

INMATE'S NAME \_\_\_\_\_ OFFENDER# \_\_\_\_\_  
HOUSING AREA \_\_\_\_\_

**SECTION 1 - INFORMAL ACTION** *(To be completed by inmate.)*

Specific nature of grievance (who, what, when, where and how): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Identify those contacted regarding your grievance and state what YOU HAVE DONE to resolve the issue: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What is the specific remedy you seek?: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
INMATE'S SIGNATURE/DATE











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STATE OF UTAH  
DEPARTMENT OF CORRECTIONS

INSTITUTIONAL OPERATIONS DIVISION MANUAL

Volume: Facilities Operation: Inmate Management

Chapter: **FD02 INMATE GRIEVANCES**

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Date Reviewed: 12-20-11

Pages: 19

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Executive Director, Department of Corrections

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FD02/01.00      GENERAL PROVISIONS

FD02/01.01      Purpose of Chapter

The purpose of this chapter is to provide the policy, procedure, and requirements for the inmate grievance system.

FD02/01.02      Policy

It is the policy of the Department that the inmate grievance system is not required as a matter of constitutional law, but is provided as an aid to inmates and DIO management to resolve conflict and problems.

FD02/01.03      Rationale

The grievance procedure provides inmates with the means to communicate their concerns and to resolve inequities and problems. Inmates have limited power to control their activities or surroundings while incarcerated.

FD02/01.04      Cross Reference

FD01 Inmate Discipline  
FD13 Inmate Reference Manual

FD02/01.05      Definitions

**emergency grievance**                      grievances involving emergency circumstances which may justify priority handling to avoid delays which may subject the inmate to substantial risk of personal injury or cause other serious or irreparable harm

**ethnic minority resource officer (EMRO)**                      a staff person assigned to assist inmates in the resolution of personal problems

**frivolous grievance**                      any grievance that the inmate knows or reasonably should know is without merit, irresponsible, or has no rational basis in fact or law; written in bad faith

<b>grievance</b>	a written inmate complaint within the jurisdiction of the Department alleging personal injury, loss, or harm caused by the application or omission of a policy or practice, a member or inmate action, or an incident; does not include any complaint regarding parole procedures or decisions, disciplinary decisions, classification decisions, GRAMA decisions or issues not under the jurisdiction of DIO
<b>Hearing Office</b>	the office at the Executive Director level responsible for assigning Hearing Officers to administrative appeals
<b>LEB</b>	Law Enforcement Bureau
<b>malicious grievance</b>	any grievance in which the inmate willfully falsifies information with the intent to annoy, slander, or injure a member or any other person
<b>retaliation</b>	any unauthorized or improper action or threat of action against an inmate based upon the inmate's appropriate use of or participation in the grievance process
<b>without merit grievance</b>	a grievance written by the offender in good faith, but having no basis in law or fact to grant the inmate's requested remedy
<b>working days</b>	Monday through Friday, excluding holidays

FD02/02.00 REQUIREMENTS OF THE INMATE GRIEVANCE PROCEDURE

FD02/02.01 Procedure: Staff Training

New staff members shall receive pre-service training and, thereafter, all DIO staff members should receive periodic in-service training concerning the inmate grievance system.

FD02/02.02 Procedure: Inmate Orientation/Notice

- A. New inmates shall receive orientation concerning the grievance system upon arriving at the R&O unit.
- B. Copies of this chapter shall be made available to inmates for review during their incarceration.
- C. Inmates should also receive assistance from a unit case worker/social worker, housing unit lieutenant/captain or EMRO to:
  - 1. review current procedure;
  - 2. obtain necessary forms; or
  - 3. receive instructions concerning how to access and utilize the grievance system.

FD02/02.03 Procedure: Accessibility

- A. Inmates may file grievances regardless of status or classification.
- B. Access to available administrative resources, particularly for offenders requiring help in language interpretation or for impaired or disabled inmates, is available through the unit case manager, EMRO, the unit housing lieutenant or captain.

FD02/02.04 Procedure: Applicability

- A. The grievance system shall permit complaints by inmates regarding policies and conditions within the institution that affect them personally.
- B. In general, all inmate complaints are grievable except complaints against decisions and procedures of the Board of Pardons and



Parole, disciplinary decisions, **Public** classification decisions, GRAMA decisions and issues not under the jurisdiction of DIO.

1. Inmates with complaints regarding Board of Pardons and Parole decisions shall be referred to the Board of Pardons and Parole.
2. Inmates with complaints regarding disciplinary decisions shall be referred to the designated appeals process.
3. Inmates with complaints regarding classification decisions shall be referred to the designated challenge process.
4. Inmates with complaints regarding GRAMA decisions should refer to the GRAMA challenge process.

FD02/02.05

Procedure: Available Remedies

The grievance procedures do not set any limit on existing administrative discretion or powers. The scope of available administrative remedies is broad and should be applied on a case-by-case basis.

FD02/02.06

Procedure: Operation and Decision

A. Initiation

1. All grievances must be filed on an individual basis by the respective inmate identifying the specific nature of the grievance.
2. Inmates are required to make and to document reasonable attempts to resolve complaints informally.
3. Assistance, including access to current procedures, copies of necessary forms, and information on the operation of the grievance process, is available from the unit case manager, EMRO, housing unit lieutenant or captain.

4. The inmate, has the burden to articulate all relevant facts and information in the grievance. The grievance should not be sent back to the inmate, unless it is not possible to process the grievance without additional information.

B. Malicious or Frivolous Grievances

1. Malicious or frivolous grievances constitute an abuse of the grievance system and may subject the inmate to criminal, civil, disciplinary, and/or administrative action depending on the nature of the abuse. Any staff member receiving a grievance that they believe is malicious or frivolous may refer it to the Hearing Office.
2. If an inmate's grievance appears to violate the criminal law, it shall be referred to the Law Enforcement Bureau (LEB). The LEB shall review the grievance for violations of the criminal law.
  - a. If the review establishes a violation of law, the matter may be screened for prosecution.
  - b. The results of the review shall be referred to the Warden/designee for disciplinary action and to the Board of Pardons and Parole.
3. If the inmate's grievance appears to support a civil suit against the inmate, it shall be referred to the Warden/designee for possible disciplinary action and to the Hearing Office for possible administrative action. The referral of a grievance supporting a civil suit for disciplinary or administrative action is independent of the decision by the injured party of whether to file an action.
4. If the abuse supports neither criminal nor civil action, the inmate should be given a chance to withdraw the grievance.

- a. If the inmate chooses to withdraw the grievance, the matter will be closed.
  - b. If the inmate chooses not to withdraw the grievance, or persists with other similar grievances, the grievance shall be referred to the Warden/designee for possible disciplinary action, and to the Hearing Officer for possible administrative action.
5. Disciplinary action shall be consistent with FD01, "Inmate Disciplinary Procedures." Disciplinary action is separate from other processes. Action in one process shall not bar action in the other.
6. The Hearing Officer shall initiate a review of grievances referred for abuse of the grievance system.
- a. If the Hearing Officer finds a lack of substantial evidence that the grievance constitutes an abuse of the grievance system, it shall be returned to the appropriate level of the grievance process for a response on the merits.
  - b. If the Hearing Officer finds evidence that the inmate has abused the grievance system by filing a frivolous or malicious grievance, they may, depending on the severity of the abuse;
    - (1) inform the inmate that further violations may result in a modification or suspension of access to the grievance system;
    - (2) modify the inmate's access to the system; or
    - (3) suspend access to the grievance system for a fixed period of time, not to exceed six months.



- c. The decision of the Hearing Officer is not subject to further administrative review.
- d. Grievances submitted during the period of suspension shall be returned to the inmate without a response.
- e. When the period of suspension expires, the inmate shall be permitted to file grievances. Filing of subsequent grievances found to be frivolous or malicious shall result in additional periods of suspension from access to the grievance process for up to six months.

C. Inmate and Member Input

- 1. Both members and inmates are encouraged to provide written input concerning the grievance process.
- 2. Any phase of the grievance process can, itself, become the subject matter of a grievance.

D. Investigation and Consideration

No inmate or member having personal involvement in any incident underlying a grievance is allowed to participate in the grievance decision, except that prior involvement in the drafting or interpretation of the grievance procedures shall not be considered sufficient personal involvement to prohibit such participation.

E. Written Response

- 1. Each decision maker is required to provide the inmate with one copy of a written response which states the reasons for the decision reached and the procedure to be followed by the inmate to obtain a review of the decision.

2. Inmates shall be responsible to draft and maintain copies of each grievance and/or appeal.

F. Fixed Time Limitations

1. The grievance process is designed to be completed within 80 working days of the initial filing of a grievance form to final disposition if all levels of appeal and time limitations are used.
2. Fixed time limitations are applicable to each level of the grievance.
  - a. However, in some circumstances it may be necessary to request a time extension.
  - b. A staff member shall notify the inmate in writing of any time extension.
  - c. The inmate may wait for the response or may submit the grievance to the next level of appeal.

G. Executive Review

1. There is one level of review at the Executive Level.
2. The final determination rests with the Hearing Office.
3. Requests for review are not subject to denial by any decision maker who has already rendered an opinion.

H. Emergency Procedure

1. Grievances determined by the decision maker to be of an emergency nature shall be processed in an expedited, priority manner. Each decision maker may determine which cases should be expedited.

2. No stage shall be totally deleted because each decision maker constitutes a level at which administrative action can be taken.
3. Decisions to expedite handling and the type of response required are decided on a case-by-case basis.

I. Retaliation

1. Retaliation is prohibited under the grievance procedures, and complaints of either formal or informal reprisals are separate grievable issues.
2. Abuse of the grievance system, however, may subject the inmate to appropriate action by the UDC.

J. Records

1. The Warden/designee and the Hearing Office shall maintain grievance records. All records shall be maintained and preserved according to the records retention schedule.
  - a. Level 1 grievances = 3 years
  - b. Level II and III grievances = 10 years
2. Individual records are private documents, and shall be scanned into UDOCA.

K. Forms

Any member may provide grievance forms to inmates.



FD02/03.00

PROCEDURAL STEPS

FD02/03.01

Procedure: Level One, Informal

- A. Within seven working days of an incident or seven working days from the time the inmate knew or should have known about a grievable incident, they shall obtain and complete Section I of the Grievance form (GF-1) and submit it and corroborating documents or statements to the appropriate Level I Grievance Data Terminal Operator (DTO) by:
1. placing it in an envelope addressed to the appropriate Level I DTO (e.g., housing unit, medical unit, support services); and
  2. depositing the envelope in a Housing Facility Mail Drop.
- B. The facility or bureau responsible for addressing the inmate's Level One grievance shall have 21 working days from the date the Grievance form was received by the Level I DTO to:
1. gather grievance-related statements and documents;
  2. review grievance-related policy and procedure, general orders and special orders;
  3. as necessary, interview the inmates;
  4. attempt to resolve the grievance;
  5. initiate grievance-related remedial actions and/or proposals; and
  6. respond to the inmate in writing.
- C. If the Level One (Informal) attempt to resolve the grievance fails, the inmate shall have five working days to complete Page 2 of the Grievance form I (GF-1) and submit it through the prison mail system to their Level I DTO who shall forward it with all Level One Grievance information to the Inmate Grievance DTO for the Warden/designee.

FD02/03.02

Procedure: Level Two, Warden

- A. The Warden/designee shall have 21 working days (from the date of receipt) to review, research and forward a written response to the inmate.
- B. Inmates not satisfied with the Warden's decision have five working days to appeal the decision to the Department's Hearing Office by:
  1. obtaining and completing a Grievance Appeal form (GF-5);
  2. placing a copy of the grievance form having Page 1 and 2 completed and the completed Grievance Appeal form into an envelope addressed to the Inmate Grievance DTO who shall attach grievance-related information gathered by Division personnel and forward to the Department's Hearing Office; and
  3. depositing the addressed envelope containing the specified Grievance Appeal information into the Facility Mail Drop.

FD02/03.03

Procedure: Level Three, Hearing Office Review

- A. The Hearing Office shall have 21 working days (from the date of receipt) to assign a hearing officer, review the grievance, and provide a written response to the inmate Level Three Appeal or schedule a hearing.
  1. The hearing shall be held at the earliest time available to the parties and the Hearing Office.
  2. The Hearing Office shall have 21 working days from the date of the hearing to provide a written response.
  3. However, if reasonable circumstances exist, the Hearing Office may extend this response time with the stipulation that the inmate be notified of the time extension within the original 21 working day time frame.

- B. There is no further administrative appeal from the Hearing Office level. The Level Three decision is final.



FD02/04.00 GRIEVANCE FORMS

FD02/04.01 Procedure: Inmate Grievance Form (GF-1)

This form is designed to initiate the inmate grievance and move to Level Two, to obtain initial information regarding the grievance, and to require the offender to document reasonable efforts to resolve the grievance informally at level one.

FD02/04.02 Procedure: Staff Response Form (GF-2)

This form is used by the Grievance Coordinator to write a response.

FD02/04.03 Procedure: Supplementary Pages (GF-3)

- A. These pages may be used in conjunction with any of the preceding forms whenever the information exceeds the space allotted on the form.
- B. Each decision maker is required to provide the inmate with one copy of a written response which states the decision and the reasons for the decision.

FD02/04.04 Procedure: Grievance Appeal Form (GF-5)

This form is designed to allow an inmate to appeal the decision of the Warden/designee to the Hearing Office.

FD02/04.05 Procedure: Codes

For tracking purposes tracking and location codes may be used by the Grievance Coordinator/designee.

INMATE GRIEVANCE FORM

INMATE'S NAME \_\_\_\_\_  
OFFENDER# \_\_\_\_\_  
HOUSING AREA \_\_\_\_\_

**SECTION 1 - INFORMAL ACTION** (*To be completed by inmate.*)

Specific nature of grievance (who, what, when, where and how): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Identify those contacted regarding your grievance and state what YOU HAVE DONE to resolve the issue: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What is the specific remedy you seek?: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
INMATE'S SIGNATURE/DATE





GF-2

STAFF RESPONSE FORM

Reference No: \_\_\_\_\_  
Subject Code: \_\_\_\_\_  
Location Code: \_\_\_\_\_  
Day/Month/Year: \_\_\_\_\_  
Level: **TWO**

STAFF RESPONSE/RECOMMENDATIONS:

Lined area for staff response/recommendations

Turn sheet over for more space. If additional pages are necessary, please attach to this sheet.

STAFF MEMBER'S SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_



UDC  
GRAMA Classified  
Public

GF-5

**GRIEVANCE APPEAL FORM**

Reference No: \_\_\_\_\_  
Subject Code: \_\_\_\_\_  
Location Code: \_\_\_\_\_  
Day/Month/Year: \_\_\_\_\_  
Level: **Three**

\_\_\_\_\_  
Name    Offender Number    Housing Unit

**REASONS FOR APPEAL**

List the reasons why the prior administrative grievance decision is unacceptable.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_

*If additional pages are necessary, please attach to this sheet.*

\_\_\_\_\_  
SIGNATURE    DATE SUBMITTED

THIS DOCUMENT MUST BE SENT THROUGH UTAH STATE PRISON MAIL - NO POSTAGE NEEDED.



STATE OF UTAH  
DEPARTMENT OF CORRECTIONS

UDC  
GRAMA Classified  
Public

INSTITUTIONAL OPERATIONS DIVISION MANUAL

Volume: Facilities Operation: Inmate Management

Chapter: **FDr03 INMATE MAIL**

Date Effective: 7-30-87

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Authorized By:

Executive Director, Department of Corrections

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FDr03/04.00	INCOMING INMATE MAIL: SPECIALIZED PROCEDURES
FDr03/04.01	Policy
FDr03/04.02	Rationale
FDr03/04.03	Procedure: Currency and Personal Checks

**UDC**  
**GRAMA Classified**  
**Public**

FDr03/04.04 Procedure: Money Orders, Cashier's Checks or  
Non-Personal Checks

FDr03/04.05 Procedure: Receiving Inmate Money, Non-Illegal/  
Nuisance Contraband

FDr03/04.06 Procedure: Certified, Insured, Registered or  
Special Delivery

FDr03/04.07 Procedure: Forwarding Mail

FDr03/04.08 Procedure: Undeliverable Mail

FDr03/05.00 OUTGOING INMATE MAIL: GENERAL PROCEDURES

FDr03/05.01 Policy

FDr03/05.02 Rationale

FDr03/05.03 Procedure: Outgoing Inmate Mail and Inmate  
Inter/Intra-Department Mail

FDr03/05.04 Procedure: Return Address

FDr03/05.05 Procedure: Inmate Mail Collection

FDr03/05.06 Procedure: Mail Collection Schedule

FDr03/06.00 OUTGOING INMATE MAIL: SPECIALIZED PROCEDURES

FDr03/06.01 Policy

FDr03/06.02 Rationale

FDr03/06.03 Procedure: Business Correspondence

FDr03/06.04 Procedure: Indigent Status

FDr03/06.05 Procedure: Insufficient Postage

FDr03/06.06 Procedure: Certified/Insured/Registered Mail

FDr03/06.07 Form: Additional Privileged Mail Postage Request  
Form (Indigent-Status Inmates Only)

FDr03/06.08 Form: Business Authorization Form

FDr03/07.00 INCOMING INMATE MAIL: INCOMING PUBLICATIONS

FDr03/07.01 Policy

FDr03/07.02 Rationale

FDr03/07.03 Procedure: Acceptance Criteria

FDr03/07.04 Procedure: Denial Procedure

FDr03/08.00 PRIVILEGED MAIL: GENERAL REGULATIONS

FDr03/08.01 Policy

FDr03/08.02 Rationale

FDr03/08.03 Procedure: Privileged Correspondence Standards

FDr03/08.04 Procedure: Misuse of Privileged Mail Status

FDr03/08.05 Procedure: Denial of Privileged Mail

FDr03/08.06 Procedure: Nuisance Contraband

FDr03/08.07 Procedure: Envelopes

FDr03/08.08 Procedure: Privileged Incoming Packages

FDr03/09.00 PRIVILEGED MAIL: INCOMING PROCEDURES

FDr03/09.01 Policy

FDr03/09.02 Rationale



FDr03/09.03 Procedure: Privileged Mail Opened at the DIO Mail Unit

FDr03/09.04 Procedure: Delivery to Inmate

FDr03/10.00 PRIVILEGED MAIL: OUTGOING PROCEDURES

FDr03/10.01 Policy

FDr03/10.02 Rationale

FDr03/10.03 Procedure: Preparation by Inmates

FDr03/10.04 Procedure: Insufficient Postage

FDr03/10.05 Procedure: Inmate-to-Staff Mail

FDr03/10.06 Procedure: Processing at the DIO Mail Unit

FDr03/11.00 INMATE-TO-INMATE MAIL

FDr03/11.01 Policy

FDr03/11.02 Rationale

FDr03/11.03 Procedure: Inmate Requests

FDr03/11.04 Procedure: Granting Exceptions

FDr03/11.05 Procedure: Privacy of Inmate-to-Inmate Mail

FDr03/11.06 Procedure: Violating Agreement

FDr03/11.07 Form: Inmate-to-Inmate Correspondence Request Form

FDr03/11.08 Procedure: Transfer of Privileged Legal Materials Between Inmates

FDr03/12.00 INMATE MAIL: IPP/UMC/WORK RELEASE/BOARD OF PARDONS/SPECIAL PROJECTS

FDr03/12.01 Policy

FDr03/12.02 Rationale

FDr03/12.03 Procedure: County Jails/Other Facilities

FDr03/12.04 Procedure: University Medical Center (UMC)

FDr03/12.05 Procedure: DIO Work Release/Road Crews

FDr03/12.06 Procedure: Board of Pardons and Parole Disclosure Files

FDr03/12.07 Procedure: Special Projects



FDr03/01.00      GENERAL PROVISIONS

FDr03/01.01      Purpose of Chapter

The purpose of this chapter is to provide the DIO's policies, rationale and procedures:

- A.    for processing mail sent by, or received for, inmates at DIO facilities;
- B.    for processing business or other non-inmate mail received in the DIO Mail Unit;
- C.    concerning the functions and operations of the DIO Mail Unit; and
- D.    relating to interactions between the DIO Mail Unit and other operational components of the UDC.

FDr03/01.02      Cross Reference

ACr28    Implementation of GRAMA Requirements  
AGr13    Incident Reporting  
FBr10    Inmate Record Files  
FDr02    Inmate Grievances  
FDr12    Inmate Funds  
FDr14    Inmate Property  
FDr15    Indigent Status  
FDr25    Special Intensive Management  
FHR09    ADA Program Services  
TMF 08    Inmate Mail  
UCA 76-10-1203, 1204; 64-13-41

FDr03/01.03      Definitions

<b>ADA</b>	Americans with Disabilities Act
<b>anthropological</b>	pertaining to the scientific study of the origin and physical, social, and cultural development and behavior of humans
<b>bestiality</b>	sexual acts between humans and an animal
<b>catalog</b>	a systematized list whose sole purpose is to feature a description of items for sale (e.g., a publication listing items for sale such as, but

not limited to: Sears, J C Penney, LL Bean, Automotive, etc. or any other item not allowed for inmate retention as defined by the Property Matrix in FDr14 "Inmate Property"); exceptions to the no catalog rule (FDr03/03.01,D) are price lists, and order forms (when sent 1st and 2nd class), legal catalogs, catalogs from school (schedules/books), religious catalogs, catalogs from Government Printing Offices, and catalogs accompanying a book order, or catalogs allowed by the Property Matrix

**cancel**

cutting or blacking out information or otherwise modifying the text of a letter, publication or other document; rejecting on the basis of content

**cashier's check**

pre-paid check

**commercially published information or material**

any book, booklet, pamphlet, magazine, periodical newsletter, or similar document, including stationary and greeting cards and video and audio tapes, disks, or other recording, that is distributed or made available through any means or media for a commercial purpose; also includes an extraction, photocopy, clipping, or electronically-created copy made from any of the items listed above

**constructive knowledge**

if a reasonable inspection or observation under the circumstances would have disclosed the nature of the matter and if a failure to inspect or observe is either for purpose of avoiding disclosure or is criminally negligent

<b>contraband</b>	any material, substance or other item not approved by the DIO Director/designee to be in the possession of inmates; items in excess of the number or amount approved for possession by inmates
<b>CUCF site</b>	Central Utah Correctional Facility, P.O. Box 550, Gunnison, Utah 84634
<b>distribute</b>	to transfer possession of materials whether with or without consideration
<b>DMM</b>	United States Postal Service Domestic Mail Manual
<b>Draper site</b>	Draper prison P.O. Box 250, Draper, Utah 84020
<b>exhibit</b>	to show
<b>features nudity</b>	the information or material promotes itself based upon depictions of nudity or sexually-explicit conduct on a routine or regular basis or in the case of a one-time publication or issue
<b>GRAMA</b>	Government Records Access and Management Act, Chapter 2, Title 63, UCA
<b>homosexuality</b>	sexual activity with a person of the same sex (see sexual conduct)
<b>ICR</b>	Initial Contact Report
<b>IFAO</b>	Inmate Funds Accounting Office
<b>illegal contraband</b>	contraband which violates criminal statutes
<b>inmate</b>	a person who has been convicted of a crime, is in the custody of, and housed in a facility under the jurisdiction of the department



<b>inspect</b>	open and examine a letter, correspondence or other material with the primary objective to detect false labeling, contraband, currency, or negotiable instruments
<b>inter-department mail</b>	mail sent between departments within the state
<b>intra-department mail</b>	mail sent from office-to-office within a department
<b>intra-facility mail</b>	mail sent between correctional facilities
<b>IPP</b>	Inmate Placement Program
<b>knowingly</b>	an awareness, whether actual or constructive, of the character of material
<b>LEB</b>	Law Enforcement Bureau
<b>legally obscene</b>	any graphic representation of sexual intercourse, penetration, oral sex, child pornography or homosexuality in any manner that would appeal to an individuals prurient interests, be patently offensive when taken as a whole, lacks serious literary, artistic, political or scientific value
<b>mail</b>	written material sent or received by inmates through the United States Postal Service or other recognizable mail service
<b>masturbation</b>	sexual self-stimulation
<b>material</b>	anything printed or written or any picture, or photograph, motion picture, or pictorial representation, or any statue or other figure, or any mechanical, chemical, or electrical reproduction, or anything which is or may be

used as a means of communication; includes underdeveloped photographs, molds, printing plates, and other latent representational objects

**money instruments** currency, coin, personal checks, money orders and cashier's or non-personal checks

**negotiable instrument** a legal document, redeemable in cash or equivalent value, capable of being transferred by delivery or endorsement so that the title or ownership passes to the transferee

**nudity** a pictorial depiction where genitalia (male or female) or female breasts are exposed

**nuisance contraband** items that may include but are not limited to; paper fasteners, hair, ribbons, pins, rubber bands, pressed leaves and/or flowers, promotional gimmicks, gum, stickers, computer disks, maps, calendars, balloons, and other such items having no intrinsic value or not approved by the Department Administration to be in the possession of the inmates

**obscene** any graphic representation of sexual intercourse, penetration, oral sex, pedophilia or homosexuality in any manner that would appeal to an individual's prurient interests, be patently offensive and taken as a whole, lacks serious literary, artistic, political or scientific value

**offender** a person who has been convicted of a crime, is in the custody of, and housed in a facility under the

	jurisdiction of the department or on probation/parole
<b>package</b>	a completely wrapped parcel that is more than 3/4 inch thick, regardless of other dimensions and other than correspondence
<b>pedophilia</b>	sexual acts with children or portrayals of children (under the age of 18 years of age) as sex objects
<b>personal mail</b>	correspondence not subject to confidential treatment
<b>peruse</b>	to read carefully or thoroughly; to examine in detail; study or scrutinize
<b>privileged mail</b>	correspondence with a person identified by this chapter relating to the official capacity of that person, which has been properly labeled to claim privileged status
<b>prohibited material</b>	commercially-published information or material that contains sexually-explicit material or that features nudity
<b>prurient</b>	having or characterized by lustful thoughts; obsessively interested in sexual arousal
<b>publisher-only rule</b>	a rule limiting books, compact disks, cassette tapes, magazines, newspapers, etc., to those sent directly from the publisher, a book or tape club or a licensed book store; publications and tapes shall be new and tapes shall be factory sealed with the return address commercially printed or stamped
<b>rape</b>	sexual activity without consent and/or by force



<b>read</b>	to scan correspondence with the intent to reveal escape plots, plans to commit illegal acts, or plans to violate DIO rules or other security concerns
<b>reasonable cause</b>	information which could prompt a reasonable person to believe or suspect that there is or might be a threat to the safety, security or management of the UDC facility or which could be harmful to persons
<b>sado-masochism</b>	sexual acts, such as, but not limited to; flagellation or torture by or upon a person who is nude or clad in undergarments, a mask, or in a revealing or bizarre costume, or otherwise physically restrained on the part of one so clothed
<b>sexual conduct</b>	acts of masturbation, sexual intercourse, or touching of a person's clothed or unclothed genitals, pubic hair, buttocks, or if the person is a female, breasts; whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent or actual sexual stimulation or gratification
<b>sexually explicit</b>	a pictorial depiction of actual or stimulated sexual acts, including sexual intercourse, sodomy, or masturbation
<b>standard mail</b>	a large mass or volume of mail sent at a set rate of postage (for this policy referring to mailings not sent first class)

**state funds**

state or local funding provided to the Department, and includes legislative appropriations to the Department, dedicated credits, grants, and monies for jail reimbursement to county correctional facilities under Title 64, Chapter 13 Department of Corrections- State Prison private providers and contractors

**UCA**

Utah Code Annotated

**USP**

Utah State Prison; when used shall represent all Utah Correctional Facilities under the DIO

FDr03/01.04

Inmate Mail Matrix Appendix

Appendix A

"Inmate Mail and Policy Matrix"  
(See following page.)

INMATE MAIL MATRIX

	<b>INSPECT</b>	<b>READ</b>	<b>CENSOR</b>	<b>COPY</b>	<b>DENIED</b>	<b>MISC.</b>
<b>INCOMING PERSONAL</b>	Yes, must, all mail	May, at random	No	May, with reasonable cause	May, with reasonable cause to believe contents in violation of P&P	Cassette tapes, books, magazines & newspapers. Publisher-only rule. Legally obscene material may be denied
<b>INCOMING PRIVILEGED/LEGAL</b>	Yes, in presence of inmate	Never	Never	Never	With reasonable cause; author has right to protest	Media: No legal status See FDr03/10,11,12
<b>INCOMING RELIGIOUS</b>	Yes	May, at random	Never	Yes, with reasonable cause	Yes, if clear and present danger exists	Books, magazines & newspapers Publisher-only rule
<b>OUTGOING PERSONAL</b>	Yes, may at random	May, at random	No	May, with reasonable cause	May, with reasonable cause	
<b>OUTGOING PRIVILEGED/LEGAL</b>	Yes, in presence of inmate upon reasonable cause	Never	Never	Never	With reasonable cause, only in inmate's presence	Media: No legal status See FDr03/10,11,12
<b>OUTGOING RELIGIOUS</b>	Yes	May, at random	Never	Yes, with reasonable cause	Yes, if clear and present danger exists	



Appendix B "Magazine Matrix"

Magazines listed below shall be accepted under the publisher-only rule and subject to the approval and periodic review of the DIO Director/designee, and randomly inspected by the DIO Mail Unit staff. Those magazines not listed may be excluded if contrary to legitimate penological interests.

TV Guide  
Readers Digest  
Parade  
U.S. News  
Time  
National Geographic  
Consumer Report  
Sports Magazines: fishing, sailing, boating, skydiving, skiing, running, tennis football, baseball, basketball, hockey, weight lifting, cycling  
(Guns & Ammo, Handguns, Shooter, Muzzleloader, etc., **shall not** be allowed)  
Sports A Field  
Sports Illustrated  
Popular Mechanics  
Rolling Stone  
Religious Publications: Plain Truth, Ensign, Daily Bread, Etc.  
Home Magazines: Better Homes, House Beautiful, Country Living, Gardening, Architecture Digest, Red Book, etc.  
Bazaar  
Glamour  
Cosmopolitan  
Health Related Magazines: Psychology Today, Today's Health, Diet and Exercise, Mental Health  
Money  
Forbes

FDr03/02.00 GENERAL MAIL REGULATIONS

FDr03/02.01 Policy

It is the policy of the UDC that:

- A. inmate mail shall comply with:
  - 1. the Constitution and Laws of the United States;
  - 2. the Constitution and Laws of the State of Utah; and
  - 3. the authorized written policies and procedures of the DIO;
- B. inmates shall be permitted to send and receive mail while in custody of the DIO in the manner set forth in this policy;
- C. nothing in this procedure should be interpreted as creating a greater entitlement for inmates or those with whom they correspond than that currently required by law;
- D. inmate mail regulations shall:
  - 1. further the legitimate interests of the DIO; while
  - 2. balancing the DIO's interests with those of the general public and inmates;
- E. mail received for inmates at the USP shall be delivered to the DIO Mail Unit for processing;
- F. there shall not be a limit on correspondence sent or received by inmates, only on the storage space available unless contrary to legitimate penological interests;
- G. possession of stamps is not authorized unless Commissary purchased (see FDr03/02.05 A.);
- H. inmates may purchase embossed or metered envelopes from the Commissary;
- I. non-English letters may be delayed for the purposes of translation;

- J. exceptions to normal mail procedures shall be documented by ICR/IR-1 Reports;
- K. inmates are responsible for change of address notification upon release;
- L. standard mail will be refused, except as provided in FDr03/02.09;
- M. it is the inmate's responsibility to promptly notify the Mail Unit and the Property Unit in writing of his/her standard postage publication subscriptions (i.e., magazines, newsletters, etc.) regardless of whether the subscriptions are paid for by the inmate or by any other person. It is not necessary for inmates to notify the Mail Unit or Property Unit of their subscriptions that are listed on the Magazine Matrix (FDr03/01.04 Appendix B.);
- N. the Mail Unit shall not accept postage-due mail unless payment is waived by the deliverer;
- O. the Mail Unit shall not accept letters, cards, money instruments, or property items for which there is reasonable cause to believe the items are contaminated, defaced or handled in such a way as to be offensive;
- P. items received that cannot be searched without destruction or alteration (i.e., electronic greeting cards, padded cards, multi-layered cards, doubled-faced Polaroid photographs, etc.) shall be denied and returned to the sender;
- Q. inmates are prohibited from receiving currency or personal checks;
- R. personal staff mail and/or packages is to be disallowed unless Department related;
- S. current employees/volunteers of the Department are prohibited from sending personal correspondence to inmates; and
- T. former employees/volunteers of the Department are prohibited from sending/receiving correspondence to/from inmates unless one year has lapsed since their termination from employment.



FDr03/02.02

Rationale

- A. Mail is an important means for inmates to maintain family ties. Mail must be regulated, however, to prevent inmates from misusing mail to undermine security, safety, order, or other legitimate DIO interests.
- B. Inmates must be provided notice concerning mail rules and regulations to:
  - 1. assist inmates in complying with requirements; and
  - 2. serve as a basis for disciplinary action when inmates violate mail regulation.

FDr03/02.03

Procedure: Mail Processing Within the DIO Mail Unit

Inmate mail, incoming or outgoing, shall be processed and handled within the DIO Mail Unit in accordance with U.S. Postal Service regulations and guidelines insofar as they are applicable and do not conflict with safety, security or operational requirements of the DIO, and with applicable DIO policies, procedures and technical manuals.

FDr03/02.04

Procedure: Amount of Correspondence

- A. Inmates shall not be limited as to the number of letters they may send or receive, although limits may be imposed on the volume of letters and other materials which may be stored in housing units.
- B. Inmates may not receive inmate-to-inmate mail unless authorized by the Facility Warden/designee.

FDr03/02.05

Procedure: Possession of Stamps

- A. Postage stamps are contraband in the prison and are not authorized for inmate possession or use unless Commissary purchased in conjunction with U.S. Postal Service postage increases and when meeting exceptions identified in FDr03/02.05 B., FDr03/06.05 B.
- B. Inmates are permitted to purchase embossed/metered envelopes from the DIO Commissary and may retain one pre-addressed

stamped/metered envelope received from other State of Utah government agencies.

- C. When additional postage is required for embossed/metered envelopes, the inmate shall attach a properly signed (should be in ink) and witnessed Money Transfer Form to the envelope.
- D. When postage is required for pre-addressed or windowed business envelopes, the inmate shall attach a properly signed (should be in ink) and witnessed Inmate Money Transfer form to the envelope.
- E. Pre-addressed or windowed business envelopes are allowed for retention. Business envelopes shall not be used for personal correspondence.

FDr03/02.06

Procedure: Non-English Language Mail

- A. Personal mail written in a language other than English may be delayed for purposes of translation.
- B. Mail delays for purposes of translation should not be unreasonably delayed from date of receipt.
- C. In situations requiring lengthy delays, the inmate shall be notified in writing of the delay and the reason for the delay.

FDr03/02.07

Procedure: Documentation of Exceptions

Any exceptions to normal mail procedures shall be documented by an ICR/IR-1 report and/or other appropriate forms or log entries.

FDr03/02.08

Procedure: Change of Address

It shall be the responsibility of inmates housed in or being paroled from jails or other facilities to arrange for change of address notifications.

FDr03/02.09

Procedure: Standard Mail

Standard mail will be refused, unless it fits with the following exceptions: religious mail, catalogs within the exceptions to the "no catalog rule" (refer to FDr03/01.03 and FDr03/03.01 C.), non-profit mail as listed in the DMM, subscription material as defined under the Publishers-Only Rule

(refer to FDr03/01.03), and with notice as per FDr03/02.01 M. Mail which fits within the exceptions shall be received.

FDr03/02.10 Procedure: Staff Requests for Mail Covers

Staff requests for inmate mail covers shall be processed through that staff member's chain of command.



FDr03/03.00 INCOMING INMATE MAIL: GENERAL PROCEDURES

FDr03/03.01 Policy

It is the policy of the UDC that:

- A. mail received for inmates at DIO shall be delivered to the DIO Mail Unit for processing;
- B. detailed maps showing roadways of Utah and bordering states are not allowed for inmate retention, however, all other maps that do not present security and/or safety concerns are allowed when they are a physical part of a publication;
- C. catalog purchases must be in accordance with the Publishers-Only Rule (see FDr03/01.03);
- D. except as provided in the catalog definition of this policy, catalogs shall **not** be accepted through the mail;
- E. unless ordered by a court pursuant to UCA 42-1-1, an inmate is not authorized to petition the DIO for a name change that would reflect a change in the conviction name used on correspondence envelopes sent or received unless done so in accordance with FBr10/05.12, "Inmate Name Change";
- F. staff-to-inmate and inmate-to-inmate mail shall **not** be in "inter/intra-department delivery" envelopes;
- G. personal mail not accepted by an inmate may be returned to the post office at the inmate's expense (postage);
- H. state funds shall not be used in the distribution of sexually-explicit materials to offenders; and
- I. offenders may be subject to disciplinary action or loss of privileges for repeated use of state funds to process the rejection of prohibited information or material.

FDr03/03.02 Rationale

- A. Mail is an important means of assisting inmates to maintain family and community ties

while incarcerated; however, inmates may abuse the mail system in an attempt to introduce contraband, conspire to violate security procedures, or otherwise frustrate the legitimate interest of the DIO. Mail must, therefore, be regulated and handled in a manner which does not compromise the Department's interests of security, safety, order, and treatment.

- B. Restrictions on inmate access to mail may be justified only if they are reasonable and further a legitimate government interest.
- C. Delaying mail unnecessarily or failing to staff the mail function sufficiently to avoid unreasonable delay may result in a civil rights claim.
- D. Correspondence between inmates and the community provides a means of introducing contraband into the Institution which would jeopardize security, safety, order, and other legitimate DIO interests. Opening and inspecting mail assists in the interception of contraband.
- E. Reading inmate mail helps prevent or discover inmates' use of, or attempt to use, the mail to engage in conduct which violates DIO policy. While the Department lacks the resources to read all inmate's personal mail, putting inmates on notice that mail can and may be read serves as a deterrent to misconduct.
- F. The First Amendment protects access to sexually-oriented materials which do not otherwise violate federal or state obscenity laws; however, in certain venues it is necessary to restrict sexually-oriented materials. Penal institutions and the work place are venues where such restrictions on such materials are necessary because:
  - 1. Utah statutes make it unlawful to distribute pornographic materials;
  - 2. sexually-oriented materials have a likelihood of encouraging or reinforcing violent or deviant sexual behavior, making inmates more resistant to treatment efforts, and increasing the



potential risk to staff members and other inmates;

3. it is reasonable to assume there would be greater risk of homosexual attacks against, or with, other inmates as a result of viewing materials depicting homosexual activities;
4. Title VII, 42 USC 2000e, prohibits sexual harassment in a person's workplace. Sexually-oriented materials have been found to contribute to the possible creation of a hostile work environment. If such materials in the possession of staff members in the work place can lead to sexual harassment, such concerns should apply to inmates receiving, possessing, and/or displaying such materials; and
5. studies show, and local and national experts agree, that viewing nude and sexually-oriented materials cause certain people to commit violent and other sexual crimes.

FDr03/03.03

Procedure: Receiving Mail at the DIO Mail Unit

- A. The DIO Mail Unit shall receive U.S. Postal Service deliveries Monday through Friday unless a state and/or federal holiday occurs on one of these days.
- B. DIO Mail Unit staff shall be designated as the inmates' agents for signing and accepting mail.
- C. Mail requiring a signature-receipt that is addressed to an inmate who is no longer under the jurisdiction of the DIO shall not be accepted.
- D. Books, magazines, newspapers, cassette tapes etc, shall be sent in accordance with the publisher-only rule.
- E. Standard mail will be refused, except as provided in FDr03/02.09. Mail which fits within the exceptions shall be received.
- F. Inmates ordering any item under the publisher-only rule shall forward payment for the subscription with their orders. No



publications shall be received on a trial basis or with payment postponed.

- G. Mailing envelopes are a commissary purchase item only. Exception being one pre-addressed, postage-paid envelope received from courts, attorneys or other judicial agencies (for indigent mail see FDr03/07.02).
- H. Inmate mail received for inmates at the DIO shall be delivered to the DIO Mail Unit for processing and:
  - 1. shall include the inmate's full commitment name and USP/offender number (mail not providing this information shall be returned to the sender without notice to the inmate);
  - 2. shall be opened and inspected;
  - 3. may be read at the discretion of the Department;
  - 4. may be photocopied when such copying is reasonably related to the furtherance of a legitimate Department interest;
  - 5. may be refused, denied or confiscated where reasonable cause exists to believe the contents may adversely impact the safety, security, order or treatment goals of the Department;
  - 6. may be used as evidence in criminal, civil or administrative trials or hearings;
  - 7. is entitled to no expectation of privacy; and
  - 8. shall be delivered to inmates without unreasonable delay.
- I. All forms of nuisance contraband shall be confiscated and disposed of without notice or opportunity for appeal.
- J. Catalog purchases other than through the DIO commissary catalog are **not** authorized and catalogs shall **not** be accepted through the mail, except as provided in FDr03/03.01 D. and FDr03/01.03 catalog definition.

- K. Money transfers shall only be accepted for packages and oversized envelopes being mailed, additional postage on overweight and overseas envelopes/packages, envelopes inmates designate as legal and/or privileged mail, and pre-addressed or windowed business envelopes. (Envelopes must not be altered.)
- L. Business envelopes shall not be accepted for personal correspondence.
- M. Mail received for Intensive Management status inmates shall be handled in accordance with FDr25/03, Mail: "Intensive Management".
- N. Greeting cards that exceed 11.5 X 14 shall be denied and returned to the sender.
- O. Refused mail (unopened) shall be returned to the Post Office and does not require inmate notification, except mail that fits into the exceptions in FDr03/02.09. Such mail will require inmate notification pursuant to FDr03/03.06.

FDr03/03.04

Procedure: Prohibited Mail

A. Sexually Prohibited Material

- 1. State Funds shall not be used to distribute or make available to any offender commercially published information or material that is sexually explicit or features nudity. State funds include the following;
  - a. DIO employee wages;
  - b. payment of private provider services;
  - c. payment of contract services; and/or
  - d. security and supervision of volunteers, visitors, etc.
- 2. DIO employees may not deliver to any offender commercially published information or material that is presumed to contain sexually-explicit material or features nudity.

3. The following magazines, periodicals shall not be accepted into the institution nor distributed to any offender or staff member:
  - a. Playboy;
  - b. Penthouse;
  - c. Hustler;
  - d. Cheri;
  - e. High Society;
  - f. Genesis;
  - g. Barely Legal;
  - h. Velvet;
  - i. Voluptuous;
  - j. Swank;
  - k. Live Young Girls;
  - l. Hawk;
  - m. Gallery;
  - n. Celebrity Skin;
  - o. Busty;
  - p. Club; and/or
  - q. other commercial magazines, periodicals or single issues depicting nudity or sexually explicit conduct.
4. In addition to those items listed in FDr03/03.04, A.3., any commercially published information or material shall be rejected if:
  - a. the subscriber must be 18 years of age or older (because the material is presumed to contain sexually-explicit material or features nudity); and



- b. the outside cover indicates that it contains sexually-explicit information or material or features nudity.
5. Material shall be prohibited and denied delivery if it violates Utah State Law.
  - a. Utah State Statutes, included within the boundary of this provision are:
    - (1) Section 76-10-1203 UCA;
    - (2) Section 76-10-1204 UCA;  
and
    - (3) Section 64-13-41.
  - b. In the event material is denied based upon either obscenity or violation of state law, the site investigative unit shall refer the material to the appropriate jurisdiction for criminal disposition.
6. In addition to sexually-explicit material or materials featuring nudity and/or obscenity, mail shall also be prohibited and denied delivery if it graphically portrays any of the following sexual conduct:
  - a. bestiality;
  - b. sado-masochism;
  - c. pedophilia;
  - d. rape;
  - e. homosexuality;
  - f. masturbation; and/or
  - g. material published primarily for sexual arousal.
7. Magazines or other publications that come into the Mail Unit for delivery to inmates that seem to portray the content listed in paragraph 6 above shall be screened by the wardens of the Draper

and CUCF site. If these two wardens agree the material is not suitable for delivery to the inmate by the criteria explained above they shall instruct the Deputy Warden of Support Services to write a memo to the mailroom staff of Draper and CUCF adding the name of the magazine or other publication to the list of not acceptable publications listed in FDr03/03.04 A.3.

B. Material Which Threatens Security or Safety

1. Material which would constitute a direct and immediate threat to the safety, security or order of DIO shall be prohibited and refused delivery.
2. Material rising to the level of a threat to safety, security or order includes, but is not limited to, material which:
  - a. incites, advocates, aids, abets or provides instruction concerning activities such as:
    - (1) illegal drug use;
    - (2) the manufacture, use or conversion of weapons, ammunition, bombs or incendiary devices;
    - (3) escape;
    - (4) threats of death or bodily harm;
    - (5) criminal activity;
    - (6) smuggling or other introduction, exporting or manufacture of contraband;
    - (7) plans for criminal activity or violating the policies, procedures, or regulations of the DIO;
    - (8) martial arts;
    - (9) survival;
    - (10) guns and ammo;

- (11) gang activity; and/or
- (12) detailed maps of Utah and/or bordering states;
- b. instructs, gives exploded views of or provides planning assistance related to:
  - (1) picking locks;
  - (2) digging tunnels;
  - (3) defeating security materials or systems; or
  - (4) manufacturing of alcohol, drugs, weapons or other contraband;
- c. provides information:
  - (1) concerning the families, home address/phone numbers, or license numbers/vehicle information for DIO officials/staff or other government officials;
  - (2) concerning transportation schedules;
  - (3) which if communicated, would create a clear and present danger of violence and physical harm to any person; or
  - (4) of a photographic nature revealing security information (i.e., correctional facilities and/or inmates); or
- d. is written in code.

C. Inflammatory Material

- 1. It is within the legitimate interests of the DIO to intercept the introduction of materials into the USP which constitutes a direct and present threat to the safety or security of the Institution because it incites or advocates physical violence against others.



2. No publications shall be considered inflammatory solely on the basis of its appeal to a particular ethnic, racial or religious audience.
3. Criticism of the administration, operation or personnel of the DIO, the Board of Pardons, or of any other government official or agency shall not constitute a direct and present threat to the security and safety of the facility, unless that material advocates illegal action.

FDr03/03.05      Procedure: Exceptions

- A. This policy does not apply to sexually-explicit material used for the assessment or treatment of an offender. (Refer to Utah Code 76-10-1207.05.)
- B. Sexually-explicit information or material containing nudity that is illustrative of medical, educational or anthropological content may be accepted for distribution on a case-by-case basis, (e.g., National Geographic, Our Bodies, Our Selves, etc.), if the material is not:
  1. primarily for sexual arousal;
  2. primarily for prurient reasons; and/or
  3. of questionable literary value.
- C. Material that is of a news or information type, may be admitted on a case-by-case basis if the material is not:
  1. primarily for sexual arousal; and/or
  2. primarily for prurient reasons.

FDr03/03.06      Procedure: Delivery to Inmates

- A. When a letter has been processed for delivery, it should be sealed with a small strip of cellophane tape or with a staple.
- B. Personal and inter-facility mail shall be bundled/bagged by housing unit designation, and delivered to the unit mail depository.
- C. The housing unit mail handler shall:

1. upon receipt of mail for inmates assigned to their units, prepare and have conspicuously posted a unit inmate mail list;
2. not open, read, inspect, censor and/or withhold inmate mail;
3. ensure that mail is safeguarded until properly delivered or returned to the DIO Mail Unit as undeliverable;
4. ensure that mail is delivered **directly to the inmate addressee**;
5. not distribute mail to third parties (staff or inmates) to hold for or deliver to the inmate addressee, except as outlined in policy;
6. not leave mail in the inmate's assigned living quarters; and
7. not give inmate mail to housing unit staff and/or fellow officers for purposes of:
  - a. investigation;
  - b. inspection for contraband;
  - c. reading; or
  - d. withholding.

- D. Inmate mail which cannot be delivered because the inmate is not assigned to the unit, or because the inmate has been reassigned to another unit shall be promptly returned to the DIO Mail Unit staff with a **separate written note**, dated and signed by the housing unit officer, indicating why the mail was not delivered. **(Do not write on the envelope.)**

FDr03/03.07 Procedure: Denial Procedures: General

- A. When incoming inmate mail is determined to be unacceptable, the DIO Mail Unit shall notify:
1. the inmate on a Notification of Denied Mail Form providing a simple but adequate explanation for denying the mail which notifies the inmate of the right to file a grievance; and

2. the sender on a Notification of Denied Mail Form detailing the reasons for denying the mail and a notice of sender's right to appeal the action to the DIO Director/designee within seven days.
- B. If the decision to deny delivery of the incoming mail is challenged by the inmate, the DIO Mail Unit staff shall refer him to the Inmate Grievance System.
- C. If the sender challenges the denial of the mail the:
1. challenge shall be forwarded to the DIO Director/designee within seven days;
  2. DIO Director/designee shall inform the sender and the DIO Mail Unit supervisor of the decision; and
  3. DIO Director/designee shall document the decision in writing and send copies of the memorandum announcing the action to the:
    - a. DIO Mail Unit; and
    - b. Warden/designee.

FDr03/03.08

Procedure: Staff-to-Inmate Mail

- A. Staff-to-inmate mail shall not be sent in "inter/intra-department delivery" envelopes and shall contain:
1. the name and the department of the staff sender in the upper left corner; and
  2. the inmate's complete mailing address to include the inmate's:
    - a. full commitment name;
    - b. Offender number or USP number; and
    - c. housing unit.
  3. Envelopes not having this will be returned to the sender with a problem form.



FDr03/04.00

INCOMING INMATE MAIL: SPECIALIZED PROCEDURES

FDr03/04.01

Policy

It is the policy of the UDC that:

- A. inmates are not entitled to receive through the mail:
  - 1. currency;
  - 2. personal checks;
  - 3. inmate-to-inmate mail; nor
  - 4. any item deemed to be contraband;
- B. inmates are generally permitted to receive:
  - 1. money orders;
  - 2. cashier's checks; and
  - 3. certified, insured, registered and special delivery mail;
- C. inmates may receive non-personal checks if approved based on the policies in this chapter;
- D. it is the responsibility of the inmate to file a change of address card before they are released from the DIO;
- E. an inmate is not authorized to establish credit transactions through the mail while confined unless authorized by the Warden of the facility; and
- F. fund raising by inmates for personal gain is **prohibited**.

FDr03/04.02

Rationale

- A. Correspondence between inmates and the community provides a means of introducing contraband into the Institution which would jeopardize security, safety, order, and other legitimate DIO interests. Opening and inspecting mail assists in the interception of contraband.

- B. Reading inmate mail helps prevent or discover inmates' use of, or attempt to use, the mail to engage in conduct which violates UDC policy. While the Department lacks the resources to read all inmate's personal mail, putting inmates on notice that mail can and may be read serves as a deterrent to misconduct.
- C. Accepting cash through the mail exposes staff to false allegations of theft. Accepting and crediting personal checks creates administrative problems including, but not limited to, giving credit for insufficient funds checks and the need for time consuming procedures to verify that personal checks are issued from viable accounts with adequate funds to cover the check.
- D. Money orders, cashier checks, and other guaranteed checks do not create the same financial risks or processing time required of checks for which there is no guarantee of payment.
- E. Certified, insured, registered, and special delivery mail provides no greater risks to the Institution than regular mail and the additional handling requirements are not significant.
- F. Contraband presents a serious risk to safety, security, order, treatment, and other legitimate institutional interests. Procedures must be designed to ensure that a maximum effort is employed to prevent the introduction of contraband.

FDr03/04.03

Procedure: Currency and Personal Checks

- A. Inmates are prohibited from receiving currency, personal checks and/or copies of checks.
- B. When currency or personal checks are received they shall be returned to the sender.
  - 1. The currency or personal checks shall be placed in the original sender's envelope along with a completed Notification of Denied Mail Form giving notice of the DIO regulations forbidding receipt of currency or personal checks through the mail.

2. The envelope shall be re-sealed, stamped "Return to Sender", given new postage and returned to sender. This action shall be witnessed by a second DIO Mail Unit staff.
  3. When the incoming envelope does not have a return address, the DIO Mail Unit staff shall:
    - a. notify the inmate addressee in writing that he has five days from date of notice to provide a return address; and
    - b. if the inmate does not provide the return address within the specified time, the original sender envelope and currency or personal check shall be returned to the U.S. Postal Service.
  4. Any correspondence to the inmate shall also be returned to the sender.
- C. The sender may challenge the non-delivery of the correspondence through the procedure outlined in FDr03/03.06,C.
- D. If the decision to deny delivery of the correspondence is challenged by the inmate, the DIO Mail Unit staff shall refer him to the Inmate Grievance System. (See FDr03/03.06,B.)
- E. The DIO assumes no responsibility for money/money instruments or personal checks lost in the process of receiving, processing and/or returning them.

FDr03/04.04

Procedure: Money Orders, Cashier's Checks or Non-Personal Checks

- A. Inmates are generally permitted to receive based on the policies of this chapter:
  1. money orders;
  2. cashier's checks;
  3. non-personal/business checks.
- B. Inmate Accounting shall process money orders, cashier's, business or non-personal checks



received from the DIO Mail Unit and credit them to the inmate addressee's account.

- C. Envelopes containing money instruments shall be addressed in the following manner and contain the sender's complete return address:

Utah State Prison	CUCF
c/o Inmate Accounting	c/o Inmate Accounting
P.O. Box 250	P.O. Box 550
Draper, Utah 84020	Gunnison, Utah 84634

- D. All money received for inmates through the incoming mail shall comply with the following conditions:

1. only cashier checks or U.S. and Canadian money orders shall be accepted;
2. no foreign currencies shall be accepted;
3. all money instruments shall be enclosed in a separate envelope containing no other items and addressed as shown in paragraph C, above; and
4. the money instruments shall be labeled with the inmate's full name, number and shall contain the **sender's full name and address**.

- E. Money instruments/envelopes not labeled correctly shall be denied and returned to the sender.

- F. Exceptions to this chapter shall be allowed for non-personal/business checks (checks receipted in the Mail Unit at Draper site and IAFO at CUCF site), such as:

1. government pensions,
2. payroll checks from former employers; and
3. refunds from business transactions.

FDr03/04.05

Procedure: Receiving Inmate Money, Non-Illegal/Nuisance Contraband

The receipt of all currency, coin and other contraband (including nuisance contraband) shall be processed according to the following procedures:

- A. all forms of currency and coin are contraband;
- B. money instruments detected during the inspection of incoming correspondence shall be denied by the DIO Mail Unit staff and the entire contents returned to the sender;
- C. all forms of nuisance contraband may be confiscated and disposed of without notice or opportunity for appeal; and
- D. any other contraband along with the correspondence shall be returned to the sender.

FDr03/04.06

Procedure: Certified, Insured, Registered or Special Delivery

Inmates are allowed to receive certified, insured, registered and special delivery mail.

- A. Certified, insured, registered or special delivery mail received from the U.S. Postal Service shall be processed by the DIO Mail Unit staff as incoming inmate mail (FDr03/03.00).
- B. Frequently, certified, insured, registered or special delivery mail will have a return receipt card attached. If so, the DIO Mail Unit staff shall:
  - 1. sign as "agent" on the return receipt card completing the information as requested; and
  - 2. return the completed card to the U.S. Postal Service.
- C. Unless identified otherwise, the mail shall be considered "personal" and processed accordingly.
- D. Mail identified as "privileged" shall be afforded treatment as described in FDr03/08.00 through FDr03/10.00.

FDr03/04.07

Procedure: Forwarding Mail

- A. Persons No Longer in DIO Custody
  - 1. It shall be the responsibility of inmates being released from the DIO

custody to submit a change of address card (available from the Inmate Accounting Funds Office) to the DIO Mail Unit, before they are released from the DIO.

2. The DIO shall return to the sender mail received for inmates who have been released from custody for more than 90 days unless the release was to:
  - a. a community corrections center;
  - b. a county jail; or
  - c. some other location under the jurisdiction of the DIO Inmate Placement Program.
3. After 90 days mail for former inmates (persons who are no longer in the custody of the DIO) shall be returned to the sender with notice that the addressee is unknown or left no forwarding address.

B. Inmates Not in the USP, but Still in DIO Custody

The DIO Mail Unit shall forward mail for inmates who, though no longer in the USP, are:

1. in a CCC; or
2. in another prison, jail or other facility under supervision of the IPP.

FDr03/04.08

Procedure: Undeliverable Mail

- A. Undeliverable letters sent by inmates which are returned to DIO by the Postal Service shall be opened and inspected to ensure that contraband or new written communications have not been added in an attempt to circumvent the mail inspection procedures. (See FDr14, "Packages".)
- B. In the case of returned "privileged" correspondence, the envelope shall be opened only in the presence of the inmate and examined to determine whether any contraband has been added.
- C. If everything is in order the returned mail shall be returned to the inmate.

Revised 3/1/07

FDr03/04.07



FDr03/05.00 OUTGOING INMATE MAIL: GENERAL PROCEDURES

FDr03/05.01 Policy

It is the policy of the DIO that:

- A. outgoing inmate mail and inmate intra-department mail shall be deposited in the housing units outgoing mail depository, picked up by DIO Mail Unit staff or, delivered to the DIO Mail Unit for processing;
- B. an inmate shall not direct nor establish a new business through the mail unless authorized by the Warden of the facility; and
- C. an inmate who corresponds concerning a legitimately held business, shall correspond through his attorney or a party holding a power of attorney.

FDr03/05.02 Rationale

- A. Designated mail drops for outgoing inmate mail are provided to minimize the possibility that mail will be lost or mishandled.
- B. Photocopying and/or returning of mail is authorized when the contents of an inmate's letter involve criminal conduct or conspiracies, or where such copying is necessary to further legitimate security, safety, or other DIO interests.

FDr03/05.03 Procedure: Outgoing Inmate Mail and Inmate-to-Staff Inter/Intra-Department Mail

- A. Outgoing inmate mail and inmate-to-staff inter/intra-department mail shall be deposited in the housing units outgoing mail depository, to be picked up by DIO Mail Unit staff, or delivered to the DIO Mail Unit for processing and:
  - 1. shall be sealed by the inmate sender;
  - 2. may be inspected by the DIO Mail Unit;
  - 3. may be read at the discretion of the DIO Mail Unit;
  - 4. shall not be censored;

5. may be photocopied when such copying is reasonably related to the furtherance of a legitimate Department interest and should be routed to the Warden;
  6. may be confiscated for reasonable cause if the contents may negatively impact the safety, security, order, or rehabilitation goals of the UDC;
  7. shall be clearly identified as having originated from DIO inmates; and
  8. shall not be sent in inter-departmental envelopes.
- B. All inmate-to-staff inter/intra-departmental mail shall be deposited in designated outgoing inmate mail depositories.
- C. Inmate-to-inmate mail shall follow procedures prescribed in FDr03/11.00.
- D. Inmate-to-staff (Oquirrh Captain, Cedar Housing Manager, etc.) envelopes should be regular mailing envelopes and shall contain the name and department of the addressee. The inmate's return address should include the inmate's:
1. full commitment name;
  2. offender number; and
  3. housing unit.
  4. Envelopes not having this information will be returned to the sender with a problem form.
- E. Inmate-to-staff envelopes marked "privileged" or "legal" shall be processed in accordance with those procedures outlined in FDr03/08.07 C.
- F. Inmate-to-staff envelopes shall only contain a name, address and references. No other comments and/or drawings shall be allowed.
- G. Unwanted inmate-to-staff mail may be returned to the staff writing "return to sender" on the envelope.

- H. Inmate-to-staff mail that displays threatening, negative gestures or comments, extraneous materials, or grossly offensive sexual comments, within its contents shall:
1. be referred to the Warden/designee on an O-track ICR Incident report by staff involved;
  2. after review, the Warden/designee may notify the Law Enforcement Bureau; and
  3. if a disciplinary action results, the Law Enforcement Bureau shall, with the approval of the Executive Director, have all mail from this inmate to staff revoked unless it is sent through the U.S. Postal Service.

FDr03/05.04

Procedure: Return Address

- A. Inmate outgoing mail must contain the USP return address on the outside of the envelope.
- B. The return address shall include the:
1. sending inmate's full commitment name;
  2. inmate's USP/offender number;
  3. inmate's housing facility, (i.e., Wasatch B, AW, AE, Oquirrh 1, Timp 1, Aspen, Cedar, Birch, etc.); and
  4. the city, state and zip code.
- C. Inmate outgoing mail not containing the required return address information shall be treated as incoming mail and be returned to the inmate with a Mail Problem Form.
- D. If the sender's identity cannot be established, the envelope and the contents shall be destroyed.
- E. Money Transfers shall only be accepted for packages being mailed, additional postage for overweight, overseas and oversized envelopes, and on envelopes inmates designate as legal and/or privileged mail.



FDr03/05.05

Procedure: Inmate Mail Collection

- A. In housing units where inmate mail is picked up by the housing unit officer, and taken to a central pick-up point, the following procedure shall be followed:
1. where mail is gathered on a **section-by-section** basis:
    - a. mail is to be kept separate in designated mail bags; and
    - b. section mail bags shall be placed in a larger housing unit bag, to be picked up by the DIO Mail Unit;
  2. where mail is gathered from a **common area**, mail shall be placed in a designated mail bag. (If more than one common area exists in a housing unit, each common area bag shall be placed in a larger housing unit bag, to be picked up by the DIO Mail Unit.); or
  3. when **section inmate mail depositories** are necessary, the unit manager shall ensure that mail is gathered from the section depositories and placed in the unit's mail depository/designated area prior to mail pick-up at 0630 hours.
- B. When housing unit mail bags are picked up by the DIO Mail Unit, replacement bags shall be left in the housing unit for the next day's mail collection.

FDr03/05.06

Procedure: Mail Collection Schedule

Monday through Friday except on Federal/State holidays, DIO Mail staff shall gather inmate mail from designated outgoing mail depositories/areas once daily.

FDr03/06.00 OUTGOING INMATE MAIL: SPECIALIZED PROCEDURES

FDr03/06.01 Policy

It is the policy of the UDC that:

- A. an inmate who corresponds concerning a legitimate held business shall correspond through their attorney or a party holding a power of attorney;
- B. an inmate is not authorized to establish credit transactions while confined unless authorized by the warden;
- C. fund-raising by inmates for personal gain is **prohibited**;
- D. inmate intra-department mail shall be deposited in designated outgoing mail depositories, and be processed through the DIO Mail Unit;
- E. envelopes received by the DIO Mail Unit displaying threatening, negative gestures or comments, extraneous materials, or grossly offensive sexual comments shall be confiscated, declared contraband, placed into evidence, and the inmate shall receive disciplinary action; and
- F. an inmate is not authorized to incur the cost of mail for other inmates.

FDr03/06.02 Rationale

- A. Inmates may be prevented from conducting business activities in the Institution to:
  - 1. prevent them from engaging in scams and other illegal financial activities; and
  - 2. avoid increasing the volume of mail which must be handled by Mail Unit staff.
- B. Inmates often benefit from maintaining community and family ties. Correspondence, a primary means of communicating with persons outside the prison, may be beyond the means of indigent inmates unless some free postage and writing supplies are provided. The DIO has an interest, however, in limiting the expenditure of tax payer's monies.

- C. DIO must assist inmates to ensure an opportunity to communicate by mail, however, that does not include relieving the inmate of the responsibilities of:
  - 1. ensuring that letters have sufficient postage; and
  - 2. following the mailing regulations of the Institution and the U.S. Postal Service.
- D. Inmates may need to certify and/or insure mail for the same reasons as people outside of the prison.

FDr03/06.03

Procedure: Business Correspondence

- A. An inmate shall not direct nor establish a new business through the mail unless authorized by the Warden of the facility.
- B. An inmate's correspondence concerning a legitimately held business, shall be processed through his attorney or a party holding power of attorney:
  - 1. shall not be sealed by the inmate sender;
  - 2. shall not claim legal/privileged status;
  - 3. shall be inspected and read by the DIO Mail Unit;
  - 4. shall not be censored;
  - 5. may be photocopied when such copying is reasonably related to the furtherance of the legitimate department interest; and
  - 6. shall be sealed by the DIO Mail Unit at the completion of the outgoing procedures.
- C. See Business Authorization Form at FDr03/06.08.
- D. An inmate is not authorized to establish credit transactions through the mail while confined unless authorized by the Warden of the facility.



- E. Inmates ordering anything under the publisher-only rule, shall forward payment for the subscription with their orders. No publications shall be received on a trial basis or with payment postponed.
- F. Outgoing publication orders received at the DIO Mail Unit without an appropriate money transfer shall be destroyed without notice or recourse by the inmate.
- G. Mail with a business address shall not be sealed by the inmate sender. It shall be inspected and read to ensure intent and compliance.
- H. DIO Mail Unit shall seal envelopes before mailing.
- I. Any exception to this section shall be reviewed for approval by the facility Warden/designee on a case-by-case basis.
- J. The Warden/designee shall inform the DIO Mail Unit in writing of exceptions granted.

FDr03/06.04

Procedure: Indigent Status

- A. Inmates approved for indigent mail shall receive up to five, first class, one-ounce letters or equivalent each week for privileged and/or general correspondence.
- B. One first class, one-ounce letter generally consists of:
  - 1. one envelope; and
  - 2. five 8-1/2 inch by 11-inch sheets of paper.
- C. Inmates who do not use their weekly postage allocations, **shall not** be allowed to carry it over to the following week or use their indigent status for the purpose of sending out another inmate's mail.
- D. Inmates who have used all their weekly postage shall have their envelopes returned and processed the same as Incoming Mail.  
(FDr03/03.00)

- E. Postage shall be placed on qualifying envelopes at the DIO Mail Unit upon receipt.
- F. An inmate requiring additional postage on privileged correspondence shall:
  - 1. have an Additional Privileged Mail Postage Request Form, attached to the correspondence:
    - a. containing the court/attorney, case number; and
    - b. provide an explanation why additional postage is required; and
  - 2. upon receipt by the DIO Mail Unit:
    - a. the indigent status shall be verified;
    - b. the court may be called to verify the case number and attorney of record;
    - c. if a, and b, are verified, postage shall be affixed and correspondence mailed;
    - d. if either a, or b, are not verified, the request shall be refused and the correspondence processed the same as incoming mail and returned to the sender with a copy of the DIO Mail Unit Problem Form showing the reason for the return; or
    - e. if the inmate fails to provide a case number, the reason for no case number, the reason why additional postage is required, and/or leave any area blank, the request may be returned for completion.
- G. The original Additional Privileged Mail Postage Request Form shall be filed in the inmate's mail file.
- H. When abuse of the indigent mail procedure is found, an incident report shall be submitted with a disciplinary report. (Indigent inmates sending outgoing mail in embossed/metered

envelopes, may be required to provide proof of ownership.)

FDr03/06.05

Procedure: Insufficient Postage

- A. Inmates are responsible to ensure that their outgoing correspondence has sufficient postage.
- B. Non-indigent inmates shall use embossed/metered first-class or oversized envelopes (envelopes must not be altered/cut down) obtained from the Commissary only. (Exceptions: one pre-addressed/windowed business envelope or one pre-addressed stamped envelope from an attorney/court or Utah State government agency.)
- C. When the inmate believes that the embossed/metered or oversized envelope has insufficient postage to cover charges, he shall:
  - 1. attach a signed (**should be in ink**) and appropriately witnessed Inmate Money Transfer form, with the "**amount**" section **blank**, to the envelope; and
  - 2. place the envelope and attached Inmate Money Transfer form in the designated Inmate Mail Depository.

If no money transfer is attached the letter shall be returned and processed as outlined in FDr03/03.00 Incoming Mail.

FDr03/06.06

Procedure: Certified/Insured/Registered Mail

Inmates who want their outgoing personal mail certified, insured and/or registered shall:

- A. notify Mail Unit staff, in writing, requesting **certified/insured/registered** mail handling with that information placed on the envelope and on the money transfer;
- B. specify full value of the item and the **amount of insurance** coverage desired;
- C. indicate if a **return receipt** is desired;
- D. attach a signed (**should be in ink**) and appropriately witnessed Inmate Money Transfer



form (with the **amount** section blank) to the envelope; and

- E. place the envelope and the attached Inmate Money Transfer form in the designated inmate mail depository.

FDr03/06.07 Procedure: Additional Privileged Mail Postage Request Form (Indigent-Status Inmates Only)

(See the following pages for this form.)

FDr03/06.08 Procedure: Business Authorization Form

(See the following pages for this form.)

DRAPER  
CUCF

UTAH DEPARTMENT OF CORRECTIONS  
DIVISION OF INSTITUTIONAL OPERATIONS  
ADDITIONAL PRIVILEGED MAIL POSTAGE REQUEST FORM

TO: DIO MAIL UNIT

FROM: \_\_\_\_\_ USP/Offender #: \_\_\_\_\_  
(Inmate's Full Commitment Name)

DATE: \_\_\_\_\_ HOUSING UNIT: \_\_\_\_\_

Additional postage for privileged legal mail shall be granted only to Attorney(s) of record in State Courts, or Federal Courts having jurisdiction in Utah ( i.e., 10th Circuit Court of Appeals, U.S. Supreme Court). Case number(s) must be verifiable (i.e. filed with the court).

**THIS REQUEST IS FOR ADDITIONAL POSTAGE ON PRIVILEGED LEGAL MAIL.  
ONLY INDIGENT STATUS INMATES CAN APPLY.**

(Fill in all requested information completely)

Current Case Number (or reason for no case number): \_\_\_\_\_

Court that Case Number is assigned/recorded in: \_\_\_\_\_

Attorney of Record: \_\_\_\_\_

Court/Attorney envelope is addressed to: \_\_\_\_\_

Provide an explanation as to why additional postage is required to mail the privileged legal document(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NOTE:** All information must be completed to qualify for additional postage for privileged legal mail. Any area left blank may cause your request to be denied.

DRAPER  
CUCF

UTAH DEPARTMENT OF CORRECTIONS  
DIVISION OF INSTITUTIONAL OPERATIONS  
BUSINESS AUTHORIZATION FORM

UDC  
GRAMA Classified  
Public

Inmate's Name: \_\_\_\_\_ USP#: \_\_\_\_\_ Date: \_\_\_\_\_

Housing Unit: \_\_\_\_\_ Classification Code: \_\_\_\_\_

This request is to:            Conduct a Business  
   Engage in a Business Contract

Nature of Business or Business Contract: (where, with whom, why, and how)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DISCLAIMER:            This is an inmate at the Utah State Prison. The State of Utah, the Utah Department of Corrections and the Division of Institutional Operations shall not be obligated for any debts incurred by this approval.

APPROVED

DENIED

Warden/Designee Signature: \_\_\_\_\_ Date: \_\_\_\_\_



FDr03/07.00 INCOMING INMATE MAIL: INCOMING PUBLICATIONS

FDr03/07.01 Policy

It is the policy of the DIO that the receipt of all incoming books, cassette tapes, magazines, and newspapers shall be governed by the Publisher-Only Rule.

FDr03/07.02 Rationale

- A. Inmates have a First Amendment interest in receiving publications and publishers have an interest in the inmate addressee receiving their publication. Those interests must be balanced against security, safety, treatment and other legitimate institutional interests.
- B. The Publishers-Only Rule, permitting inmates to receive publications or tapes from outside the Institution only if the materials are mailed from the publisher, bookstore, or vendor, is an appropriate means of protecting UDC legitimate interests because:
  1. the Publishers-Only Rule does not violate an inmate's First Amendment rights; and
  2. there are sufficient alternative means within the Rule for an inmate to obtain reading and/or listening material.

FDr03/07.03 Procedure: Acceptance Criteria

- A. The Publisher-Only Rule shall govern the receipt of all incoming books, compact disks, cassette tapes, magazines, newspapers, and:
  1. any publications not in strict compliance with the publisher-only provisions shall not be accepted by the DIO Mail Unit or Property Unit;
  2. denied publications shall be returned to the sender; (nuisance contraband--see FDr03.03, I);
  3. the DIO Mail/Property Unit shall not deny a publication solely because its content is religious, philosophical, political, social or sexual, or because its content is unpopular or repugnant;

4. the DIO Mail/Property Unit shall deny a publication if it is determined detrimental to the security, order or discipline of DIO or if it might facilitate criminal activity;
  5. publications which shall be denied by the DIO Mail/Property Unit include but are not limited to those that:
    - a. depict or describe procedures for the construction or use of weapons, ammunition, bombs or incendiary devices;
    - b. depict, encourages, or describes methods of escape from correctional facilities, or similar descriptions of prison buildings, security systems, wiring diagrams, or detection devices;
    - c. are written in code;
    - d. encourages or instructs in the commission of criminal activity;
    - e. contain material considered legally obscene;
    - f. instructs in the use and development of martial arts, survival techniques; or
    - g. are catalogs other than those listed as exceptions in the definition.
- B. Acceptable publications and/or audio recordings shall be characterized by:
1. direct shipment from the publisher, or commercial distributor with a commercially printed or stamped return address;  
  
Note: Address may be handwritten if determined to be from an authorized vendor.
  2. the absence of matter which depicts, describes, or encourages activities which may lead to the use of physical violence or group disruption;

3. the absence of sexually explicit or legally obscene material which by its nature or content poses a threat to the safety, security, or order of DIO;
  4. availability to the general public at newsstands or by mail subscription;
  5. a national or regional circulation among the general public;
  6. content of a general character and of general interest to the public, (i.e., news of political, religious, commercial, or social affairs); and
  7. publications of legal notices for the community in which it is published or the area to which it is distributed.
- C. Publications of questionable content shall be subject to review on an issue-by-issue basis. Offending issues shall be denied.

FDr03/07.04

Procedure: Denial Procedure

See FDr03/03.06, "Denial Procedure: General".



FDr03/08.00 PRIVILEGED MAIL: GENERAL REGULATIONS

FDr03/08.01 Policy

It is the policy of the UDC that certain types of mail are entitled to constitutionally protected confidentiality (or privilege); accordingly, this privilege prohibits qualifying correspondence material from being read without cause by DIO staff.

FDr03/08.02 Rationale

A. Inmate Interests

Inmates have interests including:

1. communication with:
  - a. their attorneys;
  - b. the courts; and
  - c. certain public officials.
2. privilege in communicating with their attorneys when:
  - a. that communication involves their legal cases; and
  - b. the information is not part of the public domain or is otherwise legally available to DIO officials; and
3. delivery of correspondence without unreasonable delay.

B. DIO Interests

The DIO has interests including:

1. protecting its security, safety, order and other legitimate interests; and
2. operating the mail processing and delivery system in a cost-effective manner by limiting the types and volume of mail requiring processing as privileged only to those legally entitled to the privilege status.

C. Balancing Interests

The DIO's policies and procedures for processing inmates' privileged mail shall:

1. be rationally or reasonably related to its safety, security and other legitimate interests;
2. provide alternatives for inmates which accommodate their constitutionally protected rights; and
3. take into account alternate approaches, if offered by inmates, which fully accommodate the inmates interests at the least cost to the DIO.

FDr03/08.03

Procedure: Privileged Correspondence Standards

Certain types of mail are entitled to constitutionally-protected confidentiality (or privilege). Accordingly, this privilege prohibits qualifying correspondence material from being read without cause by DIO officials.

- A. Privilege shall be accorded to mail which meets the requirements of this chapter between an inmate and his/her attorney or a court, if the correspondence:
1. is enclosed in an envelope from the attorney or court with the sender's name, law firm or legal agency's name (i.e., including but not limited to the American Civil Liberties Union, Legal Center for People with Disabilities, Civil Rights Department of the Department of Justice, etc.) and return address printed or embossed on the envelope;
  2. from an attorney, is clearly identifiable as originating from an attorney, law office, or legal agency; and
  3. is printed or otherwise affixed to the envelope the legend "privileged", "confidential legal material", or other language which clearly requests confidentiality due to the privileged nature of the enclosed material.

- B. Privilege should also be accorded correspondence from an inmate to:
1. the Executive Director;
  2. the legal representative(s) of the Department;
  3. the DIO Director; and
  4. the facility Warden.
- C. To claim privilege when writing to the officials listed above, the inmate shall:
1. address the envelope to the intended recipient by name, title and agency;
  2. write his/her commitment name, USP number, housing assignment, and prison facility on the envelope; and
  3. enter the required legend on the envelope asserting privilege as stated in A,3, above.
- D. Privilege shall not be accorded to mail from or to:
1. law schools;
  2. the news media;
  3. government agencies or officials unless specifically identified under FDr03/08.03,A or B, above;
  4. hospitals, medical centers, medical clinics, or doctors offices;
  5. private investigators, private security agencies, or private rent-a-cop/rent-a-judge companies;
  6. mail marked "legal" or "privileged" but having no identifiable legal association or relevance;
  7. associations or groups not readily known as legitimate legal assistance providers;
  8. legal publishers (e.g., Codco, Berkley Legal Publications); or



9. the clergy.
- E. Attorney mail should only be declared to be privileged if it:
1. contains material which is related to the attorney's representation of the inmate; and
  2. is confidential in nature (information not otherwise available to the DIO).
- F. To be processed as privileged, mail shall include only that communication which is related to the official capacity and authorized purposes of that entity and shall:
1. not be extended to money instruments, publications, and/or communications of a personal or social nature; and
  2. be processed in a manner which affords confidentiality.
- G. Paralegals, law clerks, legal assistants, and other persons employed by an attorney:
1. enjoy their legal status only when they are acting at the direction of the attorney relating to a particular legal matter; and
  2. it is required that their correspondence to inmates be signed by the attorney to enjoy privileged status.
- H. Privileged mail not accepted by an inmate may be returned to the post office or placed on disposition and processed by the Property Unit in accordance with FDr14, Inmate Property.

FDr03/08.04

Procedure: Misuse of Privileged Mail Status

- A. Persons asserting privileged mail status who misuse the privileged mail system to:
1. **introduce contraband** into the facility;
  2. **introduce illegal contraband** may be prosecuted;
  3. **include non-legal** mail with privileged mail; or

4. **introduce** falsely labeled non-privileged mail (i.e., personal letters from the attorney or other persons or other non-legal materials);
- B. If the violation is repeated, the persons in violation may face suspension of privileged mail status.
- C. Incoming mail falsely labeled as privileged shall be confiscated and the sender and addressee notified.
- D. Inmates or legal entities who falsely label incoming or outgoing non-privileged mail as privileged shall be subject to disciplinary action and/or suspension of the privileged correspondence.
- E. Any suspension of attorney communication privileges shall be at the direction of the DIO Director following a due process consideration that may be appealed to the Executive Director.

FDr03/08.05 Procedure: Denial of Privileged Mail

If a privileged letter written by or addressed to an inmate is denied:

- A. the inmate shall be notified of the reason for the denial;
- B. the sender/inmate shall be given reasonable opportunity to request the Utah State Attorney General's office to review the decision; and
- C. the Utah State Attorney General's Office written decision may be appealed to the Utah Department of Corrections Executive Director/designee.

FDr03/08.06 Procedure: Nuisance Contraband

Nuisance contraband shall be removed by staff in the inmate's presence, before the mail is given to the inmate to avoid delays in delivering privileged mail.

FDr03/08.07 Procedure: Envelopes

- A. To be identified as incoming privileged mail, the correspondence shall be from an attorney

or other sender qualified for privileged correspondence as set forth under FDr03/08.03, A, B, and shall address the envelope in accordance with FDr03/08.03,C.

- B. Envelopes containing privileged mail to other authorized addressees:
  - 1. shall include sufficient addressee information to enable the DIO Mail Unit staff to reasonably identify the intended addressee; and
  - 2. a clear designation on the envelope asserting the privilege status.
- C. Inmate-to-staff privileged mail (i.e., Executive Director, Warden, etc.) shall be in regular mailing envelopes and shall be labeled and processed in accordance with the procedures outlined in FDr03/05.03,D.
- D. Envelopes marked "privileged" or "legal" that do not contain sufficient information to identify the inmate shall be **inspected** and **examined**, but **not read** and returned to the sender for a correct return address.

FDr03/08.08 Procedure: Privileged Incoming Packages

To be **identified** as privileged incoming packages shall:

- A. be from one of the entities listed under FDr03/08.03,A and/or B;
- B. have on the package the sender's (individual, firm or agency) name, title and business address;
- C. have printed, stamped or written on the package:
  - 1. "privileged";
  - 2. "confidential legal mail"; or
  - 3. a similar word or words which clearly indicates that the package contains privileged legal material.



FDr03/09.00 PRIVILEGED MAIL: INCOMING PROCEDURES

FDr03/09.01 Policy

- A. It is the policy of the DIO that incoming privileged mail:
  - 1. shall be inspected, but only in the presence of the inmate addressee;
  - 2. shall not be perused;
  - 3. shall not be photocopied; and
  - 4. may be denied only for reasonable cause upon instruction of the DIO Director/designee.
  
- B. To be identified as incoming privileged mail, the correspondence shall be from an attorney or other sender qualified for privileged correspondence as set forth in FDr03/08.03 and shall have on the envelope the necessary requirements for privileged mail.

FDr03/09.02 Rationale

- A. It is necessary to evaluate the privilege claims of correspondences mailed to inmates to determine if the correspondence is, in fact, what it purports to be. Inmates and their families or associates may attempt deceptions to pass personal mail under the guise of the privileged status.
  
- B. Privileged mail will be opened in the presence of the inmate as a means of balancing the interests of the inmate with the Division's safety and security interests.
  - 1. Mail must be opened to verify that the envelope is, in fact, from an entity entitled to privileged communication, and that the contents are privileged (as opposed to greeting cards or letters from family or friends).
  - 2. The possibility that contraband will be enclosed in letters, even those from apparent attorneys, warrants the opening of letters.

3. By opening and inspecting privileged mail in the presence of the inmate to whom the letter is addressed enables the inmate to see that the letter is only inspected, **not read**.

C. Inmates are not permitted to possess cash and other negotiable instruments, therefore, incoming privileged with these items must be processed the same as personal mail to ensure accountability for funds received.

FDr03/09.03

Procedure: Privileged Mail Opened at the DIO Mail Unit

A. Incoming envelopes shall be inspected to make an initial determination concerning whether the letter qualifies for privileged processing.

1. Once an envelope is identified as privileged it shall only be opened and inspected in the presence of the inmate.

2. Inspection of the contents of privileged correspondence may include a brief examination of documents to ensure that they are legal documents or are otherwise entitled to privileged status.

B. Mail may be withheld consistent with the procedures set forth in this chapter if:

1. the mail is falsely labeled as privileged;

2. the envelope contains, **in addition** to privileged correspondence:

a. non-privileged documents (e.g., personal correspondence, etc.);

b. any item considered contraband; and/or

c. illegal contraband; and/or

3. there are reasonable grounds to believe that the correspondence includes escape plans, criminal conspiracy plans or other information which would substantially threaten the legitimate safety or security interests of the DIO.



- C. DIO policy requires privileged mail to be opened in the presence of the inmate addressee; however, circumstances may arise which result in the inadvertent opening of an envelope qualifying for privileged handling. When the inadvertent opening of privileged mail occurs:
  1. the letter shall be resealed with tape; and
  2. written notice acknowledging the action shall be provided to the:
    - a. inmate addressee;
    - b. sender; and
    - c. Support Deputy Warden.
- D. After required written notice is prepared, deliver the resealed correspondence to the inmate addressee.
- E. When the inmate is offered the resealed correspondence, if he/she desires to accept it, he/she may be required to sign the "receipt" portion of his/her copy and the file copy. The file copy shall be returned to the DIO Mail Unit.

FDr03/09.04

Procedure: Delivery to Inmate

- A. The DIO Mail staff shall give the Privilege Mail Form to the inmate and request the inmate write his name, USP number and date in the appropriate space provided on the form.
- B. The DIO Mail staff shall then take the Privilege Mail Form from the inmate and compare the name and USP number on the form to the name and USP number on the envelope.
- C. Once the DIO Mail staff is convinced the inmate who just signed the form is the same inmate as the inmate listed as the addressee on the envelope he shall proceed with the opening of the Privilege Mail envelope.
- D. After the Privilege Mail envelope has been opened in front of the inmate and the inspection process completed, not finding anything contrary to the provisions of this chapter, the DIO Mail staff shall:



1. sign in the space provided on the Privilege Mail Form in the presence of the inmate;
2. give the envelope, correspondence and the yellow copy of the Privilege Mail form to the inmate; and
3. return the white copy of the Privilege Mail form to the DIO Mail Unit to be filed in the inmate's mail file.

FDr03/10.00 PRIVILEGED MAIL: OUTGOING PROCEDURES

FDr03/10.01 Policy

It is the policy of the DIO that outgoing privileged mail:

- A. may be inspected only upon reasonable cause to believe that the correspondence:
  - 1. contains material which would significantly endanger the security or safety of the Institution; or
  - 2. is misrepresented as legal material;
- B. should only be inspected in the presence of the inmate sender;
- C. shall not be perused;
- D. shall not be photocopied;
- E. may only be denied for a reasonable cause, and upon instruction of the DIO Director; and
- F. from an inmate that cannot be identified shall be forwarded to the Support Deputy Warden/designee, who will make a determination of the disposition.

FDr03/10.02 Rationale

- A. The Institution shall not interfere with access to the courts and should assist in any way possible to aid the inmate. However, the Institution is not required to assume the inmates' responsibility for properly preparing outgoing privileged mail.
- B. The DIO has a legitimate interest in preventing inmates from fraudulently labeling mail as privileged. Fraudulent labeling may be a way for an inmate to avoid inspection thereby preventing the detection of escape plans, criminal conspiracies, and other attempts to violate regulations.

FDr03/10.03 Procedure: Preparation by Inmates

- A. Outgoing correspondence must be properly designated to be afforded privileged handling.

1. Inmates shall list name, title, agency and claim privilege.
  2. Inmates shall seal their outgoing privileged correspondence.
  3. Envelopes not properly sealed shall be returned to the inmate sender.
  4. Only indigent inmates are entitled to free postage for privileged outgoing mail.
- B. Inmates are prohibited from:
1. falsely labeling correspondence as privileged;
  2. sending illegal or other contraband out in privileged correspondence;
  3. mailing cash or other negotiable money instruments;
  4. other material which presents a clear and present danger to DIO security or safety; or
  5. other material which presents a threat to the addressee.
  6. Exception to this rule is IFAO checks.
- C. The DIO Mail Unit and other UDC personnel shall handle outgoing privileged mail in a manner which facilitates the confidential processing required.
- D. Inmates shall be responsible to ensure that their outgoing correspondence has sufficient postage.
- E. Non-indigent inmates shall use embossed/metered first-class envelopes or manila envelopes obtained from the commissary.
- F. FDr15, "Indigent-Status", provides policy and procedure for indigent status generally and specifically FDr15/02.05, "Indigent Mail" section. Infrequently, due to exigent conditions, an inmate may require more postage for privileged mail. When such a circumstance exists, the following procedure shall be carried out.



1. The inmate shall attach to the privileged mail a completed Request for Additional Privileged Mail Postage Form.
  2. Additional postage for privileged legal mail shall be granted only to Attorney(s) of record in the State Courts, or Federal Courts (i.e. 10th Circuit Court of Appeals, U.S. Supreme Court). Case number(s) must be verifiable (i.e. filed with the court).
  3. Request for Additional Privileged Mail Postage Forms shall be available on each housing unit.
  4. Upon receipt of the explanation the DIO Mail Unit shall process the requests for eligible inmates.
  5. If an inmate fails to provide a case number, the reason for no case number, the reason why there is no court or attorney's name, and/or the reason why additional postage is required, the request shall be returned for completion.
  6. If the DIO Mail Unit has reason to suspect inappropriate use of this process the Support Services Deputy Warden shall review the request.
  7. Misuse or abuse of this process shall subject the inmate to disciplinary action.
- G. Outgoing privileged mail shall be identified as "privileged" or "legal" in writing by the inmate on the outside of the envelope.
- H. The inmate shall seal the envelope before placing the envelope into the housing unit mail depository. (FDr03/10.03 A,2)

FDr03/10.04

Procedure: Insufficient Postage

When an inmate has reason to believe that the postage on the envelope is insufficient to cover postage costs, the inmate shall:

- A. attach a signed (**should be in ink**) and appropriately witnessed Inmate Money Transfer form with, the "**amount**" section blank, to the envelope; and

- B. place the envelope and the attached Inmate Money Transfer form in the designated inmate mail depository.

FDr03/10.05      Procedure: Inmate-to-Staff Mail

Inmate-to-Staff privileged mail shall be processed in accordance with the procedures outlined in FDr03/08.07,C.

FDr03/10.06      Procedure: Processing at the DIO Mail Unit

- A. DIO Mail staff shall exercise reasonable precautions to protect the confidentiality of outgoing privileged mail.
- B. Legitimate outgoing privileged mail received at the DIO Mail Unit shall be processed in an expedient manner.
- C. Outgoing privileged mail:
  - 1. shall be inspected only upon reasonable cause to believe that the correspondence:
    - a. contains material which would significantly endanger the security or safety of the Institution; or
    - b. is misrepresented as legal material;
  - 2. shall only be inspected in the presence of the inmate sender;
  - 3. shall not be perused;
  - 4. shall not be photocopied; and
  - 5. from an inmate who cannot be identified shall be forwarded to the Support Deputy Warden/designee, who will make a determination of the disposition.
- D. Denied outgoing privileged mail received at the DIO Mail Unit shall be accompanied by complete and accurate documentation on a ICR/IR-1 Report and a Disciplinary Report.
- E. Outgoing privileged mail use may be suspended following a due process hearing.

FDr03/11.00 INMATE-TO-INMATE MAIL

FDr03/11.01 Policy

It is a policy of the DIO that:

- A. nothing in this procedure should be interpreted as creating a greater entitlement for inmates or those with whom they correspond than that currently required by law;
- B. inmates have no entitlement to inmate-to-inmate correspondence created by the constitutions of the United States or the State of Utah; and
- C. inmate-to-inmate correspondence shall not be permitted unless done so in accordance with the provisions of this policy.

FDr03/11.02 Rationale

Mail is an important means for inmates to maintain family ties. Mail must be regulated, however, to prevent inmates from misusing mail to undermine security, safety, order, or other legitimate ~~UDC~~ DIO interests.

FDr03/11.03 Procedure: Inmate Requests

- A. Inmate-to-inmate correspondence shall not be permitted, unless:
  - 1. there is a compelling justification for an exception;
  - 2. there is no alternate means of accomplishing that compelling need; and
  - 3. the inmate presents a minimal risk to security, safety and/or order.

Note: Inmate-to-inmate correspondence between parents, siblings, and spouses shall be allowed unless a legitimate justification for a restriction is present and is documented.

- B. Inmate-to-inmate mail for the purpose of this chapter refers to any mail between inmates under the jurisdiction of the DIO and:
  - 1. other inmates under the jurisdiction of the UDC;



2. inmates in other state or federal prison systems;
  3. inmates in the county jails of Utah or other states; or
  4. persons under supervision of UDC on probation and/or parole.
- C. Inmates have no entitlement to inmate-to-inmate correspondence created by the constitutions of the United States or the State of Utah.
- D. Inmate-to-inmate correspondence places the legitimate interests of the UDC at risk in that:
1. inmates may use inmate-to-inmate mail to:
    - a. notify other inmates of UDC activities and intended actions;
    - b. notify other inmates of information which would jeopardize the safety of other inmates requiring protection status;
    - c. coordinate contraband smuggling, escape activities and/or inmate disorders;
    - d. coordinate criminal conspiracies/conduct; and/or
    - e. continue relationships with other inmates which would frustrate treatment efforts;
  2. inmates may transmit coded messages; and
  3. the special handling requirements of inmate-to-inmate mail requires a greater expenditure of staff time than ordinary mail.
- E. Before permission for inmate-to-inmate correspondence can be considered, the inmate shall:
1. make a written request to the facility administrator;

2. explain on a Inmate-to-Inmate Correspondence Request Form:

- a. why the correspondence is necessary; and
  - b. why alternate means of communication are not capable of accomplishing the purpose of the communication.
- F. The inmate shall bear the burden--a heavy burden--to overcome the prohibition against inmate-to-inmate communication and obtain a limited exception to the rule.
- G. Exceptions to the inmate-to-inmate prohibition must have the concurrence of each participating inmate's facility administrator.
- H. If the correspondence involves out-of-state prisons or jails, the permission of the chief administrator of that facility shall also be required.
- I. Correspondence involving offenders on probation/parole shall require the authorization of the offender's AP&P agent.

FDr03/11.04

Procedure: Granting Exceptions

- A. If a compelling necessity is deemed to exist and all permission has been obtained, the inmate may be granted an exception on a **limited** basis.
- B. Permission to correspond shall include:
  - 1. the restricted purpose of the correspondence;
  - 2. the limits on the number of letters permitted;
  - 3. any special handling requirements; and
  - 4. the date of expiration of the permission.
- C. Permission to correspond shall be limited to members of the inmate's **immediate** family, including:

1. parents;
  2. siblings;
  3. spouse; and
  4. if adopted, such adoption shall have occurred during childhood (before age 18) and prior to being first incarcerated in prison.
- D. Permission to correspond shall generally be approved for one exchange of letters. If broader permission is granted:
1. no more than **two** letters per month may be sent by any one inmate; and
  2. justification for the broader authorization must be documented by the facility administrator.
- E. Each inmate-to-inmate request shall be assigned a file number by the DIO Mail Unit.
1. All requests, authorizations, denials and letters sent/received shall be documented under that number.
  2. The Mail Unit shall notify the inmate of the assigned file number.
  3. The file (approval) number shall be written on the front lower left corner of the envelope (incoming and outgoing correspondence).
  4. Each letter shall consist of no more than five sheets of no longer than 8½ X 14 inch writing paper.
  5. The inmate making the request shall be responsible to notify the other inmate with whom he is corresponding of the requirements to include the assigned file number and its location on the envelope.
  6. Outgoing letters must be sent out in a posted envelope.
- F. An expiration date for the approval to correspond shall be affixed at the time of approval by the approving authority. The



approval shall expire when the special need has been satisfied, the number of allowed letters have been exchanged, one of the inmates move to a new facility, or the expiration date has passed, whichever comes first.

FDr03/11.05

Procedure: Privacy of Inmate-to-Inmate Mail

- A. Inmate personal mail has no expectation to privacy and **may** be read; and
- B. inmate-to-inmate mail, because of the special risks it represents and the absence of a legal right of inmates to such correspondence, has even less expectation of privacy and **shall** be read.

FDr03/11.06

Procedure: Violating Agreement

If the terms of the inmate-to-inmate correspondence agreement or DIO policy are violated:

- A. the inmate may be subject to disciplinary action;
- B. the correspondence may be denied delivery;
- C. the inmate-to-inmate correspondence exception may be revoked; and/or
- D. if criminal, prosecution may be pursued.

FDr03/11.07

Procedure: Inmate-to-Inmate Correspondence Request Form

See the next 3 pages

**DEPARTMENT OF CORRECTIONS  
DIVISION OF INSTITUTIONAL OPERATIONS  
INMATE-TO-INMATE CORRESPONDENCE REQUEST FORM**

( Page One )

Utah State Prison, Draper, P.O. Box 250, Draper, Utah 84020, (801) 576-7000  
Central Utah Correctional Facility, P.O. Box 898, Gunnison, Utah 84634, (801) 528-6400

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

RE: Intra/Inter- Facility Inmate- to- Inmate Correspondence Request

Inmate \_\_\_\_\_, # \_\_\_\_\_, presently committed to the jurisdiction of the Utah Department of Corrections, has requested authorization to correspond with \_\_\_\_\_, # \_\_\_\_\_, who is reportedly assigned to your custody.

Utah Department of Corrections Mail Policy (FDr03) states that inmate- to- inmate correspondence shall not be permitted unless:

- 1.) there is compelling justification for an exception to the policy;
- 2.) there is no alternate means of accomplishing that compelling need; and
- 3.) the inmate presents a minimal risk to security, order, and/or safety.

If permission to correspond is granted, it shall be limited to members of the inmate's immediate family consisting of parents, siblings, spouse or, if adopted, such adoption occurring before age eighteen.

Permission to correspond shall generally be approved for one exchange of letters. If broader permission is granted, any inmate may send no more than two letters per month.

Justification for the broader authorization must be documented by both facility administrators involved and the Housing Unit Captain. Letters must be sent in posted envelopes and shall consist of no more than five sheets of no longer than 8 ½ X 14 inch writing paper.

An expiration date to correspond shall be fixed at the time of approval. The approval shall expire when the special need has been satisfied, the number of approved letters have been exchanged, if the inmate moves to a new facility or the expiration date has elapsed, whichever comes first.

Please advise your inmate of the DIO Mail Policy and indicate on page three whether or not this request meets your approval.

INMATE-TO-INMATE CORRESPONDENCE REQUEST FORM

( Page Two )

( Must be completed by the inmate )

Inmate's Name: \_\_\_\_\_

The name of the person I request to correspond

USP#: \_\_\_\_\_ Date: \_\_\_\_\_

with is: \_\_\_\_\_ # \_\_\_\_\_

Housing Assignment: \_\_\_\_\_

Relationship: \_\_\_\_\_

Board of Pardons Status: \_\_\_\_\_

Address: \_\_\_\_\_

Classification Code: \_\_\_\_\_

It is the policy of the Utah State Department of Corrections that inmate- to- inmate correspondence shall not be permitted unless the following conditions are met:

- 1.) there is a compelling justification to grant a policy exception;
- 2.) there is no alternate means of accomplishing this compelling need; and
- 3.) the granted policy exception would present a minimal risk to security, safety and management of the Institution.

The heavy burden to justify an exception to the policy will fall upon the inmate. Before the exception can be considered, the following must be completed by the inmate:

- 1.) I believe that I should be granted an exception to the policy because of the following compelling need:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- 2.) Other alternate means of communication are not possible of accomplishing this need because:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- 3.) Corresponding with this individual does not present a risk to security, safety or management of the Institution because:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**NOTE: Pages 1 and 3 of the Inmate Correspondence Request Form must be completed before forwarding to the Mail Unit.**

If granted permission to correspond, I understand that, if the terms of the inmate- to- inmate correspondence agreement are violated, I will be subject to disciplinary action, the correspondence shall be denied delivery, the inmate- to- inmate correspondence exception shall be revoked, and criminal prosecution may be pursued.

\_\_\_\_\_  
Verification of Relationship and  
Approval by Unit Manager/SSW

\_\_\_\_\_  
Inmate's Signature

\_\_\_\_\_  
Date





FDr03/11.08

Procedure: Transfer of Privileged Legal Materials  
Between Inmates

- A. Inmates having a legitimate interest to exchange legal materials and information are directed to forward such to the contract attorneys.
- B. Exchanges shall be initiated by the inmate placing his legal correspondence in a pre-printed envelope entitled "Attorney Request" checking the space on the envelope "transfer of legal material only," completing the envelope sections for name, USP number, and location, seal and deposit it into the unit mail depository.

NOTE: It is essential that the full commitment name and USP number of the inmate designated to receive the legal materials is legibly and prominently indicated.

- C. Upon receiving the envelope in the Mail Unit, staff shall then **forward the envelope without opening it** to the site warden's office.
- D. Designated staff in the site warden's Office shall log receipt (without opening) and submit to contract attorney representatives.
- E. Upon receipt the attorney representative should **screen contents to ensure it contains "appropriate legal material."**
- F. If the attorney representative discovers that the contents are not "appropriate legal material" it shall be so noted on the outside of the envelope, signed and dated. The envelope and contents shall then be delivered to the site warden's office.
- G. When such abuse is discovered, appropriate disciplinary action shall be initiated by the site warden.
- H. If the attorney representative determines that the transfer request is appropriate the legal materials shall be promptly forwarded to the inmate addressee.

FDr03/12.00 MAIL SERVICE: IPP/UMC/WORK RELEASE/BOARD OF PARDONS/SPECIAL PROJECTS

FDr03/12.01 Policy

It is the policy of the DIO that personal, privileged mail and Board of Pardon's Disclosure File information for inmates:

- A. transferred to county jails or other facilities away from a DIO facility shall be subject to the rules of the Institution to which they are assigned;
- B. transferred to the UMC shall be subject to the provisions contained in this procedure;
- C. assigned to the DIO work release/road crews shall be subject to the provisions contained in this procedure;
- D. under the jurisdiction of DIO shall be subject to the provisions of this procedure; and
- E. assigned to special projects units (i.e., Firefighters, Conservation crew, Asbestos crew) shall be subject to the provisions contained in this procedure.

FDr03/12.02 Rationale

- A. Inmates have a legitimate interest in receiving personal mail, privileged mail, and/or Disclosure File information regardless of where they are housed or their work assignment.
- B. The Department has a legitimate interest in ensuring that safety, security and order issues related to mail delivery and processing are maintained regardless of where the inmate is housed or their work assignment.

FDr03/12.03 Procedure: County Jails/Other Facilities

- A. When an inmate is transferred to an Institution beyond the operational jurisdiction of the DIO, the DIO Mail Unit shall determine the location of each inmate by referring to the daily roster/O-Track database and forwarding file.



- B. The DIO Mail Unit shall use all means available to coordinate the delivery or forwarding of mail to an inmate.
- C. Inmates are responsible for informing their correspondents of an address change as soon as possible.

FDr03/12.04 Procedure: University Medical Center (UMC)

When an inmate is transferred to the UMC, the DIO Mail Unit shall:

- A. inspect and forward all personal mail via the U.S. Postal System until the inmate is returned from the UMC;
- B. prepare and forward all privileged mail (including a partially completed Privileged Mail Form, see TMF 08/09.06) via the Transportation Officer;
- C. retain a copy of the Privileged Mail Form;
- D. direct the Transportation Officer to acknowledge receipt of the privileged mail by signing and dating the Privileged Mail Form in the comment section;
- E. the Transportation Officer shall deliver the privileged mail or direct the UMC Officer to conduct the privileged mail procedure as provided in this chapter (see FDr03/09.03-4); and
- F. inform the Transportation Officer to return the completed Privileged Mail Form to the DIO Mail Unit upon return to the DIO facility.

FDr03/12.05 Procedure: DIO Work Release/Road Crews

- A. When an inmate is assigned to the DIO Work release/road crew, privileged mail shall be delivered to the Work Release Officer.
- B. The DIO Mail Unit shall:
  - 1. deliver all privileged mail (including a partially completed Privileged Mail Form) to the DIO Work Release Office;
  - 2. have the Work Release Officer acknowledge receipt of the privileged mail by signing and dating the

Privileged Mail Form in the comment section;

3. retain a copy of the Privileged Mail Form;
4. have the Work Release Officer conduct the privileged mail procedure as provided in FDr03/09.03-04; and
5. have the Work Release Officer return the completed white copy of the Privileged Mail Form to the DIO Mail Unit staff in a timely manner.

FDr03/12.06

Procedure: Board of Pardons and Parole Disclosure Files

- A. Initial receipt of Board of Pardon's Disclosure Files by the Draper site Mail Unit shall be documented on the Board's Disclosure File Memo with the original memo being returned to the Board of Pardons and a copy maintained on file at the unit.
- B. Upon receipt of Disclosure Files, the Draper site Mail Unit shall distribute these files to, including but not limited to, the following locations:
  1. CUCF;
  2. county jails;
  3. out-of-state facilities where DIO inmates are housed; and
  4. the Utah Medical Center.
- C. Draper site and CUCF site Mail Unit staff shall ensure site Disclosure File deliveries are completed.
- D. Refused Disclosure Files shall be returned to the Board of Pardons along with the Disclosure File Acknowledgment Form.

FDr03/12.07

Procedure: Special Projects

- A. DIO operations at remote sites, such as:
  1. conservation camps; and

2. asbestos and other off site work at various locations.
- B. The DIO Mail Unit shall inspect and forward all personal incoming inmate mail to the assigned housing unit.
  - C. Relief Field Officers shall pick up mail from the unit mail depository and distribute the inmate mail upon arrival at the work site.
  - D. The returning officer shall pick up and return all outgoing inmate mail to the unit mail depository for DIO Mail Unit pick-up.
  - E. The DIO Mail Unit shall deliver all privileged mail (including a partially completed Privileged Mail Form) to the assigned housing unit:
    1. the shift leader shall acknowledge receipt of the privileged mail by signing and dating the Privileged Mail Form in the comment section;
    2. the DIO Mail Unit shall retain a copy of the Privileged Mail Form;
    3. the Relief Field Officer shall acknowledge receipt of the privileged mail by signing and dating the Privileged Mail Form in the comment section;
    4. the Relief Field Officer shall, conduct the privileged mail procedure as provided in FDr03/09.03-04; and
    5. the Field Officer being relieved shall return the white copy of the completed Privileged Mail Form to the DIO Mail Unit in a timely manner.





FDr03/06.043 Procedure: Indigent Status

- A. Inmates ~~approved for on~~ indigent mail status shall receive ~~up to five~~ one, first class, one-ounce letters or equivalent each week for ~~privileged and/or~~ general correspondence.
- B. One first class, one-ounce letter generally consists of:
1. one envelope; and
  2. five 8-1/2 inch by 11-inch sheets of paper.
- C. Inmates who do not use their weekly postage allocations, **shall not** be allowed to carry it over to the following week or use their indigent status for the purpose of sending out another inmate's mail.
- D. Inmates who have used all their weekly postage shall have their envelopes returned and processed the same as Incoming Mail- (FDr03/03.00).
- E. Postage shall be placed on qualifying envelopes at the DIO Mail Unit upon receipt.
- F. An indigent inmate requiring additional postage ~~on~~ for privileged correspondence because ~~his~~ their weekly quota of indigent postage has been used up shall:
- ~~1.~~ have an Additional Privileged Mail Postage Request Form, attached to the correspondence containing all requested information (Forms: FDr03/13.01).
- 
- ~~a.~~ ~~containing the court/attorney, case number; and~~
  - ~~b.~~ ~~provide an explanation why additional postage is required; and~~
- G. 2. Upon receipt by the DIO Mail Unit:
1. ~~a.~~ the indigent status shall be verified;

2. ~~b.~~ the court may be called to verify the case number and attorney of record;
3. ~~e.~~ if a1, and 2b, are verified, postage shall be affixed and correspondence mailed;
4. ~~d.~~ if either ~~a1~~, or ~~b2~~, are not verified, the request shall be refused and the correspondence processed the same as incoming privileged mail and returned to the sender with a copy of the DIO Mail Unit Problem Form showing the reason for the return; or
5. ~~e.~~ if the inmate fails to provide all the information requested, a case number, the reason for no case number, the reason why additional postage is required, and/or leave any area blank, the request form and the letter(s) or package(s) may be returned for completion.

~~G.H.~~ The original Additional Privileged Mail Postage Request Form shall be filed in the inmate's mail file.

~~H.I.~~ When abuse of the indigent mail procedure is found, an incident report ~~shall~~ may be submitted along with a disciplinary report.

~~I.J.~~ ~~{Indigent inmates sending outgoing mail in embossed/metered envelopes, may be required to provide proof of ownership.}~~

K. Indigent inmates are not provided postage fees to certify outgoing mail.



GENERAL ORDER

DIVISION OF INSTITUTIONAL OPERATIONS

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**Subject:** FD03 - Prohibited Mail     **Number:** DIOGO 12-023  
**Date Issued:** December 20, 2012  
**Date Effective:** Dec. 20, 2012  
**Pages:** 26

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**Cross Reference:**     **DIOGO Review Date:**  
    June 20, 2013

**Supersedes:** FDr03/01.03; FDr03/03.00-/03.04; FDr03/07.00-/07.04,  
    revised 3/1/07

In its entirety  
 Only the sections attached  
 This is a new policy

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**Approved:**     **DATE:**

   - signed by Director Steve Turley, 12/17/12 -

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**Steven Turley, Director, Division of Institutional Operations**

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The attached changes to policy and procedure, **FDr03 INMATE MAIL**, shall be issued as a General Order until finalized and distributed for inclusion in the UDC Policy and Procedure Manual. The purpose of this General Order is to give members a working document during implementation and may be updated as necessary.

**Housing Unit Managers should note that the information/changes included in this general order should be entered/updated as soon as possible in the Inmate Reference Manual in order for the inmates to receive fair notice.**

***DIOGO 12-023***

FDr03/01.03

Definitions

<b>ADA</b>	Americans with Disabilities Act
<b>anthropological</b>	pertaining to the scientific study of the origin and physical, social, and cultural development and behavior of humans
<b>bestiality</b>	sexual acts between humans and an animal
<b>catalog</b>	a systematized list whose sole purpose is to feature a description of items for sale (e.g., a publication listing items for sale such as, but not limited to: Sears, J C Penney, LL Bean, Automotive, etc. or any other item not allowed for inmate retention as defined by the Property Matrix in FDr14 "Inmate Property"); exceptions to the no catalog rule (FDr03/03.01,D) are price lists, and order forms (when sent 1st and 2nd class), legal catalogs, catalogs from school (schedules/books), religious catalogs, catalogs from Government Printing Offices, and catalogs accompanying a book order, or catalogs allowed by the Property Matrix
<b>cancel</b>	cutting or blacking out information or otherwise modifying the text of a letter, publication or other document; rejecting on the basis of content
<b>cashier's check</b>	pre-paid check

<b>commercially published information or material</b>	any book, booklet, pamphlet, magazine, periodical newsletter, or similar document, including stationary and greeting cards and video and audio tapes, disks, or other recording, that is distributed or made available through any means or media for a commercial purpose; also includes an extraction, photocopy, clipping, or electronically-created copy made from any of the items listed above
<b>contraband</b>	any material, substance or other item not approved by the DIO Director/designee to be in the possession of inmates; and/or items in excess of the number or amount approved for possession by inmates
<b>CUCF site</b>	Central Utah Correctional Facility, P.O. Box 550, Gunnison, Utah 84634
<b>distribute</b>	to transfer possession of materials whether with or without consideration
<b>DMM</b>	United States Postal Service Domestic Mail Manual
<b>Draper site</b>	Draper prison P.O. Box 250, Draper, Utah 84020
<b>exhibit</b>	to show
<b>features nudity</b>	the information or material that, in the case of a one-



time publication or issue, promotes itself based upon depictions of nudity or sexually-explicit conduct; or that, in the case of information or material other than described above, contains depictions of nudity or sexually explicit conduct on a routine or regular basis, UCA 64-13-41

**GRAMA** Government Records Access and Management Act, Chapter 2, Title 63, UCA

**homosexuality** sexual activity with a person of the same sex (see sexual conduct)

**ICR** Initial Contact Report

**IFAO** Inmate Funds Accounting Office

**illegal contraband** contraband which violates criminal statutes

**inmate** a person who has been convicted of a crime, is in the custody of, and housed in a facility under the jurisdiction of the department

**inspect** open and examine a letter, correspondence or other material with the primary objective to detect false labeling, contraband, currency, or negotiable instruments

**inter-department mail** mail sent between departments within the state

**intra-department mail** mail sent from office-to-office within a department

<b>intra-facility mail</b>	mail sent between correctional facilities
<b>IPP</b>	Inmate Placement Program
<b>lascivious</b>	inclined to lustfulness; arousing sexual desire
<b>LEB</b>	Law Enforcement Bureau
<b>mail</b>	written material sent or received by inmates through the United States Postal Service or other recognizable mail service
<b>masturbation</b>	sexual self-stimulation
<b>material</b>	anything printed or written or any picture, or photograph, motion picture, or pictorial representation, or any status or other figure, or any mechanical, chemical, or electrical reproduction, or anything which is or may be used as a means of communication; includes underdeveloped photographs, molds, printing plates, and other latent representational objects
<b>money instruments</b>	currency, coin, personal checks, money orders and cashier's or non-personal checks
<b>negotiable instrument</b>	a legal document, redeemable in cash or equivalent value, capable of being transferred by delivery or endorsement so that the title or ownership passes to the transferee
<b>nudity</b>	a pictorial depiction where genitalia (male or female) or

UDG  
GRAMIA Classified  
Public

female breasts are exposed



<b>nuisance contraband</b>	items that may include but are not limited to; paper fasteners, hair, ribbons, pins, rubber bands, pressed leaves and/or flowers, promotional gimmicks, gum, stickers, computer disks, maps, calendars, balloons, and other such items having no intrinsic value or not approved by the Department Administration to be in the possession of the inmates
<b>offender</b>	a person who has been convicted of a crime, is in the custody of, and housed in a facility under the jurisdiction of the department or on probation/parole
<b>package</b>	a completely wrapped parcel that is more than 3/4 inch thick, regardless of other dimensions and other than correspondence
<b>pedophilia</b>	sexual acts with children or portrayals of children (under the age of 18 years of age) as sex objects
<b>personal mail</b>	correspondence not subject to confidential treatment
<b>peruse</b>	to read carefully or thoroughly; to examine in detail; study or scrutinize
<b>pornography</b>	the depiction of erotic behavior intended to cause sexual excitement; the depiction of acts in a sensational manner so as to arouse a quick intense emotional reaction

<b>privileged mail</b>	correspondence with a person identified by this chapter relating to the official capacity of that person, which has been properly labeled to claim privileged status
<b>prohibited material</b>	material that contains depictions of sexually-explicit material or features nudity
<b>prurient</b>	having, included to have, or characterized by lascivious or lustful thoughts, desires, etc.
<b>publisher-only rule</b>	a rule limiting books, compact disks, cassette tapes, magazines, newspapers, etc., to those sent directly from the publisher, a book or tape club or a licensed book store; publications and tapes shall be new and tapes shall be factory sealed with the return address commercially printed or stamped
<b>rape</b>	sexual activity without consent and/or by force
<b>read</b>	to scan correspondence with the intent to reveal escape plots, plans to commit illegal acts, or plans to violate DIO rules or other security concerns
<b>reasonable cause</b>	information which could prompt a reasonable person to believe or suspect that there is or might be a threat to the safety, security or management of the UDC facility or which could be harmful to persons

**sado-masochism** sexual acts, such as, but not limited to; flagellation or torture by or upon a person who is nude or clad in undergarments, a mask, or in a revealing or bizarre costume, or otherwise physically restrained on the part of one so clothed

**sexual conduct** acts of masturbation, sexual intercourse, or touching of a person's clothed or unclothed genitals, pubic hair, buttocks, or if the person is a female, breasts; whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent or actual sexual stimulation or gratification

**sexually explicit** a pictorial depiction of actual or simulated sexual acts, including but not limited to: sexual intercourse, sodomy, masturbation, bestiality, sado-masochism, rape, pedophilia, homosexuality or any other depiction published for sexual arousal

**standard mail** a large mass or volume of mail sent at a set rate of postage (for this policy referring to mailings not sent first class)

**state funds** state or local funding provided to the Department, and includes legislative appropriations to the Department, dedicated credits, grants, and monies for jail reimbursement to county correctional facilities under



Title 64, Chapter 13  
Department of Corrections-  
State Prison private providers  
and contractors

**UCA**

Utah Code Annotated

**USP**

Utah State Prison; when used  
shall represent all Utah  
Correctional Facilities under  
the DIO

FDr03/03.00 INCOMING INMATE MAIL: GENERAL PROCEDURES

FDr03/03.01 Policy

It is the policy of the UDC that:

- A. mail received for inmates at DIO shall be delivered to the DIO Mail Unit for processing;
- B. detailed maps showing roadways of Utah and bordering states are not allowed for inmate retention, however, all other maps that do not present security and/or safety concerns are allowed when they are a physical part of a publication;
- C. catalog purchases must be in accordance with the Publishers-Only Rule (see FDr03/01.03);
- D. except as provided in the catalog definition of this policy, catalogs shall **not** be accepted through the mail;
- E. unless ordered by a court pursuant to UCA 42-1-1, an inmate is not authorized to petition the DIO for a name change that would reflect a change in the conviction name used on correspondence envelopes sent or received unless done so in accordance with FBr10/05.12, "Inmate Name Change";
- F. staff-to-inmate and inmate-to-inmate mail shall **not** be in "inter/int ra-department delivery" envelopes;
- G. personal mail not accepted by an inmate may be returned to the post office at the inmate's expense (postage);

- H. state funds shall not be used in the distribution of sexually-explicit materials to offenders; and
- I. offenders may be subject to disciplinary action or loss of privileges for repeated use of state funds to process the rejection of prohibited information or material.

FDr03/03.02      Rationale

- A. Mail is an important means of assisting inmates to maintain family and community ties while incarcerated; however, inmates may abuse the mail system in an attempt to introduce contraband, conspire to violate security procedures, or otherwise frustrate the legitimate interest of the DIO. Mail must, therefore, be regulated and handled in a manner which does not compromise the Department's interests of security, safety, order, and treatment.
- B. Restrictions on inmate access to mail may be justified only if they are reasonable and further a legitimate government interest.
- C. Delaying mail unnecessarily or failing to staff the mail function sufficiently to avoid unreasonable delay may result in a civil rights claim.
- D. Correspondence between inmates and the community provides a means of introducing contraband into the Institution which would jeopardize security, safety, order, and other legitimate DIO interests. Opening and inspecting mail assists in the interception of contraband.
- E. Reading inmate mail helps prevent or discover inmates' use of, or attempt to use, the mail to engage in conduct which violates DIO policy. While the Department lacks the resources to read all inmate's personal mail, putting inmates on notice that mail can and may be read serves as a deterrent to



misconduct.

- F. The First Amendment protects access to sexually-oriented materials which do not otherwise violate federal or state obscenity laws; however, in certain venues it is necessary to restrict sexually-oriented materials. Penal institutions and the work place are venues where such restrictions on such materials are necessary because:
1. Utah statutes make it unlawful to distribute pornographic materials;
  2. pornographic materials have a likelihood of encouraging or reinforcing violent or deviant sexual behavior, making inmates more resistant to treatment efforts, and increasing the potential risk to staff members and other inmates;
  3. it is reasonable to assume there would be greater risk of homosexual attacks against, or with, other inmates as a result of viewing materials depicting homosexual activities;
  4. Title V11, 42 USC 2000e, prohibits sexual harassment in a person's workplace. Pornographic materials have been found to contribute to the possible creation of a hostile work environment. If such materials in the possession of staff members in the work place can lead to sexual harassment, such concerns should apply to inmates receiving, possessing, and/or displaying such materials; and
  5. studies show, and local and national experts agree, that viewing nude and sexually-explicit materials cause certain people to commit violent and other sexual crimes.

FDr03/03.03

Procedure: Receiving Mail at the DIO Mail Unit

Revised 12/1/2012

**DIOGO 12-023**

FDr03/03.02

- A. The DIO Mail Unit shall receive U.S. Postal Service deliveries Monday through Friday unless a state and/or federal holiday occurs on one of these days.
- B. DIO Mail Unit staff shall be designated as the inmates' agents for signing and accepting mail.

- C. Mail requiring a signature-receipt that is addressed to an inmate who is no longer under the jurisdiction of the DIO shall not be accepted.
- D. Books, magazines, newspapers, cassette tapes etc, shall be sent in accordance with the publisher-only rule.
- E. Standard mail will be refused, except as provided in FDr03/02.09. Mail which fits within the exceptions shall be received.
- F. Inmates ordering any item under the publisher-only rule shall forward payment for the subscription with their orders. No publications shall be received on a trial basis or with payment postponed.
- G. Mailing envelopes are a commissary purchase item only. Exception being one pre-addressed, postage-paid envelope received from courts, attorneys or other judicial agencies (for indigent mail see FDr03/07.02).
- H. Inmate mail received for inmates at the DIO shall be delivered to the DIO Mail Unit for processing and:
  - 1. shall include the inmate's full commitment name and USP/offender number (mail not providing this information shall be returned to the sender without notice to the inmate);
  - 2. shall be opened and inspected;
  - 3. may be read at the discretion of the Department;
  - 4. may be photocopied when such copying is reasonably related to the furtherance of a legitimate Department interest;



5. may be refused, denied or confiscated where reasonable cause exists to believe the contents may adversely impact the safety, security, order or treatment goals of the Department;
  6. may be used as evidence in criminal, civil or administrative trials or hearings;
  7. is entitled to no expectation of privacy; and
  8. shall be delivered to inmates without unreasonable delay.
- I. All forms of nuisance contraband shall be confiscated and disposed of without notice or opportunity for appeal.
- J. Catalog purchases other than through the DIO commissary catalog are **not** authorized and catalogs shall **not** be accepted through the mail, except as provided in FDr03/03.01 D. and FDr03/01.03 catalog definition.
- K. Money transfers shall only be accepted for packages and oversized envelopes being mailed, additional postage on overweight and overseas envelopes/packages, envelopes inmates designate as legal and/or privileged mail, and pre-addressed or windowed business envelopes. (Envelopes must not be altered.)
- L. Business envelopes shall not be accepted for personal correspondence.
- M. Mail received for Intensive Management status inmates shall be handled in accordance with FDr25/03, Mail: "Intensive Management".
- N. Greeting cards that exceed 11.5 X 14 shall be denied and returned to the sender.

- O. Refused mail (unopened) shall be returned to the Post Office and does not require inmate notification, except mail that fits into the exceptions in FDr03/02.09. Such mail will require inmate notification pursuant to FDr03/03.06.

FDr03/03.04 Procedure: Prohibited Mail

A. Sexually Explicit Material

1. "State Funds shall not be used to distribute or make available any – commercially published information or material to an offender when the state employee, contractor, or private provider who has the authority to expend the funds knows that the commercially published information or material is sexually explicit or features nudity" 64-13-41 UCA.
2. State funds include the following:
  - a. DIO employee wages;
  - b. payment of private provider services;
  - c. payment of contract services; and/or
  - d. security and supervision of volunteers, visitors, etc.
3. The following magazines, periodicals shall not be accepted into the institution nor distributed to any offender or staff member:
  - a. Playboy;
  - b. Penthouse;
  - c. Hustler;
  - d. Cheri;

- e. High Society;
  - f. Genesis;
  - g. Barely Legal;
  - h. Velvet;
  - I. Voluptuous;
  - j. Swank;
  - k. Live Young Girls;
  - l. Hawk;
  - m. Gallery;
  - n. Celebrity Skin;
  - o. Busty;
  - p. Club; and/or
  - q. other commercial magazines, periodicals or single issues depicting nudity or sexually explicit conduct.
4. In addition to those items listed in FDr03/03.04, A.3., any commercially published information or material shall be rejected if:
- a. the subscriber must be 18 years of age or older (because the material depicts sexually-explicit material or features nudity); and
  - b. the outside cover indicates that it contains sexually-explicit depictions or features nudity.
5. Material shall be prohibited and denied delivery if it violates Utah State Law.



- a. In the event material is denied based upon violation of state law, the site investigative unit shall refer the material to the appropriate jurisdiction for criminal disposition.
  - b. Utah State Statutes, included within the boundary of this provision are:
    - (1) Section 76-10-1203 UCA;
    - (2) Section 76-10-1204 UCA;  
and
    - (3) Section 64-13-41.
6. Magazines or other publications that come into the Mail Unit for delivery to inmates that may have questionable depictions shall be screened by the site warden.
- B. Material Which Threatens Security or Safety
1. Material which would constitute a direct and immediate threat to the safety, security or order of DIO shall be prohibited and refused delivery.
  2. Material rising to the level of a threat to safety, security or order includes, but is not limited to, material which:
    - a. incites, advocates, aids, abets or provides instruction concerning activities such as:
      - (1) illegal drug use;
      - (2) the manufacture, use or conversion of weapons, ammunition, bombs or incendiary devices;
      - (3) escape;

- (4) threats of death or bodily harm;
  - (5) criminal activity;
  - (6) smuggling or other introduction, exporting or manufacture of contraband;
  - (7) plans for criminal activity or violating the policies, procedures, or regulations of the DIO;
  - (8) martial arts;
  - (9) survival;
  - (10) guns and ammo;
  - (11) gang activity; and/or
  - (12) detailed maps of Utah and/or bordering states;
- b. instructs, gives exploded views of or provides planning assistance related to:
- (1) picking locks;
  - (2) digging tunnels;
  - (3) defeating security materials or systems; or
  - (4) manufacturing of alcohol, drugs, weapons or other contraband;
- c. provides information:
- (1) concerning the families, home address/phone numbers, or license numbers/vehicle information for DIO officials/staff or other

- government officials;
  - (2) concerning transportation schedules;
  - (3) which would create a clear and present danger of violence and physical harm to any person; or
  - (4) of a photographic nature revealing security information (i.e., correctional facilities and/or inmates); or
- d. is written in code or there is reasonable suspicion that the material is written in code.

C. Inflammatory Material

1. It is within the legitimate interests of the DIO to intercept the introduction of materials into the USP which constitutes a direct and present threat to the safety or security of the Institution because it incites or advocates physical violence against others.
2. Material shall be considered inflammatory solely on the basis of its appeal to a particular ethnic, racial or religious audience.
3. Criticism of the administration, operation or personnel of the DIO, the Board of Pardons, or of any other government official or agency shall not constitute a direct and present threat to the security and safety of the facility, unless that material advocates illegal action.

FDr03/03.05 Procedure: Exceptions

- A. This policy does not apply to sexually explicit material used for the assessment or



treatment of an offender. (Refer to Utah Code 76-10-1207.05.)

- B. Sexually explicit material that is illustrative of medical, educational or anthropological content may be accepted for distribution on a case-by-case basis, (e.g., National Geographic, Our Bodies, Our Selves, etc.), if the material is not:
  - 1. primarily for sexual arousal;
  - 2. primarily for prurient reasons; and/or
  - 3. of questionable literary value.
  
- C. Material that is of a news or information type, may be admitted on a case-by-case basis if the material is not:
  - 1. primarily for sexual arousal; and/or
  - 2. primarily for prurient reasons.

FDr03/07.00 INCOMING INMATE MAIL: INCOMING PUBLICATIONS

FDr03/07.01 Policy

It is the policy of the DIO that the receipt of all incoming books, cassette tapes, magazines, and newspapers shall be governed by the Publisher-Only Rule.

FDr03/07.02 Rationale

- A. Inmates have a First Amendment interest in receiving publications and publishers have an interest in the inmate addressee receiving their publication. Those interests must be balanced against security, safety, treatment and other legitimate institutional interests.
- B. The Publishers-Only Rule, permitting inmates to receive publications or tapes from outside the Institution only if the materials are mailed from the publisher, bookstore, or vendor, is an appropriate means of protecting UDC legitimate interests because:
  1. the Publishers-Only Rule does not violate an inmate's First Amendment rights; and
  2. there are sufficient alternative means within the Rule for an inmate to obtain reading and/or listening material.

FDr03/07.03 Procedure: Acceptance Criteria

- A. The Publisher-Only Rule shall govern the receipt of all incoming books, compact disks, cassette tapes, magazines, newspapers, and:
  1. any publications not in strict compliance with the publisher-only provisions shall not be accepted by the DIO Mail Unit or Property Unit;
  2. denied publications shall be returned to the sender; (nuisance contraband--see FDr03.03, I);

3. the DIO Mail/Property Unit shall not deny a publication solely because its content is religious, philosophical, political, social or sexual, or because its content is unpopular or repugnant;
  4. the DIO Mail/Property Unit shall deny a publication if it is determined detrimental to the security, order or discipline of DIO or if it might facilitate criminal activity;
  5. publications which shall be denied by the DIO Mail/Property Unit include but are not limited to those that:
    - a. depict or describe procedures for the construction or use of weapons, ammunition, bombs or incendiary devices;
    - b. depict, encourages, or describes methods of escape from correctional facilities, or similar descriptions of prison buildings, security systems, wiring diagrams, or detection devices;
    - c. are written in code;
    - d. encourages or instructs in the commission of criminal activity;
    - e. contain material considered sexually explicit;
    - f. instructs in the use and development of martial arts, survival techniques; or
    - g. are catalogs other than those listed as exceptions in the definition.
- B. Acceptable publications and/or audio recordings shall be characterized by:



1. direct shipment from the publisher, or commercial distributor with a commercially printed or stamped return address;

Note: Address may be handwritten if determined to be from an authorized vendor.

2. the absence of matter which depicts, describes, or encourages activities which may lead to the use of physical violence or group disruption;
3. the absence of sexually explicit-material which by its nature or content poses a threat to the safety, security, or order of DIO;
4. availability to the general public at newsstands or by mail subscription;
5. a national or regional circulation among the general public;
6. content of a general character and of general interest to the public, (i.e., news of political, religious, commercial, or social affairs); and
7. publications of legal notices for the community in which it is published or the area to which it is distributed.

- C. Publications of questionable content shall be subject to review on an issue-by-issue basis. Offending issues shall be denied.

FDr03/07.04

Procedure: Denial Procedure

See FDr03/03.06, "Denial Procedure: General".

STATE OF UTAH  
DEPARTMENT OF CORRECTIONS

INSTITUTIONAL OPERATIONS DIVISION MANUAL

Volume: Facilities Operations: Inmate Management

Chapter: **FD06 LEGAL ACCESS**

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Executive Director, Department of Corrections

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FD06/01.00 GENERAL PROVISIONS

FD06/01.01 Purpose of Chapter

- A. The purpose of this chapter is to provide the Department's policy, procedure and requirements for legal access for inmates at the Utah State Prison.
- B. The use of mandatory language does not necessarily confer due process rights on inmates, revoke official discretion, or limit management flexibility.

FD06/01.02 Cross Reference

- AC28 Implementation of GRAMA Requests
- FD03 Inmate Mail
- FD04 Visiting Procedures
- FD05 Inmate Communication: Telephones
- FD12 Inmate Funds
- FD14 Inmate Property
- FD15 Indigent Status
- FF24 Searches

FD06/01.03 Policy

It is the policy of the Department that inmates incarcerated at the prison shall be allowed reasonable access to courts and private counsel regarding any type of legal matter.

FD06/01.04 Rationale

Access to courts is a fundamental Constitutional right. The Department, in compliance with the United States Supreme Court, has chosen to facilitate access to courts through contract attorneys or private counsel.

FD06/01.05 Definitions

- ACLU** American Civil Liberties Union
- attorney** a member of the legal profession who has been licensed by the state and who has a current and valid license or bar card allowing them to practice law; lawyer; counsel; esquire

<b>attorney representatives</b>	paralegals, law clerks, investigators and other attorneys who are acting under the authority and supervision of the attorney of record
<b>ICS Coordinator</b>	Inmate Calling Service on-site administrator responsible for the collect call services provided to inmates at various housing units at the Utah State Prison and CUCF
<b>legal assistance</b>	assistance provided by contract attorneys to aid the inmate in preparing and filing initial pleadings in habeas corpus and conditions of confinement, civil right suits
<b>legal mail</b>	see "privileged mail"
<b>legal papers</b>	any papers necessary to initiate legal action or to otherwise access the courts in a civil rights complaint or habeas corpus action
<b>legal services</b>	services such as counseling, advising, researching for, advocating for or drafting documents for another person to aid him or her in administrative and/or legal matters such as administrative actions, legal transactions or litigation
<b>privileged mail</b>	mail which is entitled to special confidential handling; mail between an inmate and an individual or entity authorized by this chapter which is identified and labeled as required by this chapter and contains legal information which as a matter of law should not be read by anyone other than the addressee
<b>probable cause</b>	sufficient knowledge of articulable facts or circumstances to lead a reasonable person to conclude that another person has committed, is committing, or is about to commit a crime or a violation of a <b>legally enforceable</b> policy or rule

<b>process servers</b>	anyone over the age of 18, not a party to the action; or law enforcement officers, constables, etc., engaged in the service of legal documents
<b>processing staff</b>	staff which has been designated to: <ol style="list-style-type: none"><li>1. process and record the Inmate Request for Attorney Appointment form; and</li><li>2. collect, for contract attorneys, the envelopes designated for the duplication of legal papers</li></ol>
<b>reasonable suspicion</b>	knowledge of specific facts sufficient to lead a person to reasonably suspect that another person is involved in criminal activity or other behavior which threatens the safety or security of the institution
<b>return of service</b>	filing of agency requests for information regarding the date, time, and place of process served
<b>service of process</b>	the service of writs, summonses, warrants and subpoenas, etc. to inmate or UDC members
<b>verified exigent circumstance</b>	documentation produced by an attorney of record or by an inmate that demonstrates that an action ordered by the court cannot be satisfied in a timely manner by correspondence or by an attorney visit with the inmate



FD06/02.00 PROVIDING LEGAL SERVICES

FD06/02.01 Procedure: General Requirements

- A. The Department shall provide inmates free legal assistance through contract attorneys. The attorneys are available to assist inmates in preparing and filing habeas corpus and conditions-of-confinement complaints.
- B. Inmates may represent themselves if they choose, but the Department shall not maintain a law library for their use.
- C. Inmates may represent themselves, but may not represent other inmates.

FD06/02.02 Procedure: Contract Legal Services

- A. To make an appointment to see a contract attorney/representative the inmates shall:
  - 1. complete the "Inmate Request for Attorney Appointment" form, retaining the goldenrod copy; and
  - 2. place the other three copies in the envelope marked "Inmate Request for Attorney Appointment" and place the envelope in the mailbox.
- B. The mail room handler shall pick up the envelope with the regular mail and take it to the mail room.
- C. The request shall then be forwarded to the designated staff member for processing.
- D. The processing staff member shall open, date-stamp, review for completeness and apply the appropriate reference number to the form, and record the form number in a log.
- E. Distribution of the forwarded copies of the requested form shall be as follows:
  - 1. white copy: retained by processing staff;
  - 2. pink copy, canary copy: picked up by contract attorney/representative who retains pink copy;

3. canary copy:
  - a. contract attorney/representative indicates in comments section:
    - (1) whether visit was completed or not;
    - (2) visit disposition;
    - (3) date; and
    - (4) signature; and
  - b. contract attorney/representative returns to processing staff prior to leaving the institution, or otherwise provides within two working days to the appropriate processing staff.
- F. Processing staff members shall document the process in the log and retain copy of the request for the file.
- G. A master list of contract attorney/ representative appointments shall be compiled each week by the processing staff member and given to the legal contract attorneys' representatives with their copies of the Inmate Request for Attorney Appointment form.
- H. Requests received by designated staff for processing after the Tuesday morning mail at Draper, and Friday morning mail at CUCF, shall be included on the following week's master list.
- I. The master list shall include the:
  1. inmate's name;
  2. offender number;
  3. inmate's housing assignment; and
  4. name and firm of the contract attorney/representative with whom appointment is requested.

- J. The contract attorney/representative should obtain the inmate appointment master list and attorney request form (canary and pink copies) from the facilities' designated locations on scheduled appointment days.
- K. The contract attorney/representative should visit inmates often enough to respond to their requests. The contract attorney/representative should visit inmates scheduled for appointments on the master list within a reasonable time.
- L. Upon receipt of the completed form by the designated processing staff:
  - 1. if a follow-up appointment is scheduled, the designated processing staff shall:
    - a. complete an Inmate Request for Contract Attorney form;
    - b. assign same reference number; and
    - c. add letter "B" for second appointment, letter "C" for third appointment, and so on until a follow-up appointment is no longer required; and
  - 2. if an additional appointment is not necessary the processing staff shall:
    - a. complete the appointment tracking log; and
    - b. file attorney appointment request form.
- M. Completed appointment forms and tracking logs shall be retained as per GRAMA requirements.

FD06/02.03

Procedure: Private Attorneys

Inmates are entitled to contact and employ private attorneys, but the Department shall not pay for private attorneys. Financial arrangements for a private attorney/representative are the responsibility of the inmate.



FD06/02.04 Procedure: Public Interest Attorneys

In addition to Department-provided contract attorneys or private attorneys arranged for through their own efforts, inmates may request to be represented by public interest groups such as the American Civil Liberties Union (ACLU), Legal Aid Society, the Disability Law Center, or other such group.

FD06/02.05 Procedure: Paralegals and Other Attorney Representatives

- A. Attorneys may elect to have a representative visit an inmate client instead of visiting personally.
- B. Attorney representatives may include paralegals, investigators, law clerks or other attorneys.
- C. Procedure for attorneys to obtain authorization for representatives to visit requires that:
  - 1. attorneys submit requests in writing to the warden of the facility where the inmate is housed giving the name and title of the representative, the name of the attorney and the name of the inmate to be visited;
  - 2. a BCI records check shall be conducted on the attorney representative; and
  - 3. if any attorney representative has a criminal record, they may be denied access to the facility unless it is established that the:
    - a. supervising attorney has a compelling reason for utilizing this particular legal representative rather than another, equally qualified, individual;
    - b. legal representative in question presents no safety, security, management or control problem for the facility as determined by the warden/designee; and
    - c. legal representative's access is approved by the Division Director and Executive Director.

- D. The supervising attorney may attempt to establish that their legal representative does not present a problem to the facility due to their criminal record by establishing the:
1. remoteness in time or lack of seriousness of the criminal offense;
  2. good character of the legal representative; and
  3. unavailability of another legal representative to the supervising attorney, or special expertise or training possessed by the attorney/representative who is available.
- E. In the event of exigent circumstances requiring a visit before appropriate screening can be completed, temporary approval for a visit may be approved by the warden/designee. Subsequent visits should follow established clearance procedures.

FD06/02.06

Procedure: Inmate Self-Representation

- A. Inmate "writ-writers" may represent themselves.
- B. Inmates providing legal services to other inmates shall be subject to disciplinary action.

FD06/02.07

Procedure: Duplication of Legal Papers

- A. Legal material photocopies shall be prepared by the contract attorney/representative at a cost to the inmate.
- B. An inmate requiring legal papers to be copied shall:
  1. obtain an envelope entitled "Attorney Request" at the housing unit officer cage or station;
  2. complete a money transfer:
    - a. payable to the Utah State Prison;
    - b. containing the inmate's signature and offender number;
    - c. witnessed and signed by an appropriate staff member; and

- d. leaving the exact amount blank to cover the total cost of photocopy request;
  3. seal the completed money transfer and legal papers to be duplicated in an envelope entitled "Attorney Request";
  4. mark the envelope in the section entitled "Legal Material to be Copied" and provide the following information on the outside of the envelope:
    - a. inmate's name;
    - b. offender number;
    - c. specific housing unit;
    - d. exact number of pages in the document to be copied; and
    - e. number of document photo copies desired; and
  5. ensure that a staff member witnesses the money transfer and attach the money order to the sealed envelope; and
  6. place the sealed envelope into the housing unit mail depository.
- C. The mail room staff shall collect the "Attorney Request" envelopes from the housing unit mail depositories and without opening envelopes shall forward them to the Warden's office for processing. The mail room staff should forward the attorney request on the day it is collected.
- D. Upon receipt of the "Attorney Request" envelope checked "Legal Material to be Copied" the Warden's office shall immediately forward it without opening to the contract attorney.
- E. Indigent inmate's process to duplicate legal material shall be as follows.



USC  
CRAMA Circular  
Public

1. An inmate shall qualify for indigent status consistent with requirements outlined in FD15, "Indigent Status". An inmate's indigent eligibility shall be verified by the warden's office.
2. An indigent inmate is eligible to have a maximum of 25 legal material pages photocopied each week without charge. Inmates who use or attempt to use their indigent status to make copies for other inmates shall be subject to disciplinary action and suspension of indigent copying privileges.
3. To obtain legal material photocopies an indigent inmate shall:
  - a. obtain an envelope entitled "Attorney Request;"
  - b. insert completed and authorized Duplication of Legal Paper for Indigent Inmate form and legal materials to be duplicated (not to exceed 25 pages) into the "Attorney Request" envelope;
  - c. mark the envelope in the section entitled "Legal Material to be Copied" and provide the following information on the outside of the envelope:
    - (1) inmate's name;
    - (2) offender number;
    - (3) specific housing unit;
    - (4) write "indigent" in the space which follows "Amount of Enclosed Money Transfer"; and
    - (5) exact number of pages in the document to be copied (the number shall not be more than 25 unless accompanied by a written explanation of exigent circumstances).
5. Failure to completely provide all required information shall result in the request being denied and returned.

6. Due to exigent circumstances (i.e., material which is time-dated by the court or by the Rules of Civil Procedure) if more than 25 pages need to be copied the following procedure shall be followed:
  - a. the inmate shall attach a written explanation to the legal material to be copied, articulating the specific reason additional pages are required;
  - b. the inmate shall complete the "Exception to the Weekly Photocopy Allocation" section on the "Duplication of Legal Papers for Indigent Inmates" form;
  - c. upon receipt of a valid written explanation, the contract attorney/representative shall date, sign, and honor the requests;
  - d. if contract attorneys believe that the inmate's request for additional legal material photocopies is without merit, they shall:
    - (1) duplicate only the first 25 legal copies submitted by the inmate; and
    - (2) indicate the reason for denying the inmate's request for additional legal photocopies on the "Duplication of Legal Papers for Indigent Inmates" form;
  - e. contract attorneys shall ensure:
    - (1) the "Duplication of Legal Papers for Indigent Inmate" form (with notations as necessary) is submitted in a timely manner to the Warden's office for filing;
    - (2) that the Inmate Money Transfer is deposited at the Inmate Funds Accounting Office for processing;

- f. the Inmate Funds Accounting Office shall complete a disciplinary for insufficient funds to cover IMTs submitted for photocopies;
- g. if the contract attorney/ representative believes the inmate's request is an attempt to use their indigent status to make copies for another inmate, the attorney/representative shall so indicate on the request.
  - (1) The contract attorney/ representative shall forward the inmate's request to the warden's office.
  - (2) If the warden/designee determines that the inmate is abusing their indigent status they shall request the Housing Unit Manager/designee to complete a major disciplinary report and complete a C-note suspending copying privileges.
- F. Failure to completely provide all required information shall result in the request being denied and returned.
- G. Cost for duplication of legal material for inmates on IPP status may vary from the rate established in this chapter. The rate shall be consistent with the established local rate of the receiving agencies.

FD06/02.08

Procedure: Service of Legal Documents on Inmates

- A. Process servers from outside agencies shall be directed to the Warden's office.
- B. The Warden's office shall review the documents to be served, and in the presence of the server/agent, establish the current location of the inmate to be served.
  - 1. If the inmate is not housed at the Draper or Gunnison facilities, the server/agent shall be advised as to the location of the inmate and the responsibility of service shall remain with the server/agent.



2. If the inmate is currently housed at the Draper or Gunnison facilities, and if the documents to be served are deemed appropriate as per this chapter, a staff member from the Warden's office shall receipt the server/agent by signature and begin the service process.
- C. After accepting the documents to be served, staff shall make two copies of the document. The IOSL shall then:
1. deliver one copy to the Records Office for records and transportation requirement;
  2. retain one copy for Institutional Operations records; and
  3. deliver the original to the inmate.
- D. If the inmate refuses service, or refuses to sign for the documents, the staff shall document the event with a brief statement witnessed by a second staff member recording the inmate's refusal on an incident report.
- E. All DIO copies of served documents shall be signed by the inmate with the date of service and shall be recorded.
- F. Return of service may be requested by the filing agency.

FD06/02.09

Procedure: Documentation of Process Service

- A. A chronological ledger of service shall be maintained at the Warden's office. This ledger shall contain:
1. name of person served;
  2. date received;
  3. document type and case number;
  4. requirements (court or transport); and
  5. remarks.

- B. Service on DIO inmates housed in county jails shall be accomplished in accordance with the policies and procedures of the local jurisdiction involved, and shall not be accepted by the DIO.

FD06/02.10

Procedure: Inmates in the Inmate Placement Program

- A. Inmates under the supervision of the IPP and housed within receiving agencies within the state of Utah shall be afforded legal access through attorneys under contract to the Department to provide such services.
- B. Minor delays in responding to an inmate's request for service may result from the schedule and availability of attorneys/representatives providing the service.
- C. If the attorney/representative cannot personally visit with an inmate within ten days of receipt of appointment request, the attorney/representative shall contact the inmate by telephone.
- D. Legal access to the courts, for State of Utah issues, by inmates housed out of state on interstate compact agreements shall be afforded by the inmate writing to: Contract Attorney, P.O. Box 250, Draper, Utah 84020. For legal issues dealing with the receiving state the inmate will need to follow the receiving state's policy governing legal access.

FD06/03.00 VISITING ACCESS

FD06/03.01 Procedure: General Requirements

- A. **Visits between inmates and legal counsel shall not be monitored and shall occur in areas which permit privacy.**
- B. Staff members shall not listen to or monitor on these privileged conversations.
- C. Visual observation shall be permitted. Visual observation shall not, however, be so close as to permit staff to observe the contents of documents.
- D. When a signature is needed or when documents need to be exchanged during barrier visits, staff members may hand carry the materials between the attorney/representative and the inmate. Reasonable steps shall be taken to maintain privacy of the materials.

FD06/03.02 Procedure: Scheduling Visits

- A. Attorneys/representatives should call to schedule a visit in advance to ensure the availability of their inmate clients and to reduce administrative delays or possible security problems.
- B. Attorney/representative visits may be scheduled by contacting the Warden's office:
  - 1. at the Draper site, the warden's secretary;
  - 2. at the **CUCF**, the warden's secretary.

FD06/03.04 Procedure: Process

- A. Check-In
  - 1. Attorneys/representatives shall check in with the warden's office upon arrival at the institution.
  - 2. Attorneys shall present a valid state bar card and a current photo ID.
  - 3. Attorney representatives shall present photo ID and a verified letter of introduction from the attorney of record.



4. Attorneys/legal representatives of record shall be required to complete the Attorney/Legal Representative Rules and Regulations form and the Attorney or Legal Assistant Application form prior to being allowed to visit with the inmate.
5. The Attorney or Legal Assistant Application and the Rules and Orientation Form shall be completed on a yearly basis. The calendar year will be from January 1, through December 31.

B. Clearance to the Visiting Area

The warden's secretary shall notify the appropriate location of the authorized visit to include the:

1. name of the attorney; and
2. inmate to be seen.

C. Processing Visit

1. The attorney/representative shall be processed through the unit's control center and directed to the approved location for the meeting.
2. The inmate shall be notified to report to the designated meeting area for the visit.

FD06/03.05

Procedure: Visiting Regulations

A. Visiting Days/Times

1. Attorneys/representatives may:
  - a. conduct business with their inmate clients at these facilities Monday through Friday, 0800-1100 hours and 1300-1500 hours; or
  - b. be allowed to conduct business on weekends and holidays with prior clearance from the warden/designee.
2. Prior clearance from the warden/designee may be obtained for times not addressed above for exigent circumstances.

B. Attorney Conduct

Attorneys/representatives shall adhere to the Legal Access Agreement.

C. Searches of Attorneys/Representatives

1. A search should be made of all material (e.g., brief cases, coats) brought into and out of any facility by any attorney/representative. Such searches shall be performed only in the presence of the attorney/representative.
2. If any written materials are deemed privileged, they shall not be read by staff; however, the attorney/representative may be required to leaf through these materials in the presence of staff to assist in inspecting for contraband.
3. If a reasonable suspicion exists to believe an attorney/representative possesses undeclared contraband, the visit shall be suspended and the attorney/representative shall be directed to the Warden's office for resolution.
4. If the attorney/representative refuses to leave, they are in violation of institutional rules and regulations and Security and Enforcement shall be notified. An incident report shall be filed documenting the incident.

E. Denial of Visit

1. If a search request is refused by the attorney/representative, they shall be denied the visit and required to leave prison property.
2. If a warden/designee determines that a safety, security, control or management problem could result by allowing an attorney/representative access to a facility, the warden/designee may deny such access.
  - a. Such denial shall be based upon good cause as determined by the warden/designee.

- b. Denial shall be documented in an incident report and the UDC Executive Director's Office and Attorney General's Office notified.
3. Any attorney/representative who violates any Department policy or rule or who provides false information may be denied access to the facility.
4. A visit may be suspended, restricted, or revoked for refusal to comply with institutional rules and regulations.
5. Access may be denied to any individual as a result of any facility responding to an emergency situation.
6. If a visit is denied, suspended, restricted or revoked for other than facility emergency reasons, a complete report of the incident shall be submitted to the warden, Institutional Operations Division Director, and the Attorney General's Office.
7. If a representative is denied a visit for refusing a search/inspection, the attorney for whom the representative works shall also be notified.
8. An attorney/representative may request a hearing before the Executive Director if they believe the denial of access for them or their representative was arbitrary, capricious or in violation of Department policy.



FD06/04.00 LEGAL MATERIAL

FD06/04.01 Procedure: Storing Legal Material

- A. During the R&O intake process, inmates shall be issued two 13"x18" clear plastic pouches for the purpose of storing legal materials only.
- B. Pouches shall be marked and contain legal information as outlined below:
  - 1. Legal - Public: case copies, court rules, publicly filed court documents (but not books) which are necessary to processing the case and may otherwise exceed the applicable property matrix; and
  - 2. Legal - Privileged: attorney-client correspondence and other non-public material which qualifies as privileged.
- C. Legal - Privileged pouches may be inspected, but contents shall not be read.
- D. Legal - Public pouches shall be subject to normal inspection rules and have no privilege against reading.
- E. Books may be obtained as property according to FD14, "Inmate Property."
- F. Inmates may request additional legal pouches as described in FD14.

FD06/04.02 Procedure: Inmate-to-Inmate Transfers

- A. Legal material may not be transferred to another inmate.
- B. Legal - Privileged includes attorney-client correspondence and other non-public material which could compromise the inmate's legal position if disclosed.
  - 1. Inmates who have a legitimate need to communicate with other inmates regarding specific legal actions shall:

- a. place legal correspondence in the pre-printed envelope marking the appropriate box;
  - b. print the name, offender # and housing location of the sending inmate on the envelope;
  - c. print the name, offender # and housing location of the receiving inmate on the envelope; and
  - d. place the envelope in the institutional mail system.
2. The institutional mail unit shall forward the mail to the contract attorney/representative via the Director of Institutional Operations Office.
3. The contract attorney/representative shall:
- a. screen the contents of the envelope to ensure that it is privileged material as defined in this chapter and FD03, "Inmate Mail;"
  - b. reseal the documents in the envelope and deliver to the receiving inmate; and
  - c. sign the consent form and give a copy of the form to the receiving inmate to authorize their possession of another inmate's legal material.
4. If the attorney/representative discovers abuse of this process, the attorney/representative shall so note on the outside of the envelope, sign and date the envelope and deliver to:
- a. Draper - Director DIO/designee; or
  - b. CUCF - warden/designee.

FD06/05.00      FORMS

FD06/05.01      Attorney/Legal Representative Rules and Regulations  
Orientation Form

FD06/05.02      Attorney/Legal Representative Legal Access Rules and  
Regulations

FD06/05.03      Attorney or Legal Assistant Application Form

FD06/05.04      Attorney or Legal Representative Application Form

FD06/05.05      Telephone Request Form



ATTORNEY/LEGAL REPRESENTATIVE RULES AND REGULATIONS  
ORIENTATION FORM

I, \_\_\_\_\_, an attorney/legal  
assistant/investigator or legal representative for Inmate(s)

\_\_\_\_\_  
Inmate(s) Name (please print)

received a copy of the procedures regarding Legal Access and Visiting.

I received the packet on \_\_\_\_\_  
Date

ATTORNEY OR LEGAL ASSISTANT APPLICATION

NAME: \_\_\_\_\_ DATE: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_ LEGAL FIRM: \_\_\_\_\_  
PHONE: \_\_\_\_\_ BAR CARD #: \_\_\_\_\_  
PARALEGAL ASSISTANT: \_\_\_\_\_ DRIVER'S LICENSE #: \_\_\_\_\_  
ATTORNEY ASSISTING: \_\_\_\_\_

CLIENT(S) NAME:	ATTORNEY OF RECORD?	
	Yes	No

IF NOT ATTORNEY OF RECORD STATE SPECIFIC REASON FOR VISIT: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PRISON AUTHORIZATION: \_\_\_\_\_  
ATTORNEY SIGNATURE: \_\_\_\_\_  
PARALEGAL SIGNATURE: \_\_\_\_\_

DEPARTMENT OF CORRECTIONS  
LEGAL ACCESS AGREEMENT

*I agree to the following conditions of legal access for the Department of Corrections.*

Please initial each statement

- \_\_\_\_\_ 1. I understand this is a legal visit for legal purposes only. I understand that I may not be registered as an attorney/legal assistant/investigator while on an inmate's visiting list without approval from the Warden.
- \_\_\_\_\_ 2. It is the attorney's responsibility to make an appointment through the Warden's office (48 hours in advance) or provide a written letter of authorization when sending a legal assistant/investigator to visit with an offender. Legal assistants/investigators must clear a criminal background check through the Utah Bureau of Criminal Identification, prior to being allowed visits.
- \_\_\_\_\_ 3. I agree to take nothing in and take nothing out for any inmate except legal documents that have been previously approved through the Warden's Office. Legal documents brought in should be limited to those that are adequate in providing the necessary representation in the case. Legal documents brought in or taken out must be limited to 2" or less in thickness. Clerical staff may not hand deliver legal document to inmates. These must be delivered by the attorney or mailed to the inmate.
- \_\_\_\_\_ 4. I agree to check in at the Warden's Office each time I visit. Legal access hours are Monday through Friday, 8:00 AM - 11:00 AM and 1:00 PM - 3:00 PM. Attorneys must present a current drivers license and valid bar card. Legal assistants/investigators must present a current drivers license. Legal access visits on weekends, holidays and evenings must be requested in writing to the Warden and are only considered in exigent circumstances as determined by the Warden/designee.



- \_\_\_\_\_ 5. I understand "deposition" arrangements are scheduled by court order only and must be arranged 48 hours in advance. I agree to provide a copy of the court order to the Warden's Office, along with the date and time of the deposition, names, social security numbers and driver's license numbers of all participants.
- \_\_\_\_\_ 6. I understand inmates will not be escorted from their housing sections or cells until I arrive at the facility control room.
- \_\_\_\_\_ 7. I understand that all unauthorized electronic devices must be secured in my vehicle and may not be taken beyond the control points. This includes, but is not limited to: cell phones/smart phones, pagers, camera equipment, digital audio players, recording devices, computers/laptops, etc.
- \_\_\_\_\_ 8. I understand that a professional dress standard is required, i.e. no shorts, no sleeveless shirts, no sweat pants, etc.
- \_\_\_\_\_ 9. I agree that while on prison property my vehicle and/or person are subject to search. I further understand that failure to consent to a search may result in denied access.
- \_\_\_\_\_ 10. I agree not to bring weapons, ammunition, explosives, alcohol, or drugs on to prison property.
- \_\_\_\_\_ 11. I understand that I do not bring victims, family members or friends of inmates on to prison property while checking in as legal access without prior approval from the Warden.
- \_\_\_\_\_ 12. I understand that inmates are responsible for placing their attorneys' numbers on their inmate calling list. Legal access calls not made through the inmate phone system are limited to 10 minutes. Attorney initiated calls will only be considered in exigent circumstances as follows: 1) the request must be made from the Attorney of Record;

2) the attorney must be currently registered in the Warden's office; 3) the legal business could not be transacted through correspondence or a visit to the prison; and 4) the urgency precipitating the request was not caused by attorney or inmate failure to promptly act on a court order.

\_\_\_\_\_ 13. I understand that I may attend Board of Pardons hearings as a private citizen, but I am required to check in at the Warden's Office if I need to meet with the inmate prior to or after the hearing.

\_\_\_\_\_ 14. I understand that failure to meet any or all of these conditions may result in temporary suspension or revocation of visiting privileges.

Print Name \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

ATTORNEY OR LEGAL REPRESENTATIVE APPLICATION

DATE \_\_\_\_\_

NAME \_\_\_\_\_ LEGAL FIRM \_\_\_\_\_

ADDRESS \_\_\_\_\_ BAR LICENSE# \_\_\_\_\_

PHONE \_\_\_\_\_ DRIVER'S LICENSE# \_\_\_\_\_

PARALEGAL \_\_\_\_\_

ATTORNEY ASSISTING \_\_\_\_\_

INMATE(S) ASSISTED \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

PRISON AUTHORIZATION \_\_\_\_\_

DATE \_\_\_\_\_

ATTORNEY SIGNATURE \_\_\_\_\_

PARALEGAL SIGNATURE \_\_\_\_\_



TELEPHONE REQUEST FORM

One Call Per Request Form

INMATE NAME/NUMBER/CELL: \_\_\_\_\_

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

I would like to call \_\_\_\_\_ at \_\_\_\_\_  
regarding case number \_\_\_\_\_.

1. Legal and court calls will be approved only if the issue cannot be handled through the mail or if the attorney or court agrees to speak with the inmate.
2. Legal and court calls will be scheduled between the hours of 0800 and 1700. (No exceptions)
3. All calls shall be limited to ten minutes, unless additional time is requested by the attorney or court.
4. Personal non-collect calls will be approved only on a verifiable emergency basis.
5. If the call cannot be completed after each attempt, a new request form shall be submitted.

DO NOT WRITE BELOW THIS LINE

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Received by staff: \_\_\_\_\_

Date

Time

Staff Initials

Timeliness Issue: Yes/No

Agreed/Need to talk to Inmate: Yes/No

Approved: Yes/No

Call attempted: \_\_\_\_\_

Date

Time

Staff Initials