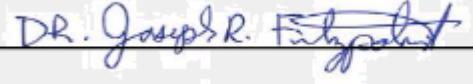


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CHAPTER 21: PRISONER COMMUNICATION		
 <p>STATE of MAINE DEPARTMENT OF CORRECTIONS</p> <p>Approved by Commissioner: </p>	PROFESSIONAL STANDARDS See Section VII	
EFFECTIVE DATE: August 4, 2003	LATEST REVISION: September 19, 2018	CHECK ONLY IF APA []

I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in Title 34-A M.R.S.A. Section 1403.

II. APPLICABILITY

All Departmental Adult Facilities

III. POLICY

It is important that there be constructive correspondence between prisoners and their families and others as a means to maintain ties with the community. Each facility shall provide prisoners with the means to engage in such correspondence.

Each facility shall maintain practices to inspect, read, and restrict prisoner mail as necessary to prevent the introduction of contraband, ensure the safety of prisoners, staff, and others, ensure security, maintain orderly management of the facility, enforce facility rules, and prevent criminal activity.

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VI. PROCEDURES

Procedure A: Prisoner Mail, General

1. Each facility Chief Administrative Officer, or designee, shall ensure the facility has a mailroom, or other designated area, for the processing of prisoner mail that is received at or sent from the facility. Mail staff, or other designated staff, shall be responsible for processing all prisoner mail, incoming and outgoing.
2. Prisoners may only send mail processed by the facility and mailed through the U.S. Postal Service. Prisoners may only receive mail through the U.S. Postal Service or other recognized mail delivery service.
3. There shall be no limit on the amount of incoming mail a prisoner is allowed to receive, provided the mail is stored as outlined in Department Policy (AF) 10.1, Prisoner Allowable Property.
4. There shall be no limit on the amount of outgoing mail a prisoner is allowed to send, provided the prisoner has sufficient funds to pay for postage.
5. Except as set out in Procedure F, every prisoner shall be allowed to send mail to and receive mail from anyone who is not incarcerated who the prisoner wishes to correspond with.
6. If a prisoner wishes to correspond with another person who is incarcerated, whether in a juvenile or adult detention or correctional facility, in Maine or out of state, the prisoner must have the prior approval of the Chief Administrative Officers of both facilities.
7. A prisoner requesting to correspond with another person who is incarcerated shall complete a Request for Correspondence Privileges between Incarcerated Persons form (Attachment A).
8. The Chief Administrative Officer of a Department facility shall approve correspondence privileges between a prisoner and another person who is incarcerated if the other person is an immediate family member (the prisoner's spouse or the prisoner's parent, child, sibling, grandparent or grandchild, whether the relationship is natural, adoptive, foster or through marriage), unless:

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- a. either person is prohibited from sending mail to or receiving mail from the other person for one of the reasons set out in Procedure F;
- b. there is a reasonable suspicion that mail between them would contain contraband or information related to criminal activity or juvenile criminal activity, a violation of the facility's rules, or a risk to safety, security, or orderly management of the facility; or
- c. there is reasonable suspicion that either person has violated or will violate the mail rules.

Previously approved correspondence privileges shall be immediately terminated by the Chief Administrative Officer if the first of the above exceptions is later discovered to exist and may be terminated by the Chief Administrative Officer at any time if one of the other exceptions is later discovered to exist.

9. The Chief Administrative Officer of a Department facility may approve correspondence privileges between a prisoner and another person who is incarcerated if the other person is not an immediate family member. The Chief Administrative Officer may limit the subject matter of the correspondence and/or the time period of the privileges. The decision whether to approve or deny such correspondence privileges is at the sole discretion of the Chief Administrative Officer, except that if either person is prohibited from sending mail to or receiving mail from the other person for one of the reasons set in Procedure F, correspondence between them shall not be allowed. Previously approved correspondence privileges shall be terminated by the Chief Administrative Officer immediately if the above exception is later discovered to exist and may be terminated by the Chief Administrative Officer at any time for any reason in his or her sole discretion.
10. A Department staff member, volunteer, or student intern shall not be permitted to be a personal correspondent with any prisoner, unless approved by the Chief Administrative Officer of the facility where the prisoner is housed and, if the person works or volunteers elsewhere, unless also approved by the facility Chief Administrative Officer, or designee, Regional Correctional Administrator, or designee, or Central Office supervisor, as applicable. The person shall comply with Department Policy 3.5, Code of Conduct in all respects.
11. Any item not allowed under Department Policy (AF) 10.1, Prisoner Allowable Property shall be considered non-allowable property. If possession of the item is prohibited under state or federal law or under Department Policy (AF) 20.1, Prisoner Discipline, it shall be considered contraband for purposes of this policy.
12. Correspondence written in code or in a language that cannot be translated by facility staff or a foreign language translator shall be considered contraband and immediately be turned over to a facility law enforcement officer. The fact that correspondence is written in a foreign language shall not, in and of itself, make it contraband or constitute reasonable suspicion allowing it to be read.

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13. If there is a reasonable suspicion that either incoming or outgoing mail contains contraband, information relating to criminal activity or juvenile criminal activity, violation of the facility's rules, or a risk to safety, security, or orderly management of the facility, or is from or to a prohibited correspondent, the mail, including the envelope, correspondence, any contraband item, and any other contents, shall immediately be turned over to a facility law enforcement officer (either the facility correctional investigative officer (detective) or a Special Investigations and Intelligence Unit (SII) officer).
14. The facility law enforcement officer shall secure the mail for review and/or investigation and, if applicable, for possible use as evidence in disciplinary or court proceedings, unless the Chief Administrative Officer, or designee, gives approval for the mail to be photocopied or photographed without notification to the prisoner and the original to be forwarded to the addressee in order to facilitate an ongoing investigation.
15. If the mail is secured, the prisoner shall be promptly notified in writing of the action that has been taken (Notification – Non-Delivery of Incoming Mail (Attachment B) for incoming mail and Notification – Non-Delivery of Outgoing Mail (Attachment C) for outgoing mail), unless the mail contains information or a contraband item relating to criminal activity or juvenile criminal activity or violates a court order or a condition of bail or conditional release, administrative release, deferred disposition, probation, or supervised release for sex offenders, in which case the prisoner shall not be notified without the approval of the prosecuting attorney.
 - a. If the mail is used as evidence in a court proceeding, its final disposition shall be determined by the prosecuting attorney.
 - b. If the mail is only used as evidence in a disciplinary proceeding, it shall be retained as part of the disciplinary record, unless that would create a risk to safety or security (e.g., it contains drugs) or unless it is not possible to do so (e.g., it contains food), in which case the mail shall be disposed of. A photo shall be taken of the mail, including the envelope and all of its contents, prior to its disposal, and the photo shall be retained in the disciplinary record.
 - c. If the mail is not used as evidence and the investigation has been completed, a copy of the mail shall be retained as part of the record of the investigation and the original mail shall be forwarded to the prisoner, unless that would create a risk to safety or security (e.g., it contains an escape plan) or unless it is not possible to do so (e.g., it contains food), in which case the original mail shall be retained in the record of the investigation or disposed of, as applicable. If disposed of, a photo shall be taken of the mail, including the envelope and all of its contents, prior to its disposal, and the photo shall be retained in the record of the investigation.
16. If, in any case, there is a reasonable suspicion that any piece of incoming or outgoing mail (whether opened or unopened) itself creates an immediate risk to safety (e.g., incoming mail appears to contain a powdery substance), a facility law enforcement officer shall be immediately notified, and appropriate

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precautions taken. The prisoner shall not be notified of the action that has been taken without the approval of the prosecuting attorney.

17. Incoming envelopes and correspondence must be on white paper only. Greeting cards must be on single card stock with one fold that is white on the back and inside, except for the printed message, and the front of the card must have a white background so that the picture on the card does not totally cover the front of the card. Ink must be black or blue only and pencil must be black only.
18. Any incoming mail that includes a drawing or writing that uses unreasonable amounts of ink or pencil, contains shaded areas, or otherwise masks portions of the mail in ink or pencil is prohibited.
19. No foreign substance is to be put in or on any incoming or outgoing mail, whether by spraying, soaking, affixing, or otherwise. This prohibition includes, but is not limited to, any discoloration or stain, perfume, cologne, lipstick, powder, paint, finger-paint, crayon, colored pencil, chalk, charcoal, marker, glue, glitter-glue, adhesive, stickers, tape, body fluids, etc. It does not include the postage used to send the mail or a single return name and address label affixed to the upper left corner of the envelope that has only the required adhesive.
20. Outgoing mail with a foreign substance shall be immediately disposed of, and the prisoner shall be promptly notified in writing of the action that has been taken (Attachment C).
21. If there is no reasonable suspicion that incoming mail contains contraband, information relating to criminal activity or juvenile criminal activity, violation of the facility's rules, or a risk to safety, security, or orderly management of the facility, or is from a prohibited correspondent, but the incoming mail is not allowed because of the above requirements, mail staff, or other designated staff, shall photocopy the envelope and any correspondence or greeting card. The prisoner shall be provided the photocopy, promptly notified in writing of the action that has been taken (Attachment B), and the original shall be immediately disposed of.
22. In addition to greeting cards not meeting the above requirements, greeting cards that are padded, laminated, multilayered, contain plastic or metal, or have recorded music, messages, or sound effects are not allowed.
23. If there is no reasonable suspicion that an incoming greeting card contains contraband, information relating to criminal activity or juvenile criminal activity, violation of the facility's rules, or a risk to safety, security, or orderly management of the facility, or is from a prohibited correspondent, but the greeting card is not allowed because of the above requirements, mail staff, or other designated staff, shall photocopy the envelope and the greeting card. The prisoner shall be provided the photocopy, promptly notified in writing of the action that has been taken (Attachment B), and the original shall be immediately disposed of.
24. A greeting card that is larger than eight (8) inches by eleven (11) inches is not allowed and shall be immediately disposed of, without any effort to photocopy it.

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The prisoner shall be promptly notified in writing of the action taken with respect to the card (Attachment B).

25. The Chief Administrative Officer, or designee, may also require the photocopying of all incoming general correspondence and greeting cards addressed to a prisoner who is a validated gang member, on a facility watch list, has failed a facility drug urinalysis test during the last six (6) months, has a criminal conviction for drug trafficking during current Department custody, or has a disciplinary finding of guilt during the last six (6) months for Test, Refusing to Take Drug Test; Trafficking; Trafficking Marijuana; or Under the Influence or Taking of Substance may be photocopied. The photocopy shall be provided to the prisoner without any need for notification to the prisoner. The original shall be immediately disposed of unless it is turned over to a facility law enforcement officer for one of the reasons set out above.
26. The Chief Administrative Officer, or designee, may also require the photocopying of incoming general correspondence and/or incoming greeting cards on the basis of reasonable suspicion that mail incoming to a prisoner, group of prisoners, or a housing unit contains contraband or based on the custody level of prisoners. The photocopy shall be provided to the relevant prisoner without any need for notification to the prisoner. The original shall be immediately disposed of unless it is turned over to a facility law enforcement officer for one of the reasons set out above.
27. The Chief Administrative Officer, or designee, may also require the photocopying of incoming general correspondence and/or incoming greeting cards on a random basis. The photocopy shall be provided to the relevant prisoner without any need for notification to the prisoner. The original shall be immediately disposed of unless it is turned over to a facility law enforcement officer for one of the reasons set out above.
28. If there is no reasonable suspicion that incoming mail contains information or a contraband item relating to criminal activity or juvenile criminal activity, violation of the facility's rules, or a risk to safety, security, or orderly management of the facility, or is from a prohibited correspondent, but a non-allowable item is found in incoming mail that has no substantial monetary value (e.g., writing materials, blank pieces of colored paper, glitter, ribbons, food items, plastic items, metal items, paper clips, etc.), mail staff, or other designated staff, shall immediately dispose of the item(s) without any need for notification to the prisoner.
29. If there is no reasonable suspicion that incoming mail contains information or a contraband item relating to criminal activity or juvenile criminal activity, violation of the facility's rules, or a risk to safety, security, or orderly management of the facility, or is from a prohibited correspondent, but a photo found in incoming mail is non-allowable because it depicts nudity (depicts exposed genitals, anus or female breasts), the photo, if commercial, shall be immediately disposed of and, if non-commercial, shall be returned to the sender, if the return address can be determined from the mail itself. If the return address cannot be determined from the mail itself, the photo shall be immediately disposed of. The prisoner shall be

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promptly notified in writing of the action taken with respect to the photo, whether it is returned or disposed of (Attachment B).

30. If there is no reasonable suspicion that incoming mail contains information or a contraband item relating to criminal activity or juvenile criminal activity, violation of the facility's rules, or a risk to safety, security, or orderly management of the facility, or is from a prohibited correspondent, but cash or stamps are found in incoming mail, the cash or stamps shall be returned to the sender, if the return address can be determined from the mail itself. If the return address cannot be determined from the mail itself, cash shall be deposited into the facility's Prisoner Benefit Account and stamps shall be immediately disposed of. The prisoner shall be promptly notified in writing of the action taken with respect to the cash or stamps (Attachment B).
31. If there is no reasonable suspicion that incoming mail contains information or a contraband item relating to criminal activity or juvenile criminal activity, violation of the facility's rules, or a risk to safety, security, or orderly management of the facility, or is from a prohibited correspondent, unless this policy provide otherwise, all other contraband found in incoming mail, including official identification documents (e.g., birth certificates, driver's licenses, military service records, other forms of identification, etc.) and non-allowable property or allowable property obtained through non-allowable means shall either be stored at the facility or be required to be sent out of or picked up from the facility in accordance with the applicable Department policy.
32. Except as otherwise provided in this policy, if there is no reasonable suspicion that incoming or outgoing mail contains information or a contraband item relating to criminal activity or juvenile criminal activity, violation of the facility's rules, or a risk to safety, security, or orderly management of the facility, but the mail is not to be forwarded to the addressee, the mail shall be returned to the sender, if the return address can be determined from the mail itself. If the return address cannot be determined from the mail itself, it shall be immediately disposed of, except that any check or money order shall not be disposed of if the name of the person who signed the check or purchased the money order is readable, in which case reasonable efforts shall be made to determine that person's address and return the check or money order to that person. If the mail that is returned or disposed of is correspondence or if a check or money order is returned or disposed of, the prisoner shall be promptly notified in writing of the action that has been taken (Attachment B for incoming mail and Attachment C for outgoing mail).
33. If the contents of incoming mail consist of records, items, or information relating to victims of or witnesses to a criminal charge or conviction involving the prisoner to whom the mail is addressed (e.g., gruesome crime scene photos, victim or witness addresses, audiotapes, videotapes, etc.), the facility Chief Administrative Officer, or designee, shall determine, after consultation with the Department's legal representative, if it is appropriate for the prisoner to be allowed access to the materials and, if so, the conditions under which the access is allowed. Under no circumstances may a prisoner be allowed access to any records, items, or information relating to a criminal charge or conviction involving another prisoner.

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34. Unless prohibited elsewhere in this policy, a prisoner may receive originals or photocopies of articles from newspapers, newsletters, or magazines or excerpts from books, provided that the original or photocopy consists of only full length pages (no partial pages), there has been no alteration of the article or excerpt, and the name of the newsletter, newspaper, magazine, or book is clearly visible as originally published. It is not acceptable for a correspondent to hand write or type the name of the newsletter, newspaper, magazine or book. Mail staff, or other designated staff, shall immediately dispose of any original or photocopied materials not meeting these requirements without any need for notification to the prisoner.

35. Unless prohibited elsewhere in this policy, a prisoner may receive materials downloaded from the internet or from computer software provided that the material consists of only full length pages (no partial pages), there has been no “cutting and pasting” or other alteration, and, in the case of internet material, the name of the website is clearly visible as originally downloaded from the internet. It is not acceptable for a correspondent to hand write or type the name of the website. Mail staff, or other designated staff, shall immediately dispose of any downloaded materials not meeting these requirements without any need for notification to the prisoner.

36. A prisoner may not receive downloaded or photocopied e-mail. Unless the mail is turned over to a facility law enforcement officer as required by this policy, mail staff, or other designated staff, shall immediately dispose of any e-mail materials, and the prisoner shall be promptly notified in writing of the action that has been taken (Attachment B).

37. Unless prohibited elsewhere in this policy, a prisoner may receive any other original or photocopied materials, provided that the material consists of only full length pages (no partial pages), the materials have not been altered, and, if applicable, the name of the source is clearly visible as originally printed. It is not acceptable for a correspondent to hand write or type the name of the source of the material. Mail, or other designated staff, shall immediately dispose of any original or photocopied materials not meeting these requirements without any need for notification to the prisoner.

38. Unless prohibited elsewhere in this policy, prisoners may receive commercial mail, with a verifiable name and verifiable return address, regardless of the postage class, that primarily discusses religious, legal (e.g., court cases, statutes, constitutional provisions, etc.), or political (referendum or election related) subject matter, including, but not limited to, religious, legal, political catalogs, brochures, fliers, pamphlets and solicitations for subscriptions for such materials. Prisoners may also receive catalogs for ordering magazines and books, through pre-paid subscriptions. Prisoners may also receive commercial mail relating to pen pals.

39. Prisoners may not receive any other commercial mail, regardless of postage class, including, but not limited to, commercial catalogs, commercial advertisements, solicitations for commercial products or services, or club membership offers, e.g., CD music clubs, book clubs, etc. Prisoners may not

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receive publications by way of subscription unless the subscription is pre-paid. Mail staff, or other designated staff, shall immediately dispose of any incoming mail consisting of any of these items without any need for notification to the prisoner.

40. A prisoner may receive correspondence regardless of whether it is handwritten, typed, or composed on a word processor.
41. Incoming mail shall be distributed to prisoners within forty-eight (48) hours of its delivery to the facility, excluding weekends, holidays, and government shutdown days, unless a critical incident or emergency situation prevents timely mail distribution, or unless, pursuant to this policy, mail is being withheld for reading, is being reviewed for prohibited material, or has been turned over to a facility law enforcement officer to be secured. If a prisoner is temporarily out of the facility (e.g. in court or in a hospital), incoming mail shall be held in a secure location until the prisoner's return.
42. Outgoing mail shall be collected from prisoners every day, excluding weekends, holidays, and government shutdown days, unless a critical incident or emergency situation prevents timely mail collection. Outgoing mail shall be mailed within forty-eight (48) hours, or, if accompanied by a money transfer, within three (3) business days of its collection, excluding weekends, holidays, and government shutdown days unless a critical incident or emergency situation prevents timely mailing, or unless, pursuant to this policy, mail is being withheld for reading or has been turned over to a facility law enforcement officer to be secured.
43. Mail shall not be withheld any longer than is necessary for reading, review for prohibited materials, or investigation, unless it is secured by a facility law enforcement officer for evidence. In the case of incoming mail that appears to be privileged mail, the time period for withholding the mail for investigation may include a reasonable period of time for a facility law enforcement officer, or other designated staff, to contact the purported sending party to determine if he or she is the actual sender and, if so, if the sender is actually a privileged correspondent.
44. Prisoners shall be responsible for notifying their correspondents of all requirements and prohibitions outlined in this policy specific to incoming mail.

Procedure B: Outgoing General Mail

1. Each facility shall provide prisoners with envelopes, paper, and writing instruments in reasonable quantities to ensure an opportunity for constructive correspondence. Each prisoner shall be offered free postage for up to two (2) one-ounce letters per week, which may not be carried over from week to week.
2. Each facility shall make available secure prisoner mailboxes in areas accessible to general population prisoners. Prisoners shall place all outgoing general mail in the designated prisoner mailboxes, except that a prisoner who has no access to a prisoner mailbox shall hand all outgoing general mail to a housing unit staff

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person. The staff shall, that day, either place the mail in a prisoner mailbox or deliver it to the facility mail staff.

3. All outgoing general mail shall conform to the following requirements:
 - a. the prisoner's full name and MDOC #, facility name, and facility address shall be in the upper left corner of the envelope;
 - b. the recipient's full name and full address shall be in the center of the envelope;
 - c. the envelope must be stamped with the notice and disclaimer that it is coming from a correctional facility;
 - d. the prisoner shall not alter the envelope; and
 - e. the prisoner shall put nothing other than the recipient's name and address, the prisoner's name and MDOC #, facility name, facility address, and postage on the envelope.
4. Any outgoing general mail not meeting one of these requirements may be opened and handled as set out in the applicable provision of Procedure A.
5. Outgoing general mail shall not contain contraband nor any food/drink item, hygiene, health, or comfort item, or prayer or sacred oil.
6. Outgoing general mail shall not contain any correspondence or any item intended for any person other than the addressee or from any person other than the prisoner.
7. The envelope shall be sealed by the prisoner unless the prisoner has filled out a money transfer form to go with the envelope.
8. Mail, or other designated staff, shall be responsible for the collection of all outgoing general mail. A collection schedule shall be posted in all housing units.
9. Mail, or other designated staff, shall visually and physically inspect each outgoing envelope to ensure that a Department of Corrections disclaimer appears on the envelope and to check for possible contraband.
10. Outgoing general mail may be opened and its contents inspected when the Chief Administrative Officer, or designee, has reasonable suspicion that the mail contains contraband or is otherwise in violation of this policy and procedures.
11. Mail, or other designated staff, shall ensure the correct amount of postage, paid for by the prisoner or within the prisoner's free mail allotment, is affixed to all general mail and shall take measures to facilitate the affixing of the correct amount of postage to outgoing general mail. If a piece of general mail is not included within a prisoner's free mail allotment and the prisoner does not pay for the correct amount of postage, the mail shall be returned to the prisoner.

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Procedure C: Incoming General Mail

1. Mail, or other designated staff, shall open and inspect all incoming general mail envelopes to look for checks, money orders, contraband, and non-allowable items. Except as set out in Procedure A. or as set out below, if a check or money order is found, it shall be removed and credited to the prisoner's account.
2. A check or money order that comes from another prisoner, volunteer, student intern, or staff, directly or indirectly, shall not be credited to the prisoner's account and shall be turned over to a facility law enforcement officer. A check or money order for one prisoner that comes from the family or visitors of another prisoner shall not be credited to the prisoner's account and shall be turned over to a facility law enforcement officer, unless the Chief Administrative Officer, or designee, has given prior written approval for the check or money order to be sent to the prisoner from that person.
3. If contraband or a non-allowable item is found, it shall be removed and handled in accordance with the applicable provision of Procedure A.
4. All incoming general mail must have both a verifiable return name and a verifiable return address, except as set out below. The verifiable return name and return address may be handwritten, typed, or printed directly onto the envelope or may be on a name and address label affixed to the upper left corner of the envelope.
5. Incoming general mail with a verifiable return address but no return name that appears to be from a business or agency shall be opened to determine who it is from. If it is determined to be from a business or agency that does not ordinarily include its name on the outside of envelopes for legitimate privacy reasons (e.g., a bank) and the mail is otherwise acceptable under the provisions of this policy, it shall be forwarded to the prisoner. If the mail is determined to be from someone other than such a business or agency, it shall be handled in accordance with the applicable provision of Procedure A.
6. Any other incoming general mail with a verifiable return address but no return name may be returned to the return address without being opened or may be opened. If it is opened, it shall be handled in accordance with the applicable provision of Procedure A.
7. Any incoming general mail without a verifiable return address (with or without a return name) may be opened or may be immediately disposed of without being opened. If the mail is disposed of, the prisoner to whom it is addressed shall be promptly notified in writing (Attachment B). If the mail is opened, it shall be handled in accordance with the applicable provision of Procedure A. If mail without a verifiable return address is disposed of, regardless of whether it is opened, a photocopy of the envelope shall be sent to the prisoner along with Attachment B. If the prisoner is able to determine who sent the mail, the prisoner is required to inform that person of the requirement of a verifiable return name and verifiable return address.

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8. The envelope shall not contain any correspondence or any item intended for any person other than the addressee or from any person other than the sender, except that it may include correspondence, drawings in black pencil or black or blue ink, photocopies of paintings, and photocopies of colored pencil/crayon drawings from the prisoner's minor children. Any mail in violation of this requirement shall be handled in accordance with the applicable provision of Procedure A.
9. If there is more than one prisoner with the same first and last names, incoming mail shall be returned to the sender with a notation that the sender will need to include the prisoner's MDOC number or full name including middle name.
10. If the prisoner's name is misspelled to the point that the prisoner cannot be identified with reasonable certainty, incoming mail shall be returned to the sender with a notation that the sender will need to spell the prisoner's name correctly.
11. Mail, or other designated staff, shall be responsible for the distribution of all incoming general mail. A distribution schedule shall be posted in all housing units.
12. The Chief Administrative Officer, or designee, may require staff to remove stamps, address labels, and/or envelopes prior to the distribution of incoming general mail. If there is a requirement that staff remove address labels or envelopes, prisoners shall be responsible for notifying their correspondents that return name and return address information must be included in the contents of the mail if the prisoner will need that information. This does not affect the requirement that all incoming general mail must have both a verifiable return name and verifiable return address on the envelope, as set out above.
13. Staff distributing general mail shall deliver the mail directly to the prisoner to whom it is addressed. Staff shall not leave the mail on a table for pick up by prisoners or otherwise leave it in an area accessible to prisoners in general. No prisoner shall be allowed to possess or distribute or otherwise handle mail belonging to another prisoner.

Procedure D: Outgoing and Incoming Privileged Mail

1. Privileged mail (also known as legal mail) is correspondence concerning a legal matter or official government business involving the prisoner if the correspondence is between that prisoner and any of the following:
 - a. attorney, paralegal, or private investigator;
 - b. judge, court clerk, or court;
 - c. Maine Human Rights Commission;
 - d. appointed or elected government official, including, but not limited to, the President, the Governor, commissioner of a state agency (other than the Commissioner of Corrections, except as set out below), federal or state senator or representative, or tribal chief;

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- e. advocate from a government agency; and
 - f. legal advocacy organization, including, but not limited to, American Civil Liberties Union of Maine, Maine Equal Justice Partners, GLBTQ Legal Advocates & Defenders (GLAD), Disability Rights Maine, NAACP Legal Defense Fund, and National Lawyers Guild.
2. Correspondence between a prisoner and a community sexual assault response services agency concerning a complaint of sexual misconduct shall be treated as privileged mail.
 3. A grievance sent to another Department facility's grievance officer shall be treated as privileged mail, at both the facility from which it was sent and the facility at which it is received.
 4. Incoming mail from the Central Office of the Department of Corrections marked on the front of the envelope as "Privileged Mail" or "Legal Mail" shall be treated as privileged mail.
 5. Outgoing absentee ballots shall be treated as privileged mail.
 6. Outgoing correspondence to the Commissioner of Corrections or the Deputy Commissioner of Corrections shall be treated as privileged mail.
 7. Outgoing privileged mail shall meet the same requirements as outgoing general mail except that the terms "Privileged Mail" or "Legal Mail" shall be written by the prisoner on the front of the envelope. If one of these terms is not written on the front of the envelope, the mail shall be treated as general mail.
 8. Except as set out below for outgoing mail to a court, outgoing privileged mail shall be collected in the same way as is outgoing general mail.
 9. The Chief Administrative Officer, or designee, shall establish and maintain a practice for the collection of outgoing mail to the courts by mail or other designated staff. Prisoners shall be required to hand deliver to (deposit with) collecting staff all outgoing mail to any court on a schedule determined by the Chief Administrative Officer, or designee. The schedule shall allow for the deposit of mail by prisoners on a daily basis, including Saturdays, Sundays, and holidays. Staff collecting outgoing mail to the courts shall document the name of the court the mail is addressed to, the name and MDOC # of the prisoner, the date of deposit (i.e., the date of hand delivery to collecting staff), and the name of the collecting staff. The collecting staff shall ensure that the prisoner signs for the deposit and that the document is maintained. See Deposit of Court Mail (Attachment D).
 10. The staff collecting outgoing mail to a court shall promptly deposit it into the appropriate outgoing mailbox, deliver to mailroom staff, or process the mail, as applicable. Under no circumstances shall the sending prisoner or any other prisoner be allowed to handle the mail once it has been hand delivered to the collecting staff.

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11. Outgoing privileged mail being sent by a prisoner without funds (on his or her general (trust) account) at the time the mail is processed shall have free postage affixed. Prisoners are not to be provided free certified mail or other postal services. If the Chief Administrative Officer, or designee, determines that a prisoner has abused this free privileged mail postage privilege (for example, by manipulating the funds in his or her account, marking mail as privileged when it is not, or sending excessive amounts of mail using this free postage privilege), the Chief Administrative Officer, or designee, may, after consultation with the Department's legal representative in the Attorney General's Office, suspend the prisoner's access to free postage for privileged mail for up to ninety (90) days.
12. Outgoing privileged mail shall be processed in the same manner as outgoing general mail, except that it shall not be opened without the prisoner being present, unless it is necessary to open the mail for the sole purpose of inspecting it to determine the identity of the prisoner who sent it. Outgoing privileged mail may also be opened and inspected when the Chief Administrative Officer, or designee, has a reasonable suspicion that the mail contains contraband, is mislabeled as privileged mail when it is not, or is otherwise in violation of this policy, but it shall be opened and inspected only in the presence of the prisoner.
13. Outgoing mail addressed to a privileged correspondent listed above and marked as "Privileged Mail" or "Legal Mail" on the front of the envelope may only be read by the Chief Administrative Officer, or designee, or other action taken with respect to the mail, except for being opened and inspected as set out above, only if, after consultation with the Department's legal representative in the Attorney General's Office, it is determined that there is probable cause to believe that the correspondence is being used to plan or conduct criminal activity or juvenile criminal activity, e.g., contains threats, obscene language or pictures, or escape or assault plans, or is otherwise not actually privileged in nature. All reading of this correspondence shall occur in the prisoner's presence.
14. Incoming mail shall be treated as privileged only if it is in an official envelope with a verifiable return address and there is a clear indication that it was sent from a privileged correspondent listed above. Incoming mail not meeting all of these requirements, such as mail from a sender who is not a privileged correspondent, shall be treated as general mail, even if it is marked as "Privileged Mail" or "Legal Mail" on the envelope.
15. The presence of the words "Privileged Mail" or "Legal Mail" on the envelope is not necessary for the mail to be treated as privileged unless it is incoming mail from the Central Office of the Department of Corrections.
16. Incoming privileged mail shall be handled in the same manner as incoming general mail, except that it shall not be opened without the prisoner being present, it shall not be photocopied, and staff shall not remove stamps, address labels, or the envelope. If incoming privileged mail is inadvertently opened outside the presence of the prisoner that shall be so noted on the envelope and in a mail log or on another appropriate document.

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17. Incoming privileged mail shall be opened and inspected with the prisoner present to check for checks, money orders, contraband, and non-allowable items. If checks or money orders are found, they shall be removed and handled in accordance with this policy. If contraband or a non-allowable item is found, it shall be removed and handled in accordance with the applicable provision in Procedure A.
18. Upon the delivery of incoming privileged mail to a prisoner, the delivering staff shall document the name and MDOC # of the prisoner, the name of the sender, the date of delivery, and the name of the delivering staff. The delivering staff shall ensure that the prisoner signs for its receipt and that the document is maintained. See Receipt of Privileged Mail (Attachment E).
19. If the prisoner refuses to accept the incoming privileged mail, the staff delivering it shall leave the mail on the prisoner's bed in the presence of the prisoner and note the name of the sender, the date of delivery, and the prisoner's refusal to sign for its receipt on the document.
20. If, upon inspection or opening of the incoming mail or otherwise, it becomes obvious that the mail is not actually privileged, it shall be treated as general mail. If there is a reasonable suspicion that the mail was misrepresented to be privileged mail, it shall be turned over to a facility law enforcement officer, or other designated facility staff, who shall consult with the Department's legal representative in the Attorney General's Office as to the appropriate action.
21. Periodically and on a random basis, facility law enforcement officers, or other designated staff, shall contact the purported sending party of incoming privileged mail to determine if he or she is the actual sender and, if so, if the sender is actually a privileged correspondent. This shall also be done if there is reasonable suspicion that a prisoner is receiving mail misrepresented to be privileged mail. The Chief Administrative Officer, or designee, may also require this to be done for other reasons.
22. Incoming mail addressed as coming from a privileged correspondent listed above may only be read by the Chief Administrative Officer, or designee, or other action taken with respect to the mail, except for being opened and inspected as set out above, only if, after consultation with the Department's legal representative in the Attorney General's Office, it is determined that there is probable cause to believe that the correspondence is being used to plan or conduct criminal activity or juvenile criminal activity, e.g., contains threats, obscene language or pictures, or escape or assault plans, or is otherwise not actually privileged in nature. All reading of this correspondence shall occur in the prisoner's presence.
23. If the contents of incoming privileged mail include a compact disk (CD) consisting of documents, including photos, related to a legal matter or official government business involving the prisoner or a DVD consisting of video related to a legal matter or official government business involving the prisoner, the prisoner shall be allowed to view the CD or DVD at reasonable times through his or her case manager or other designated staff. Once the prisoner has been allowed

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reasonable access to view the CD or DVD, the prisoner may choose to send the CD or DVD out of the facility or have it stored at the facility until his or her release. Under no circumstances may a prisoner keep the CD or DVD in his or her cell or room or be allowed to show the CD or DVD to another prisoner. In the alternative, in the case of a CD only, a prisoner may pay to have the contents of the CD printed, provided that if the contents of the CD consist of records, photos, or information relating to victims of or witnesses to a criminal charge or conviction involving the prisoner, the facility Chief Administrative Officer, or designee, shall determine, after consultation with the Department's legal representative, if it is appropriate for the prisoner to be allowed access to the materials and, if so, the conditions under which the access is allowed.

24. A prisoner who stores legal material in his or her cell is required to keep any privileged correspondence separate from all other legal materials, including, but not limited to, legal research materials, court filings, court transcripts, and discovery materials received from his or her attorney. Mail that appears to be privileged correspondence that is being kept in a prisoner's cell may be opened and inspected for contraband during a cell search, but only in the presence of the prisoner. Other legal materials may be searched outside the presence of the prisoner. A prisoner who labels material stored in his or her cell as "Legal Mail" or "Privileged Mail" that does not meet the definition set out above is subject to disciplinary action for False Statement.

Procedure E: Publications and Prohibited Materials

1. Publications and other materials, including correspondence, sent to prisoners are prohibited if they contain any of the following:
 - a. material that depicts or describes a nude child, the genitals, anus, or buttocks of a child, or the chest of a female child;
 - b. material that depicts or describes any sexual act with, sexual contact with, or sexual touching of an animal or child;
 - c. material that depicts or describes sexual violence, sadomasochism, or bondage;
 - d. material that depicts or describes the manufacture or illegal use of drugs, alcoholic substances, firearms, explosives, or other weapons, keys or other security devices, or skills, implements, or information which could reasonably be used to effect escape or cause harm or injury to persons or property;
 - e. material that depicts or implies the commission of any sexual act involving penetration of the genitals, mouth or anus, regardless of the genders of the persons involved;
 - f. material that depicts a body fluid commonly associated with any sexual act, regardless of whether the sexual act itself is depicted;
 - g. material related to gangs or security threat groups or gang or security threat group activities;

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- h. material that promotes hate, violence or bias;
 - i. material that violates the confidentiality of a prisoner or other person;
 - j. in the case of a prisoner in the Intensive Mental Health Unit (IMHU), material determined by the Chief Administrative Officer, or designee, after consulting with the IMHU Behavioral Health Director, to be detrimental to the mental health of the prisoner;
 - k. any other material that is determined by the Chief Administrative Officer, or designee, to:
 - i) constitute a threat to safety, security, or the orderly management of the facility;
 - ii) contain sexually explicit material which, by its nature, poses a threat to the orderly management of the facility;
 - iii) facilitate criminal activity; or
 - iv) is substantially detrimental to a prisoner's rehabilitation, e.g. a sex offender receiving magazines containing pictures of children in underwear or otherwise not fully clothed.
2. In addition, at a facility with a Department residential sex offender treatment program, publications and other materials, including correspondence, are prohibited if they contain nudity and are sent to prisoners in the residential sex offender treatment program or to other prisoners with whom sex offenders in the program have contact.
3. The following definitions apply:
- a. child means a person who is under 18 years of age or who appears to be or is pretending to be a child;
 - b. nudity means the depiction of exposed genitals, anus or female breasts;
 - c. sexual act means any act involving direct physical contact between the genitals of one and the mouth or anus of the other; direct physical contact between the genitals of one and the genitals of the other; or direct physical contact between the genitals or anus of one and an instrument or device manipulated by the other when that act is done for the purpose of arousing or gratifying sexual desire;
 - d. sexual contact means any touching of the genitals or anus, directly or through clothing, for the purpose of arousing or gratifying sexual desire; and
 - e. sexual touching means any touching of the breasts, buttocks, groin, or inner thigh, directly or through clothing, for the purpose of arousing or gratifying sexual desire.
4. If any part of a publication or other material is prohibited as set out above, the prisoner shall be promptly notified in writing using Notification – Non-Delivery of Prohibited Materials under Procedure E (Attachment F). The prohibited material shall be retained by designated staff until the expiration of the time period for the

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prisoner to grieve the prohibition. If the prisoner does not file a timely grievance, the material shall be disposed of, or in the case of a book, magazine, or newspaper, the prisoner shall be allowed 30 days to mail the book magazine, or newspaper out at the prisoner's expense or to have a visitor pick it up. If the prisoner does file a grievance, the prohibited material shall be retained pending the resolution of the grievance. In the case of a publication received by multiple prisoners, it shall be sufficient if just one copy of the prohibited material is retained.

5. Magazines and newspapers may be received by prisoners only if they are sent directly from publishers (not including authors who are "self-publishers") or commercial distributors. Books may be received by prisoners only if they are sent directly from publishers or those commercial distributors approved by the Commissioner, or designee. In addition to the above sources, religious publications may be received by prisoners if they are sent directly from religious catalogs available from the facility chaplain, or other designated facility staff. If a magazine, newspaper, or book is sent from another source, the prisoner shall be promptly notified in writing (Attachment F), and the publication shall be returned to the sender or, if the return address cannot be determined from the mail itself, the prisoner shall be allowed 30 days to mail the book, magazine, or newspaper out at the prisoner's expense or to have a visitor pick it up. Staff shall immediately dispose of non-allowable items inserted in magazines or newspapers by the publisher or distributor, including, but not limited to, product samples and CDs.

Procedure F: Prohibited Correspondents

1. If a written request is received from an adult or guardian of an adult that a prisoner not be allowed to send mail to that adult, the Chief Administrative Officer, or designee, shall notify the prisoner, in writing, not to send mail to that person.
2. If a written request is received from a parent/guardian of a minor that a prisoner not be allowed to send mail to that minor, the Chief Administrative Officer, or designee, shall notify the prisoner, in writing, not to send mail to that person.
3. A prisoner who is convicted of or otherwise known to have committed a domestic violence offense against a person shall not be allowed to send mail to or receive mail from the victim without the prior approval of the Commissioner, or designee, as set out in Department Policy 6.3, Contact with Victims.
4. A prisoner who is convicted of or otherwise known to have committed a sex offense against a minor shall not be allowed to send mail to or receive mail from the victim without the prior approval of the Commissioner, or designee as set out in Department Policy 6.3, Contact with Victims.
5. A prisoner who is convicted of or otherwise known to have committed child abuse, including described child abuse described in endangering the welfare of a child case or a protection from abuse case, shall not be allowed to send mail to or receive mail from the victim, regardless of the victim's present age, without the

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prior approval of the Commissioner, or designee as set out in Department Policy 6.3, Contact with Victims.

6. A prisoner who is convicted of or otherwise known to have committed child neglect, including described child neglect described in endangering the welfare of a child case, shall not be allowed to send mail to or receive mail from the victim, regardless of the victim's present age, without the prior approval of the Chief Administrative Officer, or designee as set out in Department Policy 6.3, Contact with Victims.
7. A prisoner who is a victim of a domestic violence offense shall not be allowed to send mail to or receive mail from the offender without the prior approval of the Chief Administrative Officer, or designee.
8. When contact between a prisoner and another person is prohibited by court order (e.g., custody order, protection order, etc.), the prisoner shall not be allowed to send mail to or receive mail from that person.
9. When contact between a prisoner and another person is prohibited by a condition of bail or conditional release, administrative release, deferred disposition, probation, supervised release for sex offenders, supervised community confinement, parole, or community reintegration status of either person, the prisoner shall not be allowed to send mail to or receive mail from that person. This includes any condition that is currently in effect, is to become effective at a later date, or is no longer in effect as the result of a current revocation or current return from supervised community confinement.
10. When a prisoner is prohibited by a current notification issued under Title 17-A, section 506-A, for the prisoner not to engage in harassing conduct against another person, the prisoner shall not be allowed to send mail to or receive mail from that person.
11. The person is a former resident or prisoner within one year of discharge from any correctional facility for whom an exception to be a correspondent has not been approved by the Chief Administrative Officer, or designee.
12. A person on bail or conditional release, administrative release, deferred disposition, probation, supervised release for sex offenders, supervised community confinement, parole, or community reintegration status, for whom an exception to be a correspondent has not been approved by the Chief Administrative Officer, or designee.
13. A prisoner may be prohibited from sending general mail to or receiving general mail from any other person by the Chief Administrative Officer, or designee, when there is reasonable suspicion that mail between them would contain contraband or would facilitate criminal activity or juvenile criminal activity violation of facility rules or would create a risk to safety, security, or orderly management of the facility.

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14. A prisoner may be restricted from sending general mail to or receiving general mail from any other person by the Chief Administrative Officer, or designee, when there is a reasonable suspicion that the prisoner or other person has violated or will violate the mail rules.
15. A prisoner in the Intensive Mental Health Unit (IMHU) may be prohibited from sending general mail to or receiving general mail from any other person by the Chief Administrative Officer, or designee, after consulting with the IMHU Behavioral Health Director, when there is reasonable suspicion that mail between them would be detrimental to the mental health of the prisoner.
16. Having a criminal or a juvenile criminal record shall not, in and of itself, constitute a barrier to correspondence, but the nature and the circumstances of the offense may provide the reasonable suspicion for prohibiting correspondence.
17. Being a former staff member, volunteer, or student intern shall not, in and of itself, constitute a barrier to correspondence.
18. If mail to or from a prisoner is prohibited, the Chief Administrative Officer, or designee, shall ensure notification is sent to all appropriate staff, with a copy to the prisoner's administrative record and the housing unit case management record.

Procedure G: Packages

1. A package is any mail that consists of a box, regardless of size, or of an envelope larger than 8 1/2" by 11". A package shall meet all the requirements set out in this policy for general mail, as well as any additional requirements set out in this procedure.
2. Prisoners may only send packages processed by the facility and mailed through the U.S. Postal Service, unless an exception is approved by the Chief Administrative Officer, or designee.
3. The facility's property officer, or other designated staff, shall ensure that any items being sent out of the facility by a prisoner belong to that prisoner and are removed from the prisoner's personal property inventory form in CORIS and that a hard copy of the updated inventory form is maintained by the Property Officer, or other designated staff.
4. The package shall not contain contraband nor any food/drink item, hygiene, health, or comfort item, or prayer or sacred oil. Any package in violation of this requirement shall be handled as set out in the applicable provision in Procedure A.
5. The facility's property officer, or other designated staff, shall ensure that an outgoing package is sealed, properly marked with the name of the prisoner, and forwarded to the mail, or other designated staff. The prisoner shall complete an

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address label to be affixed to the package. The package must be stamped with the notice and disclaimer that it is coming from a correctional facility.

6. Mail, or designated staff, shall ensure proper postage, paid for by the prisoner, is affixed to the package or return the package to the prisoner. A prisoner sending a package insured shall be provided the necessary forms and be required to pay all additional charges.
7. Prisoners may only receive packages through the U.S. Postal Service or other recognized mail delivery service and all incoming packages shall be processed by the facility.
8. Incoming packages may only contain allowable items that are ordered through authorized facility practices or books from publishers or commercial distributors or legal materials. A package that does not meet this requirement may be returned to the return address without being opened or may be opened. If the package is opened and there is reasonable suspicion that it or its contents constitute evidence of criminal activity, violation of the facility's rules or a risk to safety, security, or orderly management of the facility, the package and its contents shall be immediately turned over to a facility law enforcement officer. If there is no reasonable suspicion, the prisoner shall be allowed 30 days to mail the package out at the prisoner's expense or to have a visitor pick it up. If the package is not allowed because it contains a book that is not from a publisher or commercial distributor, the prisoner shall be promptly notified in writing (Attachment F).
9. Mail, or other designated staff, shall search each incoming package, including any package from a privileged correspondent, for non-allowable items and contraband. If contraband or a non-allowable item is found, it shall be removed and handled in accordance with the applicable provision in Procedure A.
10. Mail, or other designated staff, shall forward incoming packages meeting the requirements of this policy to the facility's property officer, or other designated staff. The facility's property officer, or other designated staff, shall ensure that the package is searched again and that items given to the prisoner are added to the prisoner's personal property inventory form in CORIS and that an updated copy of the form is maintained by the Property Officer, or other designated staff. Any item that is not given to the prisoner shall be disposed of in accordance with Departmental policies and procedures.
11. An incoming package shall be distributed to a prisoner within seventy-two (72) hours of its delivery to the facility, excluding weekends, holidays, and government shutdown days unless a critical incident or emergency situation prevents timely package distribution, or unless, pursuant to this policy, the package is being reviewed for prohibited material or has been turned over to a facility law enforcement officer to be secured. If a prisoner is temporarily out of the facility (e.g. in court or in a hospital), incoming packages shall be held in a secure location until the prisoner's return.

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12. Outgoing packages shall be collected from prisoners every day, excluding weekends, holidays, and government shutdown days, unless a critical incident or emergency situation prevents timely mail collection. Outgoing packages shall be mailed within seventy-two (72) hours, or, if accompanied by a money transfer, within three (3) business days of its collection, excluding weekends, holidays, and government shutdown days unless a critical incident or emergency situation prevents timely mailing, or unless, pursuant to this policy, the package has been turned over to a facility law enforcement officer to be secured.

Procedure H: Certified Mail

1. Mail, or other designated staff, shall handle incoming certified mail for prisoners in the same manner as other incoming mail, unless it is return receipt requested. If it is return receipt requested, staff shall not sign for it without the prior written approval of the prisoner. If the prisoner refuses to give approval, the mail shall be returned to the sender.
2. A prisoner wishing to send certified mail or request other postal services shall be provided the necessary forms and be required to pay all additional charges.

Procedure I: Forwarding Prisoner Mail/Change of Address

1. During the release planning process, the prisoner shall be asked to provide the prisoner's home address or other forwarding address.
2. All changes of the prisoner's home address shall be entered into CORIS and placed in the prisoner's administrative record and case management record.
3. If mail is received for a former prisoner, the mail shall be forwarded to the last known home address or other forwarding address for ninety (90) days. If no forwarding address exists or the ninety (90) day period has expired, the mail shall be returned to the sender.
4. If mail is received for a transferred prisoner, the mail shall be forwarded to the receiving facility for ninety (90) days. When the ninety (90) day period has expired, the mail shall then be returned to the sender.
5. If mail is received for a deceased prisoner, the mail shall be returned to the sender.
6. If mail is received for an escaped prisoner, the mail shall be forwarded unopened to a facility law enforcement officer, who shall contact the Department's Fugitive Investigation and Apprehension Team (FIAT) Coordinator, or designee, for further instructions.

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Procedure J: Suspension and Restriction of Mail Privileges

1. If the Chief Administrative Officer, or designee, determines that a prisoner has failed to notify his or her correspondents of all requirements and prohibitions outlined in this policy specific to incoming mail, resulting in a burden to mail staff or other staff, the Chief Administrative Officer, or designee, may impose a suspension or restriction of the prisoner's mail privileges.
2. If the Chief Administrative Officer, or designee, determines that a correspondent has failed to comply with a requirement or prohibition outlined in this policy specific to incoming mail, resulting in a burden to mail staff or other staff, the Chief Administrative Officer, or designee, may impose a suspension or restriction of the correspondent's mail privileges.
3. The Chief Administrative Officer, or designee, may impose a suspension or restriction of mail privileges for any other reason of safety, security, or orderly management.
4. The prisoner shall be notified in writing of a suspension or restriction of his or her mail privileges. The prisoner shall be responsible for notifying his or her correspondents of a suspension or restriction of the prisoner's mail privileges.
5. Both the prisoner and correspondent shall be notified in writing of a decision to suspend or restrict the correspondent's privileges.
6. If the suspension or restriction is imposed on a correspondent, the suspension or restriction may be imposed for either a definite or indefinite period of time. An indefinite suspension of a correspondent's mail privileges may only be imposed by the Chief Administrative Officer.
7. In the case of a suspension or restriction of a correspondent's mail privileges for a definite period of time, once the specified time has elapsed, the correspondent may apply for reinstatement of full mail privileges by writing to the Chief Administrative Officer, or designee. The Chief Administrative Officer, or designee, may decide to grant reinstatement, extend the suspension or restriction for a definite period of time, or change a suspension to a restriction for a definite period of time.
8. In the case of a suspension or restriction of a correspondent's mail privileges for an indefinite period of time, after a year has elapsed, the correspondent may apply for reinstatement of full mail privileges by writing to the Chief Administrative Officer. The Chief Administrative Officer may decide to grant reinstatement, extend the suspension or restriction for a definite or indefinite period of time, or change a suspension to a restriction for a definite or indefinite period of time.
9. If a correspondent's mail privileges have been suspended, the correspondent shall be informed in writing that he or she may reapply for reinstatement once the specified definite period of time has elapsed or, if the suspension is for an indefinite period of time, that he or she may reapply after one year has elapsed.

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10. If the suspension or restriction is imposed on the prisoner, the suspension or restriction may be imposed for either a definite or indefinite period of time. A restriction or suspension of a prisoner's mail privileges may only be imposed by the Chief Administrative Officer.
11. In the case of a suspension or restriction of a prisoner's mail privileges for a definite period of time, once the specified time has elapsed, the prisoner may apply for reinstatement of full mail privileges by writing to the Chief Administrative Officer. The Chief Administrative Officer may decide to grant reinstatement, extend the suspension or restriction for a definite period of time, or change a suspension to a restriction for a definite period of time.
12. In the case of a suspension or a restriction of a prisoner's mail privileges for an indefinite period of time, after a year has elapsed, the prisoner may apply for reinstatement of full mail privileges by writing to the Chief Administrative Officer. The Chief Administrative Officer may decide to grant reinstatement, extend the suspension or restriction for a definite or indefinite period of time, or change a suspension to a restriction for a definite or indefinite period of time.
13. If a prisoner's mail privileges have been suspended, the prisoner shall be informed in writing that he or she may reapply for reinstatement once the specified definite period of time has elapsed or, if the suspension is for an indefinite period of time, that he or she may reapply after one year has elapsed.
14. Nothing in this mail policy and procedures applies to a prisoner who receives a disciplinary disposition of loss of mail privileges for a disciplinary violation related to visits in accordance with the Department's disciplinary policy.

Procedure K: Monitoring of Prisoner Correspondence

1. Correspondence sent to, sent by, or in the possession of a prisoner, except privileged mail, may be read with written authorization from the Chief Administrative Officer, or designee, as set out below using the Authorization to Monitor Communications (Attachment G).
2. This monitoring may be done by a facility law enforcement officer if the officer is conducting an investigation of a crime or juvenile crime relating to the security or orderly management of the facility, is cooperating with an investigation being conducted by another criminal justice agency, or is engaging in any other activity that is related to the administration of criminal justice or the administration of juvenile criminal justice. Other designated staff may monitor mail to assist a facility law enforcement officer in these activities. Only those communications reasonably suspected to be related to the investigation or other activity may be monitored.
3. If authorized in writing by the Chief Administrative Officer, or designee, a facility law enforcement officer, or other designated staff, may read correspondence between a prisoner and a prohibited correspondent. After being read, it shall be handled in accordance with the applicable provision in Procedure A.

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4. If authorized in writing by the Chief Administrative Officer, or designee, a facility law enforcement officer, or other designated staff, may read correspondence between a prisoner and another person incarcerated in a juvenile or adult detention or correctional facility. If correspondence is allowed between the prisoner and the other person, it shall be forwarded to the addressee after being read, unless there is reasonable suspicion that the correspondence contains information related to criminal activity, violation of the facility's rules, or a risk to safety, security, or orderly management of the facility, in which case it shall be handled in accordance with the applicable provision in Procedure A. If correspondence is not allowed between the prisoner and the other person, it shall be handled in accordance with the applicable provision in Procedure A.
5. If authorized in writing by the Chief Administrative Officer, or designee, a facility law enforcement officer, or other designated staff, may read correspondence that is "returned to sender." If there is reasonable suspicion that the actual sender is not the same prisoner whose name is part of the return address or that the correspondence otherwise contains information related to criminal activity, violation of the facility's rules, or a risk to safety, security, or orderly management of the facility, it shall be handled in accordance with the applicable provision in Procedure A. If it is believed that the actual sender is the same prisoner whose name is part of the return address and there is no other reasonable suspicion that the correspondence contains information related to criminal activity, violation of the facility's rules, or a risk to safety, security, or orderly management of the facility, it shall be returned to the prisoner who sent it out.
6. Originals or photocopies of any correspondence related to an investigation or other activity shall be maintained in accordance with Department policy on preservation of evidence. Investigations shall be coordinated with appropriate criminal justice agencies in accordance with Department policy.
7. In every case in which the Chief Administrative Officer, or designee, authorizes a facility law enforcement officer, or other designated staff, to read a prisoner's mail, whether outgoing or incoming, the officer or other staff shall document the following:
 - a. the name and MDOC number of the prisoner;
 - b. the date of reading;
 - c. a description of the mail in question, including the name of the correspondent and the subject matter of the correspondence;
 - d. a description of any other action taken and the grounds justifying such action; and
 - e. the name of the officer or other staff reading the mail.
8. The officer or other staff shall attach to the Communications Monitoring Record (Attachment H) a copy of the written authorization from the Chief Administrative Officer, or designee, to read the prisoner's correspondence.
9. After the monitoring is completed, the originals of the forms shall be maintained by the facility law enforcement officer, or other designated staff, and copies of the

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forms shall be forwarded to the Chief Administrative Officer. If the mail concerns criminal activity or juvenile criminal activity or a violation of a court order of bail or conditional release, administrative release, deferred disposition, probation, or supervised release for sex offenders currently in effect, the prisoner shall not be notified of the monitoring without the approval of the prosecuting attorney.

10. If there is reasonable suspicion that mail to and/or from a privileged correspondent is not actually privileged in nature, the Chief Administrative Officer, or designee, shall consult with the Department's legal representative in the Attorney General's Office as to what steps, if any, may be taken.
11. In addition, the Maine State Prison Warden, or designee, may authorize the Intensive Mental Health Unit (IMHU) Behavioral Health Director to read general mail from and/or to a prisoner in the IMHU when there is reasonable suspicion that correspondence between the prisoner and the other person would be detrimental to the mental health of the prisoner. If it is determined that it would be detrimental, the mail shall be stored at the facility.
12. In order to determine whether a prisoner has contacted or attempted to contact any victim with whom he or she is prohibited to have contact by this policy, facility law enforcement officers shall:
 - a. periodically monitor the mail of every prisoner at the facility participating in the Department's Family Violence Education Program (FVEP) or other domestic violence education program;
 - b. upon request of the Department's Director of Victim Services, or designee, monitor the mail of a prisoner who is prohibited to have contact with a victim by this policy, regardless of whether or not the prisoner has requested a waiver for contact with a victim; and
 - c. randomly monitor the mail of other prisoners at the facility who are prohibited to have contact by this policy.
13. When a facility law enforcement officer monitors mail to determine whether a prisoner has contacted or attempted to contact any victim with whom he or she is prohibited to have contact by this policy, the above forms are not required, but the officer shall note in CORIS that the monitoring occurred pursuant to this policy and the results of the monitoring. The prisoner shall not be notified of the reason for the monitoring.

Procedure L: Appeals and Grievances

1. Except in the case of a denial of approval to correspond under Department Policy 6.3, Contact with Victims, a proposed correspondent may appeal a denial of approval to correspond with a prisoner by writing to the Chief Administrative Officer, or designee, within seven (7) business days of written notification of the denial.

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2. A correspondent may appeal a suspension or restriction of his or her mail privileges by writing to the Chief Administrative Officer, or designee, within seven (7) business days of written notification of the suspension or restriction.
3. Except in the case of a denial of approval to correspond under Department Policy 6.3, Contact with Victims, a prisoner may use the grievance process to grieve a decision related to mail.
4. In the case of a denial of approval to correspond under Department Policy 6.3, Contact with Victims, a prisoner may appeal the denial as set out in that policy.

VII. PROFESSIONAL STANDARDS

ACA:

- ACI - 4-4275** Written policy, procedure, and practice ensure and facilitate inmate access to counsel and assist inmates in making confidential contact with attorneys and their authorized representatives; such contact includes, but is not limited to, telephone communications, uncensored correspondence, and visits.
- ACI - 4-4487** Written policy and procedure govern inmate correspondence.
- ACI - 4-4488** When the inmate bears the mailing cost, there is no limit on the volume of letters the inmate can send or receive or on the length, language, content, or source of mail or publications except when there is reasonable belief that limitation is necessary to protect public safety or institutional order and security.
- ACI - 4-4489** Written policy, procedure, and practice provide that indigent inmates, as defined in policy, receive a specified postage allowance to maintain community ties.
- ACI - 4-4490** Written policy and procedure govern inmate access to publications.
- ACI - 4-4491** Written policy, procedure, and practice provide that inmate mail, both incoming and outgoing, may be opened and inspected for contraband. Mail is read, censored, or rejected when based on legitimate institutional interests of order and security. Inmates are notified when incoming or outgoing letters are withheld in part or in full.
- ACI - 4-4492** Written policy, procedure, and practice specify that inmates are permitted to send sealed letters to a specified class of persons and organizations, including but not limited to the following: courts; counsel; officials of the confining authority; state and local chief executive officers; administrators of grievance systems; and members of the paroling authority. Staff, in the presence of the inmate, may be allowed to inspect outgoing privileged mail for contraband before it is sealed. Mail to inmates from this specified class of persons and organizations may be opened only to inspect for contraband and only in the presence of the inmate, unless waived in writing, or in circumstances which may indicate contamination.
- ACI - 4-4493** Written policy, procedure, and practice provide for the inspection of inmate letters and packages to intercept cash, checks, and money orders.
- ACI - 4-4494** Written policy and procedure govern inspection for and disposition of contraband.
- ACI - 4-4495** Written policy, procedure, and practice require that, excluding weekends and

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- holidays, or emergency situations, incoming and outgoing letters are held for no more than 48 hours and packages (if allowed) are held no more than 72 hours.**
- ACI - 4-4496** Written policy, procedure, and practice provide for forwarding first-class letters and packages after an inmate's transfer or release.
- 4-ACRS-6A-01** Offenders have access to counsel and confidential contact with attorneys and their authorized representatives. Contact includes, but is not limited to, telephone communications, uncensored correspondence, and visits.
- 4-ACRS-6A-06** Indigent offenders, as defined in policy, receive a specified postage allowance to maintain community ties.
- 4-ACRS-6A-07** All regulations concerning offender correspondence should be specified in writing and made available to staff members, offenders, and their correspondents.
- 4-ACRS-6A-08** Offenders mail, both incoming and outgoing, may be opened and inspected for contraband. When based on legitimate facility interests of order and security, mail may be read or rejected. The offender is notified when incoming mail is returned or outgoing mail is withheld.
- 4-ACRS-6A-09** Procedures provide for the forwarding of first-class letters and packages after transfer or release.

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