

MICHIGAN DEPARTMENT OF CORRECTIONS <b>POLICY DIRECTIVE</b>	EFFECTIVE DATE 09/14/09	NUMBER 05.03.118
	SUBJECT PRISONER MAIL	
SUPERSEDES 05.03.118 (01/01/06)		AUTHORITY MCL 791.203, 800.43; Administrative Rules 791.6603; 791.6605
ACA STANDARDS 4-4266; 4-4275; 4-4487 through 4-4496; 1-ABC- 5D-01 through 10; 2-CO-5D-01; 3-ACRS-5C-01 through 10		PAGE 1 OF 12

**POLICY STATEMENT:**

Mail to and from prisoners in a Correctional Facilities Administration (CFA) or Field Operations Administration (FOA) facility, and electronic messages received through the Department’s approved vendor, shall be processed as set forth in this policy.

**RELATED POLICIES:**

- 04.02.105 Prisoner Funds
- 04.02.120 Indigent Prisoners
- 04.07.112 Prisoner Personal Property

**POLICY:**

DEFINITION

- A. Mail - Any written, typed, or printed communication of information, including magazines, catalogs, books, and photographs. Stamps, stickers, and similar items do not communicate information and thus are not considered mail for purposes of this policy even if delivered through the mail. Electronic messages received through the Department’s approved vendor also are not considered mail for purposes of this policy.

GENERAL INFORMATION

- B. Where in conflict with this policy, PD 05.01.142 “Special Alternative Incarceration Program” controls for prisoners in the Special Alternative Incarceration Program (SAI).
- C. For purposes of this policy, “prisoner” includes parolees in a Residential Reentry Program facility.
- D. Prisoners shall be permitted to send and receive uncensored mail to or from any person or organization unless the mail violates this policy or Administrative Rule 791.6603. Mail shall not be prohibited solely because its content is religious, philosophical, political, social, sexual, unpopular, or repugnant. However, mail shall be prohibited if it is a threat to the security, good order, or discipline of the facility, may facilitate or encourage criminal activity, or may interfere with the rehabilitation of the prisoner. This includes the following:
  1. Mail violating federal or state law.
  2. Mail violating postal regulations.
  3. Mail containing physical contraband, which is defined as any property that a prisoner is not specifically authorized to possess or that is from an unauthorized source. This includes postage stamps, except that a prisoner may receive a single stamped self-addressed envelope from an attorney, a court, or a legitimate religious organization.

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4. Mail containing a criminal plan or conspiracy.
  5. Mail containing threats.
  6. Mail addressed to anyone who has objected to receiving mail from the prisoner sending the mail. This only applies after the prisoner has been notified of the objection. A prisoner who continues to send mail to a person who has objected to receiving mail from that prisoner after receiving notice of the objection also may be subject to discipline in accordance with PD 03.03.105 "Prisoner Discipline".
  7. Mail for the purpose of operating a business enterprise while within the facility.
- E. Prior to rejecting mail for violation of this policy, the prisoner is entitled to a fact-finding hearing conducted pursuant to Administrative Rule 791.3310 unless otherwise specifically stated in this policy.
- F. Law enforcement officials shall be contacted immediately through the appropriate chain of command if mail addressed to or sent by a prisoner contains evidence of illegal activity. Upon request of a law enforcement official and approval of the facility head, notices required to be issued and hearings required to be conducted pursuant to this policy may be delayed for a reasonable length of time to allow for a criminal investigation.

#### WRITING MATERIALS AND POSTAGE

- G. Each CFA facility shall have available a reasonable quantity of free writing materials (i.e., pencils or pens; paper) for use by prisoners. Paper provided free to a prisoner does not need to be lined or of typing quality. Funds to purchase standard-size envelopes (e.g., 3 5/8" x 6 1/2"; 4 1/8" x 9 1/2") also shall be loaned to prisoners eligible to receive a postage loan under this section if the prisoner does not have, or does not have the funds to purchase, an envelope.
- H. Additional writing materials, including typing paper for legal work, carbon paper, and metered envelopes, shall be available for prisoner purchase in CFA facilities as set forth in PD 04.02.130 "Prisoner Store". Funds to purchase a reasonable quantity of carbon paper and to purchase over-sized envelopes of a sufficient size to mail legal materials (e.g., 10" x 15"; 15" x 20") to a court, an attorney, or a party to a lawsuit due to pending litigation, including the initial filing and service of a lawsuit, shall be loaned to a prisoner who lacks sufficient funds to purchase such items in the prisoner store upon demonstrated proof by the prisoner that the items are for litigation. In CFA, the funds shall be loaned by the Prisoner Benefit Fund (PBF). The cost of envelopes and carbon paper provided shall be considered an institutional debt and collected as set forth in PD 04.02.105 "Prisoner Funds". Funds collected to repay a loan from a PBF shall be returned to that PBF.
- I. A prisoner on indigent status pursuant to PD 04.02.120 "Indigent Prisoners" shall be loaned funds for postage as set forth in that policy.
- J. Funds for additional first class postage shall be loaned to prisoners who lack sufficient funds to send mail to a court, an attorney, or a party to a lawsuit due to pending litigation. This includes the initial filing and service of a lawsuit. The cost of certified mail shall be loaned only if the prisoner is required by court order to use certified mail (e.g., an order denying the prisoner's motion for substituted service by first class mail.) Postage shall be loaned to prisoners on indigent status pursuant to this paragraph only after the prisoner has used all postage available pursuant to Paragraph I.
- K. Funds for additional first class postage also shall be loaned to prisoners who lack sufficient funds to mail a grievance to another facility or to mail a Step III grievance or a Request for Rehearing to Central Office. Funds shall be loaned for these purposes only if there is not a Department of Management and Budget (DMB) interdepartment mail run available and the mail must be posted before the prisoner will receive postage pursuant to Paragraph I.

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- L. A prisoner requesting a postage loan pursuant to Paragraph J or K may be required to present the mail unsealed to staff to verify that it qualifies for the loan. In such cases, staff shall read only those sections of the mail that are necessary to make this determination; the mail shall not be read in its entirety. In CFA, the cost of any postage or envelopes loaned to the prisoner shall be borne by the PBF. Any funds loaned for postage or envelopes shall be treated as an institutional debt and collected as set forth in PD 04.02.105 "Prisoner Funds". Funds collected to repay a loan from a PBF shall be returned to that PBF.
- M. Prisoners shall not be loaned postage for any reason other than as set forth above.

#### PRISONER OUTGOING MAIL

- N. Each facility shall offer prisoners outgoing mail service through the U. S. Postal Service. The facility also may offer outgoing mail service for oversize or overweight mail, including packages, through a legitimate alternate carrier. Except as set forth in Paragraphs I through L, prisoners shall be required to pay the cost of postage for any mail service used.
- O. A prisoner in a CFA facility shall be permitted to send air, certified and foreign mail, and mail that weighs more than two ounces, via disbursement. Mail that a prisoner is sending via disbursement that is clearly identified as being to a court, an attorney, or a party to a lawsuit due to pending litigation, including the initial filing and service of a lawsuit, shall be processed as soon as possible. This includes mail being sent via disbursement to a court, an attorney, or a party to a lawsuit pursuant to Paragraph I or J. An expedited process for such mail shall be established by the CFA Deputy Director; the expedited process also shall be available to prisoners to send mail to a court or court reporter to request a transcript of the prisoner's court proceeding and to legal service organizations (e.g., American Civil Liberties Union, State Appellate Defender Office, Michigan Appellate Assigned Counsel System). The prisoner may be required to present the mail unsealed to staff to verify that it qualifies for expedited handling. In such cases, staff shall read only those sections of the mail that are necessary to make this determination; the mail shall not be read in its entirety.
- P. Prisoners may use DMB interdepartment mail runs, in facilities where such service is available, to send postage-free mail to staff in other facilities serviced by interdepartment mail runs and to Central Office. DMB interdepartment mail runs shall not be used by prisoners for any other purpose. Mail designated for delivery through a DMB interdepartment mail run in violation of this policy shall be returned to the prisoner and not processed for mailing.
- Q. There is no limit on the amount of outgoing mail a prisoner may send, except that prisoners in a CFA facility are allowed to purchase and possess metered envelopes only in the quantities set forth in PD 04.07.112 "Prisoner Personal Property" and OP CFA 04.02.130 "Purchase of Metered Envelopes". Outgoing mail must contain the prisoner's first and last name and identification number, and the name and address of the facility at which the prisoner is housed as the return address, on the envelope. Envelopes pre-printed with the name and address of a facility shall be corrected as necessary when mailed from a different facility. The envelope shall not be considered altered solely due to the prisoner correcting this information. The correct information also may be stamped or written on the envelope by staff prior to mailing. Mail which does not contain at least the prisoner's name and identification number may be destroyed.
- R. General population prisoners, including prisoners in Field Operations Administration (FOA) facilities, and prisoners in protective segregation shall be permitted to send sealed mail, subject to Paragraphs D, L, O, S, T and U. Outgoing mail of prisoners in any form of segregation other than protective segregation shall not be sealed and shall be inspected by staff prior to mailing. However, mail that is clearly identified as being sent to the business address of one of the following may be sealed by the prisoner and shall not be opened or otherwise inspected by staff prior to mailing, unless the entity has specifically objected in writing to receiving mail from the prisoner sending the mail, and subject to Paragraphs D, L, O, S, T and U:

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1. A licensed attorney; this includes the Attorney General, an assistant attorney general, a prosecuting attorney, and an attorney of a legitimate legal service organization (e.g., American Civil Liberties Union, State Appellate Defender Office, Michigan Appellate Assigned Counsel System).
  2. State or federal courts.
  3. Federal, state, or local public officials.
  4. The Director or any other Central Office staff.
  5. Staff at the institution in which the prisoner is segregated.
  6. Representatives of the news media, being persons who are primarily employed to gather or report news for any of the following:
    - a. A newspaper of general circulation in the community in which it publishes;
    - b. A magazine of statewide or national circulation that is sold at newsstands or by mail to the general public;
    - c. A radio or television station which is licensed by the Federal Communications Commission.
- S. Outgoing mail of any prisoner may be opened and inspected if it is determined by the facility head or designee that there are reasonable grounds to believe the mail is being sent in violation of Paragraph D. However, mail which is clearly identified as being sent to the business address of one of the following may be sealed by the prisoner and shall not be opened or otherwise inspected by staff prior to mailing, unless the entity has specifically objected in writing to receiving mail from the prisoner sending the mail or as required pursuant to Paragraph L, O or U:
1. A licensed attorney; this includes the Attorney General, an assistant attorney general, a prosecuting attorney, and an attorney of a legitimate legal service organization (e.g., American Civil Liberties Union, State Appellate Defender Office, Michigan Appellate Assigned Counsel System).
  2. State or federal courts.
  3. Federal, state, or local public officials.
  4. The Director or any other Central Office staff.
  5. Staff at the institution in which the prisoner is housed.
- T. Except as set forth in Paragraph F, if it is determined that a prisoner's outgoing mail may violate Paragraph D of this policy and that the mail therefore will not be sent, the prisoner shall be issued a notice of the alleged violation and a hearing shall be conducted pursuant to Administrative Rule 791.3310. The hearing officer shall not be the person who issued the notice. If a violation is established at the hearing, the mail shall be turned over to law enforcement authorities, if it appears to be in violation of state or federal law, or destroyed.
- U. If it is determined that a prisoner's outgoing mail cannot be processed due to insufficient postage, failure of the prisoner to sign a disbursement authorization, or other reason unrelated to the content of the mail, the mail shall be searched in the same manner as incoming mail prior to its return to the prisoner.

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## ELECTRONIC MESSAGES

- V. Family members and other members of the public may transmit messages electronically to a prisoner; however, the electronic messages may be sent only through a vendor approved by the Department. The use of electronic messaging is considered a privilege. Senders are required by the vendor to comply with all of its terms and conditions of use, including not to use the service for fraudulent or other inappropriate purposes. All electronic messages are scanned for suspicious content, recorded, and archived. All electronic messages will be monitored and will not receive any special handling, regardless of sender, even if the message would qualify for special handling if received through the mail.
- W. Upon receipt at the facility, electronic messages shall be printed by designated staff, searched, and processed in the same manner as set forth for mail in this policy; however, the written content may be read in its entirety to determine if it violates this policy. All electronic messages that have been determined by the vendor to include suspicious content shall be read in its entirety. An electronic message that is determined to pose a threat to the security, good order, or discipline of the facility, which may facilitate or encourage criminal activity, or which may interfere with the rehabilitation of the prisoner shall be rejected, using the same criteria as set forth in Paragraphs D and MM for mail.
- X. Whenever an electronic message is rejected pursuant to Paragraph W, the prisoner to whom the electronic message was intended is not entitled to notice of its rejection or a hearing on the rejection. Designated staff shall notify the sender through the vendor, however, that the electronic message was rejected and therefore will not be delivered, and provide the reason for the rejection. The sender may appeal the rejection in the same manner as set forth for rejected mail in this policy. The printed copy of the rejected message shall be retained for at least fifteen business days after the sender is notified of the rejection; the printed copy shall then be destroyed unless an appeal by the sender is pending or the rejection determination has otherwise been reversed. Although the printed copy is destroyed, the vendor will retain an archived copy.
- Y. The Department may block a sender from transmitting electronic messages if the sender has repeatedly sent such messages in violation of this policy or for other reasons as approved by the CFA Deputy Director. The Department may similarly block a prisoner from receipt of electronic messages if such messages have repeatedly been sent to the prisoner in violation of Department policy or for other reasons as approved by the CFA Deputy Director. Notice of the block shall be sent to the sender or prisoner, as appropriate, within a reasonable time after the block is initiated. If blocked, the sender and prisoner may continue to send/receive mail in accordance with this policy. The sender may appeal the block to the Warden.

## PRISONER INCOMING MAIL

- Z. Staff shall only accept mail that has been delivered from a legitimate commercial carrier (e.g., U. S. Postal Service, United Parcel Service) or through DMB interdepartment mail runs as provided for in this policy. Staff shall not accept mail for prisoners left at the facility by members of the public, including prisoner family members and visitors, except that attorneys may be permitted to deliver legal mail to prisoners pursuant to standards issued by the CFA Deputy Director.
- AA. Prisoners shall not be permitted to receive mail identified as being sent "bulk rate" or "pre-sorted standard", as indicated by the U. S. Postal Service marking, unless it was sent from a federal or state agency or a court, is a catalog allowed pursuant to Paragraph DD, is a publication received from the publisher or an authorized vendor pursuant to Paragraph CC, or is correspondence course material approved pursuant to PD 05.02.119 "Correspondence Courses". All other mail identified by the U. S. Postal Service marking as being sent "bulk rate" or "pre-sorted standard" may be discarded upon receipt by the facility without notice to the prisoner.
- BB. If mail is received in an envelope that is padded, corrugated, or otherwise cannot be effectively searched, the envelope may be discarded after a copy of the envelope is made showing the name and

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address of the sender and postmark. The copy shall be delivered to the prisoner instead of the original envelope, along with an explanation of why the copy was provided.

- CC. Prisoners shall be permitted to receive books, magazines, and other publications only if ordered by a member of the public from an internet vendor identified in Attachment A or from the publisher and sent directly to the prisoner by the vendor or publisher, ordered by the prisoner from a vendor identified in Attachment B or from the publisher and sent directly to the prisoner from the vendor or the publisher, or, if the prisoner is approved to take a correspondence course pursuant to PD 05.02.119 "Correspondence Courses", sent directly from the approved correspondence school. All prisoner orders must be through established facility ordering procedures. Under no circumstances shall prisoners in a correctional facility be permitted to order a publication from an internet vendor.
- DD. Prisoners in a CFA facility shall not be permitted to receive retail or wholesale catalogs through the mail, except that a prisoner in a CFA facility who is permitted to possess a catalog pursuant to PD 04.07.112 "Prisoner Personal Property" may receive a catalog sent directly from a vendor approved at that facility as a source of allowable prisoner personal property. Unauthorized catalogs may be discarded upon receipt by the facility without notice to the prisoner. Prisoners in a Residential Reentry Program facility are permitted to receive catalogs unless prohibited by the supervisor of the facility.
- EE. Unless transmitted by or on behalf of the Department, mail received by staff for a prisoner via facsimile machine or e-mail may be destroyed upon receipt instead of being delivered to the prisoner, unless it is clear from the mail that it conveys emergency information (e.g., imminent death of family member) and the facility head authorizes delivery. If the mail is not delivered and the sender's address is sufficiently identified in the transmittal, the sender shall be notified by mail that the mail received via facsimile was not delivered due to the method of transmission. Subsequent transmittals by the same sender may be destroyed without notification to the sender.
- FF. All incoming mail for prisoners must be clearly identified with the recipient's name and prisoner identification number to ensure proper delivery. Incoming mail which does not clearly identify the recipient may receive delayed processing or, if the recipient cannot be adequately identified, may be returned to the sender.
- GG. All incoming mail that is not receiving special handling pursuant to Paragraphs HH and II, or Paragraph LL, shall be opened in one location at each facility and inspected at that location to determine if it contains money, controlled substances, or other physical contraband. All physical contraband shall be confiscated prior to delivery of the mail to the prisoner. The mail's written content also shall be skimmed and, if it appears from skimming the content that the mail may violate this policy, the item shall be read to determine if it is allowed. All incoming mail from one prisoner to another shall be read.

#### SPECIAL HANDLING OF LEGAL MAIL

- HH. A prisoner may have his/her incoming legal mail receive special handling as set forth in Paragraph II by submitting a written request to the institution's mailroom Supervisor, or Residential Reentry Program facility Supervisor or designee, as appropriate. Only mail from an attorney or law firm, a legitimate legal service organization, a non-prisoner paralegal working on behalf of an attorney, law firm, or legal service organization, the Department of Attorney General, a prosecuting attorney's office, a court, a clerk of the court, or a Friend of the Court office shall receive this special handling, and only if the mail is clearly identified on the face of the envelope as being from one of the above. It is not sufficient for the envelope to be simply marked "legal mail".
- II. Incoming legal mail for a prisoner who has requested special handling of legal mail pursuant to Paragraph HH shall be opened and inspected for money, controlled substances, and other physical contraband in the prisoner's presence. The content of the mail shall not be read or skimmed. All physical contraband shall be confiscated prior to delivery to the prisoner. In CFA, written documentation shall be maintained regarding the delivery of legal mail to prisoners who have requested special handling of the mail. The documentation shall include the date the mail was received in the

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mailroom, the sender's name, the prisoner's name and number, the date the mail was given to the prisoner, and the prisoner's signature acknowledging receipt of the mail. If the prisoner chooses not to sign or accept the mail, that shall be documented and the mail delivered to the prisoner.

- JJ. Each prisoner received at a reception facility shall be asked if s/he wants his/her legal mail to receive special handling as outlined in Paragraphs HH and II. If the prisoner does not request special handling at that time, s/he shall be told that s/he may submit a request to the institutional mailroom supervisor or Residential Reentry Program facility Supervisor or designee, as appropriate, at any time during his/her incarceration.
- KK. A request for special handling of legal mail shall be entered on the Department's computerized database (e.g., CMIS, OMNI) within two business days after receipt. A prisoner shall not be required to renew his/her request upon transfer within CFA; appropriate staff at the receiving facility shall be responsible for determining if there is a request for special handling of legal mail.
- LL. The Warden may require that all incoming legal mail for prisoners at his/her facility receive special handling rather than limiting it to those prisoners who request it. In such cases, the incoming legal mail shall be opened, inspected, and logged as set forth in Paragraph II.

#### PROHIBITED INCOMING MAIL

- MM. Prisoners are prohibited from receiving mail that may pose a threat to the security, good order, or discipline of the facility, may facilitate or encourage criminal activity, or may interfere with the rehabilitation of the prisoner. The following pose such risks under all circumstances and therefore shall be rejected:
1. Mail containing specific information regarding the manufacture or operation of electronic security systems, weapons, explosives, ammunition, or incendiary devices.
  2. Mail depicting or describing procedures for manufacturing poisons, alcoholic beverages, or controlled substances.
  3. Mail advocating or promoting the violation of state or federal laws. This includes mail advocating or promoting the filing of a false or fraudulent UCC financing statement in violation of MCL 440.9501.
  4. Mail advocating or promoting violence, group disruption, or insurrection.
  5. Mail describing or depicting acts of sadism, masochism, bondage, or bestiality, or describing, depicting, or appearing to promote sexual acts involving children. This does not include small advertisements in a publication sent directly from the publisher or an authorized vendor except if the advertisement depicts or appears to promote sexual acts involving children.
  6. Mail advocating racial supremacy or ethnic purity or attacking a racial or ethnic group, which is reasonably likely to promote or cause violence or group disruption in the facility.
  7. Mail providing detailed instruction in the martial arts such as judo, karate, aikido, kendu, kung fu, and similar techniques.
  8. Subject to Paragraph CC, a book, magazine, newspaper, or other publication that is not received directly from the publisher, an Internet vendor identified on Attachment A, a vendor identified on Attachment B, or, if the prisoner is approved to take a correspondence course pursuant to PD 05.02.119 "Correspondence Courses", directly from the approved correspondence school. This does not apply to an article or a few pages, or copies of a few pages, from a publication that may be included with a letter or other mail, unless it is reasonably believed to be an attempt to circumvent this restriction. Retail and wholesale catalogs are

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specifically addressed in Paragraph DD.

9. A used publication.
10. A publication received on a credit basis (e.g., from a book club). This does not apply if the publication is completely pre-paid and receipt does not obligate the prisoner to make future credit purchases.
11. Mail encouraging or providing instruction in the commission of criminal activity. This includes mail encouraging or providing instruction in the filing of a false or fraudulent UCC lien.
12. Mail containing a provocative or scurrilous attack on any religion or religious group. This does not include a thoughtful and rational discussion of religious beliefs or differences between religions.
13. Nude photographs, except if included in a publication sent directly from the publisher or an authorized vendor. Nude photographs are defined as any photograph exposing the buttocks, pubic area or genitalia, or, except if a baby or infant, the female breast below the top of the areola. This includes exposure through "see through" materials.
14. Photographs depicting actual or simulated sexual acts by one or more persons. This includes photographs in a publication sent directly from the publisher or a vendor authorized by the facility.
15. Official photographs of a victim at a crime scene or depicting injuries to a victim sustained as a result of a crime that were taken for purposes of criminal investigation or prosecution. This includes photographs of the autopsy of a victim.
16. Mail depicting, encouraging, or describing methods of escape from a correctional facility. This includes blueprints, drawings, or similar detailed descriptions of correctional facilities, courthouses, and medical care facilities, and detailed roadmaps of Michigan, any state contiguous to Michigan, or the Province of Ontario, Canada.
17. Mail written in code, or in a foreign language that cannot be interpreted by institutional staff to the extent necessary to conduct an effective search. If facility staff are not available, the facility head may authorize the use of another reliable interpreter. Prisoners shall not be used as interpreters.
18. Mail that is known to contain personal information about an employee or an employee's family, unless it is sent by the employee and the employee is related to the prisoner by blood or marriage, or is provided with the approval of the Administrator of the Office of Legal Affairs or designee for pending litigation. This includes personal information published in newspapers.
19. Mail that is taped, pasted, or otherwise joined to another item in a manner which prevents an effective search. This does not apply to a visiting room photograph that is being returned directly from a copying service to the prisoner who sent the photograph to the service to be copied, provided it was sent in accordance with institutional procedures.
20. Mail containing a foreign substance which prevents an effective search or which contains an unknown substance. If the substance is suspected of being a controlled substance, the mail shall be turned over to law enforcement officials as set forth in Paragraph F.
21. Mail depicting a sign or symbol of a security threat group designated pursuant to PD 04.04.113 "Security Threat Groups".
22. Mail for the purpose of operating a business enterprise while within the facility. This does not

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apply to mail regarding the operation of a business enterprise after release.

- NN. If any written material, picture, or photograph contained within a publication is believed to be in violation of this policy, the entire publication shall be rejected. However, if the written material, picture or photograph is in a section of a newspaper that is not stapled or otherwise affixed to the rest of the newspaper, only that section of the newspaper shall be rejected. The rest of the newspaper shall be delivered to the prisoner.
- OO. Whenever mail addressed to a prisoner is believed to be in violation of this policy, a Notice of Package/Mail Rejection (CSJ-316) shall be completed and promptly sent to the prisoner. The Notice shall identify the specific item believed to be in violation of this policy and why the item is believed to be in violation. A copy of the Notice shall be sent to the person or entity who sent the mail, if a return address is identified.
- PP. Unless the prisoner waives his/her right to a hearing in writing, and the prisoner and staff agree on the appropriate disposition of the mail, a prompt hearing shall be conducted pursuant to Administrative Rule 791.3310 to determine if the mail violates this policy for the reason(s) identified in the Notice of Package/Mail Rejection and, if so, the appropriate disposition of the mail. The hearing officer shall not be the person who issued the Notice. Mail may be disposed of only as set forth below.
- QQ. If a hearing is conducted, an Administrative Hearing Report (CSJ-144) shall be completed by the hearing officer. The prisoner shall be provided the opportunity to review the mail or a copy of the mail at the hearing unless the review itself would threaten the order and security of the facility, encourage or provide instruction in criminal activity, or interfere with the rehabilitation of the prisoner. If the prisoner is not permitted to review the mail or a copy of the mail at the hearing, the hearing officer shall state the reason for that decision on the Administrative Hearing Report.
- RR. If the hearing officer finds that the mail does not violate this policy, the mail shall be promptly delivered to the prisoner. If the hearing officer finds that the mail violates this policy, the hearing officer shall determine the appropriate disposition of the mail as set forth in Paragraph AAA. The disposal option chosen by the hearing officer shall be specifically stated on the Administrative Hearing Report. The hearing officer may take into consideration the prisoner's choice of disposition in making that determination.
- SS. Whenever a hearing officer finds that a newspaper, magazine, book, or other publication violates this policy based on its written or pictorial content, the publication shall be submitted in a timely manner to the facility head along with a copy of the Notice and the Administrative Hearing Report. If the facility head does not agree that the publication violates this policy based on its content, that decision shall be noted on the Administrative Hearing Report and the publication promptly delivered to the prisoner with a copy of the facility head's decision. If the facility head agrees that the publication violates this policy based on its written content or depicts a sign or symbol of a security threat group, s/he shall proceed as set forth in Paragraph UU. In all other cases involving pictorial content of a publication, the facility head shall make the final decision; the facility head may maintain a list of publications rejected under his/her authority due to pictorial content.
- TT. An item other than funds that is received through the mail at a CFA facility which is alleged to be contraband, but does not meet the definition of "mail" pursuant to this policy, shall be treated as property and processed as set forth in PD 04.07.112 "Prisoner Personal Property". However, free promotional items (e.g., compact discs; make-up samples) that are not authorized property pursuant to PD 04.07.112 that are attached to a publication, and fasteners holding mail together, may be removed and discarded upon receipt by the facility without notice to the prisoner if the item can be easily removed without risk of damage to the publication. If a fastener is removed that was holding mail together, the mail shall be securely sealed prior to delivery to the prisoner. Funds received through the mail shall be processed as set forth in PD 04.02.105 "Prisoner Funds".

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### RESTRICTED PUBLICATIONS LIST

- UU. If the facility head concurs with the hearing officer's decision that a publication violates this policy based on its written content or depicts a sign or symbol of a security threat group, the facility head or designee shall promptly submit copies of the Notice, the Administrative Hearing Report, the publication's cover, and a representative sampling of the specific sections of the publication found to be in violation of this policy to the CFA Deputy Director for a final determination as to whether the publication violates this policy. The facility head shall be notified of the decision. The facility head shall ensure that the prisoner is notified of the decision and, if the CFA Deputy Director does not agree that the publication violates this policy, ensure that the publication is promptly given to the prisoner.
- VV. If the CFA Deputy Director agrees that a publication violates this policy for the reason(s) identified in the Administrative Hearing Report, it shall be placed on the Restricted Publications List. The Restricted Publications List shall be maintained by the CFA Deputy Director or designee and distributed to all Wardens and FOA Regional Administrators.
- WW. Once a publication is placed on the Restricted Publications List, it shall be rejected at all facilities without the need for a hearing to determine the basis for the rejection removed, unless otherwise indicated on the Restricted Publication List. If a facility head maintains a list of publications rejected under his/her authority due to pictorial content pursuant to Paragraph SS, a publication placed on that list also shall be rejected at that facility without the need for a hearing. However, a Notice of Package/Mail Rejection shall be completed whenever a publication on the Restricted Publications List or the list maintained by the facility head is subsequently received for a prisoner. Copies of the Notice shall be sent to the prisoner and to the person or entity that sent the publication, if a return address is identified. The Notice shall identify the publication and state that the publication will not be delivered because it is on the Restricted Publications List or the list maintained by the facility head, as applicable.

### APPEAL OF REJECTED MAIL

- XX. A prisoner who disagrees with the outcome of a hearing may file a grievance as set forth in PD 03.02.130 "Prisoner/Parolee Grievances"; if the publication was referred to the CFA Deputy Director for a final determination pursuant to Paragraph UU, the grievance should not be filed until a final determination has been made.
- YY. Within ten business days after the date of the Notice, the sender may appeal the proposed rejection by sending a letter to the facility head. An appeal received by any other facility staff shall be referred to the facility head as soon as possible. If the mail was referred to the CFA Deputy Director pursuant to Paragraph UU, the facility head shall not respond to the sender until a decision is made by the CFA Deputy Director. If the mail was rejected because it was already on the Restricted Publications List, the sender's appeal shall be forwarded to the CFA Deputy Director through the appropriate chain of command for review. In all circumstances, the sender shall be notified in writing whether the appeal is granted or denied. If the appeal is granted, that decision shall be noted on the Administrative Hearing Report and the mail promptly delivered to the prisoner.

### DISPOSITION OF REJECTED MAIL

- ZZ. Prior to disposal, rejected mail shall be retained at the facility for at least 15 business days after the date of issuance of the Notice of Package/Mail Rejection or hearing, whichever is later. However, if a publication was referred to the CFA Deputy Director pursuant to Paragraph UU, it shall be retained at the facility until a final decision is made by the CFA Deputy Director. If the CFA Deputy Director determines that the publication violates this policy, the publication shall be retained at the facility until the prisoner has exhausted the grievance process. If the sender appeals the rejection, the mail shall not be disposed of until after a response to the appeal is sent. If the mail violates state or federal law, it shall be turned over to appropriate law enforcement and only a copy retained.

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- AAA. After retention for the period set forth in Paragraph ZZ, rejected mail shall be disposed of by one of the following means as determined by the hearing officer or as indicated by the prisoner on the Notice of Package/Mail Rejection if a hearing is not required pursuant to Paragraph PP or WW of this policy:
1. Returned to the sender at the prisoner's expense. Funds shall not be loaned for this purpose. If the prisoner does not have sufficient funds to pay the required postage, the mail may be destroyed no sooner than ten business days after the prisoner is notified in writing of this intent; the mail shall be mailed out at the prisoner's expense during this ten day period if the prisoner receives sufficient funds to pay the cost of the postage.
  2. Mailed at the prisoner's expense to a person designated by the prisoner, except that the mail shall not be sent to another prisoner, a court, an identified public official, or a Department employee unless that employee or public official is related by blood or marriage to the prisoner. Funds shall not be loaned for this purpose. If the prisoner does not have sufficient funds to pay the required postage, the mail may be destroyed no sooner than ten business days after the prisoner is notified in writing of this intent; the mail shall be mailed out at the prisoner's expense during this ten day period if the prisoner receives sufficient funds to pay the cost of the postage.
  3. If the item is a photograph, book, or magazine, retained and stored by the facility for up to 15 business days for pick-up by a person designated by the prisoner. If the mail is not picked up within 15 business days, it may be destroyed no sooner than ten business days after the prisoner is notified in writing of this intent; the mail may be picked-up during this ten day period.
  4. If the item is the prisoner's birth certificate, Social Security card, GED certificate or other official document that the prisoner may need upon release, retained in the prisoner's Record Office file until the prisoner paroled or discharges, at which time the documents shall be given to the prisoner.
  5. Destroyed, except that a publication or photograph shall be destroyed only if the prisoner agrees or as allowed pursuant to nos. 1 through 3 above. Documents identified in no. 4 above shall not be destroyed.

#### PROCESSING OF MAIL

- BBB. Facilities shall endeavor to process all incoming and outgoing mail within one business day after receipt. Mail received by any form of express mail or special delivery is not required to be expedited. Mail sent or received over holidays or weekends, and mail requiring special handling, may require additional time in processing. However, mail sent via disbursement to a court, an attorney, or a party to a lawsuit shall be processed consistent with the requirements set forth in Paragraph O. Prisoners shall not be used to process mail.
- CCC. Mail received for a prisoner who has transferred to another Department facility shall be returned unopened to the postal carrier that delivered the item. The new mailing address of the prisoner shall be provided to the carrier for at least two months after the transfer to allow for forwarding of the mail, when possible.
- DDD. Upon notification of parole or discharge, a prisoner in a CFA facility shall inform the mailroom supervisor in writing of his/her new address if the prisoner wants the mail forwarded as set forth in Paragraph CCC. Upon release to the community from a Residential Reentry Program facility, a prisoner shall inform the facility supervisor or designee in writing of his/her new address if the prisoner wants mail similarly forwarded. If a prisoner does not request that his/her mail be forwarded, any mail received for the prisoner shall be returned to the carrier for return to the sender or, if the carrier will not return the mail, for disposition in accordance with the carrier's regulations.
- EEE. Mail received for a prisoner who has been released on court writ shall be returned to the carrier for return to the sender or, if the carrier will not return the mail, for disposition in accordance with the

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carrier's regulations, unless the prisoner has made other arrangements in writing with the institutional mailroom Supervisor or Residential Reentry Program facility supervisor or designee, as applicable.

#### PROCEDURES

FFF. The CFA and FOA Deputy Directors and Wardens shall ensure that procedures are developed as necessary to implement requirements set forth in this policy directive. Procedures shall be completed within 60 calendar days after the effective date of this policy directive. This includes ensuring that their existing procedures are revised or rescinded, as appropriate, if inconsistent with policy requirements or no longer needed. Facility procedures shall not conflict with operating procedures issued by the Director.

#### AUDIT ELEMENTS

GGG. A Primary Audit Elements List has been developed and is available on the Department's Document Access System to assist with self audit of this policy pursuant to PD 01.05.100 "Self Audit of Policies and Procedures".

#### ATTACHMENTS

HHH. This policy includes the following attachments:

1. Attachment A - Approved Internet Vendors
2. Attachment B - Authorized Vendors for Publications

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## ATTACHMENT A

### APPROVED INTERNET VENDORS

- A. Prisoners may receive publications ordered by members of the public from the following Internet vendors provided the publication is not used and is sent directly to the prisoner from the Internet vendor:

NOTE: Some approved Internet vendors, such as Amazon.com, allow private individuals and other vendors to directly sell publications on their websites. That individual or vendor, not the approved Internet vendor, then mails out the publication. In such cases, prisoners are allowed to receive the publication only if the vendor actually selling and mailing the publication is identified on this attachment as an approved vendor; prisoners are not allowed to receive the publication if sold and/or mailed by a private individual.

Amazon.com including Waldenbooks  
Barnesandnoble.com  
Borders.com  
EdwardRHamilton.com and HamiltonBooks.com  
prisonlegalnews.org  
Schulerbooks.com  
Waldenbooks.com  
Walmart.com

- B. Visually impaired prisoners who read Braille also may receive Braille publications ordered by members of the public from the following Internet vendor:

American Printing House for the Blind (aph.org)

**Under no circumstances shall prisoners in a correctional facility be permitted to order publications from an Internet vendor.**

Prisoners also may receive publications ordered by members of the public from a publisher provided the publication is not used, was sent directly to the prisoner by the publisher, and does not otherwise violate this policy.

PD 05.01.142 "Special Alternative Incarceration Program" controls for prisoners in the Special Alternative Incarceration Program.

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## ATTACHMENT B

### AUTHORIZED VENDORS FOR PUBLICATIONS

- A. Prisoners may order and receive non-used publications from the following vendors:
- B. Dalton Bookseller
  - Barnes & Noble Booksellers
  - Borders Books
  - Edward R. Hamilton Bookseller, Falls Village, CT 06031-5000
  - Prison Legal News, 2400 NW 80th Street, PMB #148, Seattle, WA 98117
  - Schuler Books & Music
  - Waldenbooks
- B. Visually impaired prisoners who read Braille also may order and receive Braille publications ordered from the following vendors:
- National Library of Congress
  - Service for the Blind and Physically Handicapped
  - American Printing House for the Blind
- C. Wardens and, for Residential Reentry Program facilities, the FOA Administrator of Parole and Probation Services or designee may authorize additional local vendors from whom prisoners at their respective facilities may order and receive non-used publications. The prisoner shall be permitted to receive the publication, subject to other policy restrictions, if transferred to another facility prior to receipt of the publication.
- D. Wardens and, for Residential Reentry Program facilities, the FOA Administrator of Parole and Probation Services or designee or designee shall authorize vendors from whom prisoners at their facility may order and receive non-used religious publications, as set forth in PD 05.03.150 "Religious Beliefs and Practices of Prisoners".

All publications must be ordered from the above vendors through institutional ordering procedures and received directly by the prisoner from the vendor. Publications ordered from the above vendors from members of the public shall be rejected in accordance with Paragraph MM of this policy. Publications ordered by prisoners are subject to all requirements set forth in this policy.

Prisoners also may receive publications ordered through institutional ordering procedures, or by members of the public, from the publisher provided the publication was sent directly to the prisoner from the publisher and does not otherwise violate this policy.

PD 05.01.142 "Special Alternative Incarceration Program" control for prisoners in the Special Alternative Incarceration Program.

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