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	Department of Corrections		Effective:	8/1/2013	Reviewed:	
	Policies and Procedures		Distribution:	Public	Due for Rev:	8/2017
	Chapter:	Communication, Mail & Visiting				
Subject:	Prisoner Mail, Publications, and Packages					

- I. Authority
In accordance with 22 AAC 05.155, the Department will maintain a manual comprised of policies and procedures established by the Commissioner to interpret and implement relevant sections of the Alaska Statutes and 22 AAC.
- II. References
Alaska Statutes
As 33.30.011
Alaska Administrative Code
22 AAC 05.400
22 AAC 05.510
22 AAC 05.520
- III. Purpose
To establish uniform procedures within the Department for prisoner mail, publications, and packages.
- IV. Application
All staff and prisoner population.
- V. Definitions
None.
- VI. Policy
 - A. Prisoners may correspond with anyone except those persons and business limited by this policy.
 - B. Each institution shall make an effort to ensure conscientious handling of prisoner's mail to prevent theft, tampering, delay, or other interference. The Department is not liable for mail, which the U.S. Postal Service or any other officially recognized mail or package courier system mishandles or loses.
 - C. Prisoners may receive publications and packages except as limited in this policy.
- VII. Procedures
 - A. Superintendent's Duties
 1. Standard Operating Procedures (SOP)
Each Superintendent shall develop SOP to carry out this policy. The Superintendent shall review the procedures annually and update them when necessary. The SOP must cover:
 - a. Prisoner's receipt of mail;
 - b. Accepting, handling, and distributing packages in an institution (including procedures for general mail in section D.2., and procedures for processing package contents in section I of this policy);
 - c. Removing cashier's checks and money orders from incoming mail in accordance with policy 302.12; and
 - d. Forwarding prisoner mail (including instructions in section G of this policy).
 2. Staff
The Superintendent or designee shall assign staff to review prisoner's mail and carry out the procedures in this policy.

B. General

1. The Department divides mail into three categories:
 - a. Privileged Mail
This category is defined as incoming and outgoing correspondence with the persons or organizations listed below as privileged, if the individuals are acting in their official capacities and the mail is properly marked "privileged":
 - (1) Alaska Human Rights Commission;
 - (2) Alaska legislators;
 - (3) Any attorney licensed to practice in the United States;
 - (4) Any court in the United States;
 - (5) Attorney General of Alaska;
 - (6) Chairman, Alaska Board of Parole;
 - (7) Commissioner, Department of Corrections;
 - (8) Division of Occupational Licensing;
 - (9) Department of Corrections Grievance and Facility Standards Administrator;
 - (10) Governor of Alaska;
 - (11) Members of the U.S. Congress for Alaska;
 - (12) Ombudsman for the State of Alaska;
 - (13) Physician of record for the prisoner;
 - (14) State of Alaska Americans with Disabilities Act Coordinator (Division of Rehabilitation, Department of Labor); and
 - (15) Any organization, such as the American Civil Liberties Union, National Prison Law Project, or Alaska Legal Services Corporation, that assists persons in the exercise of their legal rights.
 - b. Prisoner-to-Prisoner Mail
Prisoner-to-prisoner includes all mail between prisoners.
 - c. General Mail
General mail includes all mail other than privileged or prisoner-to-prisoner mail.
2. Mail to or from the Division of Elections shall be processed as privileged mail.
3. A prisoner may send or receive any amount of first, second, or third class mail, except that limitations may be placed on the mail to conduct or operate a business. Prisoners do not need the Superintendent's approval to receive or send mail to a particular individual.
3. Informational fourth class mail, such as mail from a public agency, and subscription fourth class mail shall be delivered to prisoners, but fourth class mail sent by private entities for the purpose of merchandising need not be delivered to prisoners and may instead, be discarded.
4. Packages are not accepted from outside sources other than from approved vendors through the commissary. Family or friends of prisoners may place money on a prisoner's account but may not send gifts to an institution. Deposits may not exceed \$500 in a single month (per policy 302.12).
5. Staff shall distribute and deliver prisoners' incoming mail (except packages) within 24 hours from the time the institution receives it; and staff shall pick up prisoners' outgoing mail within 24 hours (excluding weekends and holidays). Staff must distribute packages to prisoners

within 48 hours of receipt after examination for contraband (excluding weekends and holidays).

6. Mail shall be delivered to prisoners in such a manner as to ensure it is received by the intended recipient only. A prisoner may never distribute mail or look through mail to find his or her mail.
7. Prisoners may not enter into credit agreements, installment purchase arrangements, or other contracts without the approval of the Superintendent or designee. The Superintendent has the discretion to approve of special transactions such as selling property, college loans, etc.
8. Prisoners may not represent any business firms or conduct any type of business operation without the approval in accordance with policy 815.05 Prisoner Business.
9. A prisoner must obtain the Superintendent's or designee's approval before ordering or buying any item (other than publications in section H below) from a commercial vendor or supplier for delivery to an institution.
 - a. Only the Superintendent may approve items not on the approved prisoner property list. (Attachment A to policy 811.05 Prisoner Personal Property.)
 - b. If the Superintendent has not pre-approved the item, staff shall return the unopened item to the sender, or, if opened, return the item at the prisoner's expense.
10. A prisoner may purchase or receive electronic equipment only through the commissary.

C. Outgoing Mail

1. Collection
Prisoners shall have access to secured mailboxes. Staff shall collect outgoing mail at least once each day, Monday through Friday, excluding holidays.
2. Return Address
Prisoner must use the return address format below or staff shall return the mail to the prisoner:
Prisoner's Name
Name of institution (spelled out in full)
Address of institution
City, State, and Zip Code
3. Postage
Prisoners shall pay for all outgoing mail.
 - a. The Superintendent shall make postage available for prisoners to purchase.
 - b. Indigent prisoners may mail, at the Department's expense, up to five pieces of mail per week, legal or otherwise, weighing up to two pounds each. This policy does not apply to shipping excess personal property. See policy 811.05 Prisoner Personal Property.
 - c. In special circumstances a prisoner may be permitted to mail more than five pieces of legal mail at the Department's expense as approved by the Superintendent. The Attorney General's office may be consulted to verify that the prisoner has pending litigation which justifies the increase in mail.
 - d. Certified or registered mail shall be provided at the discretion of the Superintendent and only when necessary such as for

purposes of service of the summons and complaint in a legal proceeding. The Superintendent may confer with legal council to determine if certified or registered mail is necessary.

D. Inspection/Reading of Mail

1. Privileged Mail

The Department may not restrict or censor a prisoner's legal correspondence. All legal mail to or from a prisoner is privileged mail. Prisoners (except indigent prisoners) shall pay all postage costs. If there is doubt as to whether or not mail is in fact privileged, such as mail received from an unknown organization, the mail may be opened in the presence of the prisoner and scanned to determine whether it is privileged mail.

a. Outgoing

Staff may not read or search outgoing privileged mail for contraband. However, staff may verify, in the prisoner's presence, that the intended recipient of the mail is the same person as the privileged addressee.

b. Incoming Mail

Staff shall search incoming privileged mail for contraband in the presence of the prisoner. Staff may not read this mail, unless, after opening it, staff discovers that it is not privileged.

c. Privileged mail may be read only after consultation with the Department of Law.

2. General Mail (excluding packages)

Staff may inspect general mail for contraband outside the prisoner's presence. Staff may read the mail (except as provided in b. below) if policy prohibits that type of mail. In that case:

a. The Superintendent or designee shall give the prisoner written notice within two working days reflecting that the prisoner's mail was read and stating the specific reason(s) why the mail was read.

b. The Superintendent or designee may delay giving the prisoner notice if he or she has reason to believe that the notice will hamper an investigation of criminal activity referred to in the communication. In that case, the Superintendent or designee may delay providing the notice until the investigation is completed, so long as an adequate record is made of the reason for delaying notice.

3. Prisoner-to-Prisoner Mail

a. The Department may not restrict mail between prisoners unless an individual's safety (e.g., victim of a prisoner) or the security of the facility requires a restriction.

b. The Superintendent may restrict prisoner-to-prisoner mail only on a case-by-case basis. The restriction must be no broader than necessary to address the safety or security concerns.

c. Mail received by a prisoner from another prisoner who is not a family member may be read by the Department prior to delivery. In the first instance when a prisoner's mail to another prisoner is read, the Department shall provide to the prisoner recipient written notice stating that the prisoner's mail was read due to its status as

prisoner-to-prisoner mail, and that future reading of that prisoner-to-prisoner correspondence may occur without notice. This initial written notice must be provided to the prisoner recipient within two working days, subject to any delay required by an investigation of criminal or prohibited activity.

E. Prohibited Mail

The Department shall prohibit any mail that:

1. Contains plans or threats of physical harm or other criminal activity;
2. Contains contraband, plans for sending contraband in to or out of the institution, or indicates other activities prohibited under 22 AAC 05.400, Prohibited Conduct For Prisoners;
3. Is written in a code that the reader cannot understand;
4. Shows frontal nudity. Frontal nudity includes either the exposed female breast(s) and/or the genitalia of either gender;
5. Solicits gifts, money, credit, or contractual purchases without the approval of the Superintendent or designee;
6. Contains information that, if communicated, would create a risk of mental or physical harm to a person;
7. Contains material that could reasonably be expected to aid an escape, or incite or encourage any form of violence;
8. Contains audio or video tapes;
9. Is in violation of a Court order; or
10. Has been banned for good reason following an individualized determination by the Department, (e.g., the intended recipient is a victim who has requested no contact with the prisoner or is a minor whose guardian has requested no contact with the prisoner).

Note: The Department also may restrict certain publications, musical compact discs or electronic games. See section H below.

F. Disposition of Prohibited Material

1. Prisoner's Case File
A prisoner may be subject to disciplinary proceedings for attempting to mail prohibited material. Staff shall place a reproduction of the prohibited material from outgoing mail into a prisoner's case file and give the prisoner written notice of this within two working days.
2. Contraband
Staff shall dispose of contraband or return it to the sender in accordance with policy 803.08 Searches of Prisoners and Institutional Areas.
3. Non-Delivery of Mail
If staff opens mail and decides that it is prohibited, staff shall give notice to the affected persons as set forth below (except as specified in sections D.3.a. and D.3.c., above). The Department may delay notice if notice interferes with an investigation of criminal activity. See section D.2.b, above.
 - a. Incoming Mail
Staff shall send the prisoner and the sender (other than a publisher of printed material) written notice within two working days after receiving the prohibited mail, that states the specific reason(s) why the mail was not delivered to the prisoner. The Superintendent or designee must sign the notice.
 - b. Outgoing Mail
Staff shall send the prisoner a written notice within two working

days of receipt by the institutional mailroom, which states why the institution did not send the mail. The Superintendent or designee must sign the notice.

G. Forwarding Mail

The institution shall keep a record of the last known addresses for each prisoner for one year after the prisoner is transferred or released from the facility. The institution shall forward prisoner's mail as follows:

1. First Class Mail
The institution shall forward first class mail for one year from the time of address change.
2. Second Class Mail
3. The institution shall forward second-class mail for 60 days from the time of an address change. All newspapers and magazines are considered second-class mail unless otherwise stated on the article. After 60 days, the institution shall return articles to the post office, with an explanation that the person has been at a new address for more than 60 days.
4. Third Class Mail
5. The institution shall forward third-class mail for 60 days if it is stamped "Forwarding and Return Postage Guaranteed." The institution shall return mails stamped "Returned Postage Guaranteed" to the sender unless it is a publication or package.
6. Publication or Package
7. The institution shall forward a publication or package at the Department's expense or by inter-institution transportation for 60 days (if forwarding is not guaranteed, and if the item is second-class mail, third-class mail, or parcel post).
8. Fourth Class Mail
Fourth-class mail is normally considered bulk mail. The institution shall discard fourth-class mail if the person is not at the address written on the article. Informational fourth class mail, such as mail from a public agency, and subscription fourth class mail shall be delivered to prisoners, but fourth class mail sent by private entities for the purpose of merchandising need not be delivered to prisoners and may, instead, be discarded.

H. Publications

1. All publications, including magazines, books or newspapers, must be ordered and received directly from an approved vendor or publisher. Prisoners must have sufficient funds to pay for any order in advance. Family or friends may order publications for delivery to a prisoner directly from the approved vendor or publisher. The superintendent shall review vendors and publishers for approval to deliver publications.
2. The Superintendent shall designate staff to review all incoming publications addressed to prisoners. Superintendents may not establish an excluded list of publications. Staff must review an individual publication to determine if it is approved for delivery to a prisoner. Rejection of several issues of a publication is not sufficient reason to reject the publication in its entirety.
3. Staff shall reject a publication, in whole or part if it:
 - a. Contains material that could reasonably be expected to aid in escape, incite violence, theft, or destruction of property in the facility;

- b. Contains instructions or illustrations on how to construct or use weapons, ammunitions, bombs, explosives, incendiary devices, handguns, or rifles;
 - c. Depicts or describes procedures for brewing alcoholic beverages or making or cultivating drugs or poisons;
 - d. Contains obscene material:
 - (1) Contains words, gestures, language, books, newspapers, periodicals, or other written or pictorial materials that the average person, applying contemporary community standards, would find depicts or describes, in a patently offensive way, ultimate sexual acts, masturbation; excretory functions, lewd exhibition of the genitals, or sexual sadomasochistic activity;
 - (2) The work, taken as a whole, appeals to the prurient interest; and
 - (3) The work, taken as a whole, lacks serious literary, artistic, political, or scientific value;
 - e. Shows frontal nudity. Frontal nudity includes either the exposed female breast(s) and/or genitalia of either gender.
 - f. Is written in code that the reader cannot understand;
 - g. Depicts, describes, or encourages activities that could reasonably be expected to lead to the use of physical violence or group disruption; or
 - h. Specifically prohibited are musical media that have an affixed parental advisory label indicating "explicit content", and electronic games rated Adults Only, Mature or otherwise labeled with descriptors indicating the inclusion of content that is unacceptable as defined above. Musical compact discs or electronic games withheld under these restrictions are to be handled under section H.4.a.-d.
Note: Prisoners are already prohibited by statute from viewing video movies rated X, R, or NC-17.
4. Withholding a Publication
- a. Staff shall give the prisoner written notice within 30 days when withholding a publication from a prisoner. The notice must include:
 - (1) The reason for withholding the publication; and
 - (2) A statement that the prisoner may challenge the decision by filing a grievance within 15 days.
 - b. If the prisoner does not file a grievance, the prisoner may request, at his or her option, that the institution dispose of the publication in one of the following ways within 15 days:
 - (1) Mail the publication to a party specified by the prisoner;
 - (2) Return the publication to the publisher for a refund; or
 - (3) Discard the publication.
 - c. The prisoner must pay the postage for any publication that he or she chooses to return to the publisher or send to another party.
 - (1) If the prisoner files a grievance, the facility must keep a copy of the rejected publication as evidence for two years.
 - d. All publications must be stored in the prisoner's property box.

I. Packages

The Superintendent's Standard Operating Procedures shall include the following instructions for processing packages in the institution:

1. Delivery
Staff shall deliver packages to prisoners within 48 hours of receipt, excluding weekends and holidays.
2. Search and Inventory
Prior to delivery, staff shall:
 - a. Search the contents of the package for contraband (staff need not open packages in the prisoner's presence); and
 - b. Inventory the contents, other than correspondence, and give the prisoner a receipt, or place the package in the prisoner's stored personal property. See policy 811.05 Prisoner Personal Property. Staff shall process any contraband in accordance with section F., above.
3. Unacceptable Items
 - a. Staff shall return the package to the sender if the package contains unacceptable items. Staff also shall send a written explanation of why the items were rejected and the prisoner's new address (if applicable).
 - b. Staff shall send a letter to the prisoner requesting an address to forward the package if the package does not have a return address. Postal Service charges for forwarding will be billed to the prisoner. Staff shall dispose of the package if the prisoner does not respond within 30 days.
4. Forwarding
If the institution receives a package for a prisoner who was transferred to another institution within the Department, the institution shall:
 - a. Forward the package to the new institution within three working days of receipt;
 - b. Keep a record to show where and when the institution forwarded the package.

J. Filing a Grievance

A prisoner may file a grievance regarding any action that the Department takes concerning this policy. Prisoners must follow the procedures in policy 808.03 Prisoner Grievances, except for the shortened time period for publications in section H.4.a.(2), above.

VIII. Implementation

This policy and procedure is effective as of the date signed by the Commissioner. Each Manager shall incorporate the directions outlined in this document into local policy and procedure. All local policies and procedures must conform to these directions; any deviation must be approved in writing by the Director of Institutions.

8/1/2013

SIGNATURE ON FILE

Date

Joseph D. Schmidt, Commissioner
Department of Corrections

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