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CHAPTER 21: PRISONER COMMUNICATION		
	STATE of MAINE DEPARTMENT OF CORRECTIONS	PROFESSIONAL STANDARDS See Section VII.
	Approved by: <u><i>Martin Magnusson</i></u> Signature of Commissioner	
EFFECTIVE DATE: August 4, 2003	LATEST REVISION: June 21, 2004	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.

This policy and procedures shall be reviewed annually and updated as necessary.

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VI. PROCEDURES:

Procedure A: Prisoner Mail, General

1. Except as set out below, a prisoner shall be allowed to send mail to and receive mail from anyone the prisoner wishes, except that if a prisoner wishes to correspond with another person incarcerated in a juvenile or adult detention or correctional facility, the prisoner must have the approval of the Chief Administrative Officers of both facilities.

The Chief Administrative Officer of a departmental facility shall approve correspondence privileges between a prisoner and an immediate family member (spouse, natural, foster or adoptive mother, father, son, daughter, grandfather or grandmother, grandchild, brother or sister, or stepmother, stepfather, stepson, stepdaughter, step-grandfather or step-grandmother, step-grandchild or stepbrother or stepsister) who is incarcerated, unless there is a reasonable suspicion that mail between them would contain contraband or information related to criminal activity, violation of the facility’s rules, or a risk to the safety of persons, security, or orderly management of the facility or unless there is reasonable suspicion that either person has violated the mail procedures. The prisoner shall be notified of the decision in writing (Attachment A). The Chief Administrative Officer may terminate the correspondence privileges any time reasonable suspicion exists.

The Chief Administrative Officer of a departmental facility may approve correspondence privileges between other specific prisoners and may limit the subject matter of the correspondence and/or the time period of the privileges. The decision whether to allow or deny correspondence privileges is at the sole discretion of the Chief Administrative Officer. The prisoner shall be notified of the decision in writing (Attachment A). The correspondence privileges may be terminated by the Chief Administrative Officer at any time.

2. 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.
3. 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.
4. A prisoner who is adjudicated of or otherwise known to have committed a sex offense or child abuse against a minor shall not be allowed to send mail to or receive mail from the victim without the prior approval of the Chief Administrative Officer, or designee.

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5. When contact between a prisoner and another person is prohibited by court order (e.g., custody order, protection order), the prisoner shall not be allowed to send mail to or receive mail from that person.
6. When contact between a prisoner and another person is prohibited by a condition of probation of either person, the prisoner shall not be allowed to send mail to or receive mail from that person. This includes any condition of probation 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 probation revocation.
7. 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 information related to criminal activity, violation of the facility's rules, or a risk to the safety of persons, security, or orderly management of the facility. 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 the mail procedures. Existence of a criminal record shall not, in and of itself, constitute a barrier to correspondence.
8. If mail to or from a prisoner is prohibited or otherwise restricted, the Chief Administrative Officer, or designee, shall ensure a memo is sent to all appropriate staff, with a copy to the prisoner's Administrative Record and the housing unit Case Management Record.
9. The Chief Administrative Officer, or designee, may read all correspondence between a prisoner and a prohibited correspondent and 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 the safety of persons, security, or orderly management of the facility, in which case it shall be handled as set out in Procedure A.13. If correspondence is not allowed between the prisoner and the other person, after being read, it shall be handled as set out in Procedure A.13.

In addition, the Chief Administrative Officer, or designee, may read general correspondence, incoming and outgoing, when there is reasonable suspicion that the correspondence contains information related to criminal activity, violation of the facility's rules, or a risk to the safety of persons, security, or orderly management of the facility. If the reasonable suspicion continues after the correspondence is read, it shall be handled as set out in Procedure A.13. Otherwise, it shall be forwarded to the addressee.

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The Chief Administrative Officer, or designee, may not read privileged correspondence except as set out in Procedure D.

10. Only the Chief Administrative Officer, or designee, may read correspondence sent to or received by a prisoner.
11. Correspondence written in code or in a language that cannot be translated by facility staff or an interpreter shall be considered contraband and immediately be turned over to the facility Correctional Investigator or other designated staff. 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.
12. If contraband is found in incoming mail that has no substantial monetary value (e.g., contraband greeting cards, writing materials, stickers, food items, paper clips, etc.), mail or other designated staff shall immediately dispose of the item(s). If a photo is contraband merely because it depicts nudity, it shall be returned to the sender. If money sent is contraband merely because it is in the form of cash, it shall be returned to the sender and the prisoner shall be promptly notified in writing of its return (Attachment B). If contraband is found and there is a reasonable suspicion that it constitutes evidence of criminal activity, violation of the facility's rules or a risk to the safety of persons, security, or orderly management of the facility, the mail, including the envelope, the correspondence, the contraband item, and any other contents, shall immediately be turned over to the facility Correctional Investigator, or other designated staff. All other contraband, including official documents (e.g., birth certificates, military service records, other forms of identification, etc.), shall be handled in accordance with departmental policies and procedures, provided that if the prisoner is allowed to mail out the contraband, it must be mailed out to the sender.
13. Mail that is not to be forwarded to the addressee under the provisions of this policy and procedures shall be handled as follows.
 - a. If there is reasonable suspicion that the mail is related to criminal activity, violation of the facility's rules or a risk to the safety of persons, security, or orderly management of the facility or violates a court order or condition of probation currently in effect, the mail shall be turned over to the facility Correctional Investigator, or other designated staff. The Correctional Investigator, or other designated staff, shall secure the mail as evidence for possible use in disciplinary or court proceedings, unless the Chief Administrative Officer, or designee, gives approval for the mail to be photocopied or photographed and the original to be forwarded to the addressee in order to facilitate an ongoing investigation.
 - b. If there is no reasonable suspicion, 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 disposed of, except that any cash shall be deposited into the facility's Prisoners' Benefit

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Account and any check or money order shall be disposed of unless 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. The prisoner shall be promptly notified in writing of the action that has been taken. (Attachment B)

14. If the mail is secured as evidence, the prisoner shall be promptly notified in writing of the action that has been taken (Attachment B), unless the correspondence contains information related to criminal activity or violates a court order or a condition of probation currently in effect, 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 in accordance with departmental policies and procedures. A photo shall be taken of the mail, including the envelope and all of the 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, the mail shall be forwarded to the prisoner, unless that would create a risk to safety and 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 mail shall be handled in accordance with departmental policies and procedures.
15. If, in any case, there is a reasonable suspicion that any piece of incoming or outgoing mail (whether opened or unopened) itself creates a risk to the safety of persons (e.g., appears to contain a powdery substance), the facility Correctional Investigator or other designated staff shall be immediately notified and the prisoner shall not be notified without the approval of the prosecuting attorney.
16. Unless prohibited under Procedure E.1., a prisoner may receive originals or photocopies of announcements of significant family events, e.g., birth, graduation, engagement, marriage, or death, the prisoner's health care, educational, financial, governmental, or similar documents as approved by the Chief Administrative Officer, or designee, and material that primarily discusses religious, legal (e.g., court cases, statutes, constitutional provisions, etc.), or political (referendum or election related) subject matter.

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17. Unless prohibited under Procedure E.1., a prisoner may receive material downloaded from the internet or from computer software that primarily discusses religious, legal (e.g., court cases, statutes, constitutional provisions, etc.), or political (referendum or election related) subject matter.
18. Prisoners may not receive any other original, photocopied or downloaded materials. Mail or other designated staff shall immediately dispose of any of the prohibited items.
19. Prisoners may receive correspondence written on a word processor.
20. Mail shall be inspected for contraband and distributed to prisoners within twenty-four (24) hours of its delivery to the facility, excluding weekends and holidays, unless it is being withheld for review under Procedure E.1. or for reading or has been turned over to the Correctional Investigator or other designated staff to be secured as evidence. Mail shall be collected from prisoners every day, excluding weekends and holidays. Unless mail is being withheld for reading or has been turned over to the Correctional Investigator or other designated staff to be secured as evidence, it shall be mailed within twenty-four (24) hours of its collection, excluding weekends and holidays, with the exception that if mail is accompanied by a money transfer, it shall be mailed within three (3) business days. Mail shall not be withheld any longer than is necessary for review under Procedure E.1. or for reading unless it is secured as evidence. 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.
21. There shall be no limit on the amount of incoming mail a prisoner is allowed, provided the mail, other than magazines, newspapers and books, is stored in the folders provided by the facility as outlined in Policy 10.1, Prisoner Allowable Property.
22. 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.
23. Each facility shall operate a mailroom or designate another area for the processing of mail that is received at or sent from the facility. Staff shall be responsible for processing all mail, incoming and outgoing. Prisoners may only send mail through the U.S. Postal Service and processed by the facility. Prisoners may only receive mail through the U.S. Postal Service or other recognized mail delivery service.
24. Prisoners shall be responsible for notifying their correspondents of all requirements outlined in this policy and procedures specific to incoming mail. Prisoners shall also be responsible to notify their correspondents if any limits are placed on incoming mail.
25. Procedures that govern correspondence with prisoners shall be reviewed and updated as required but at least annually.

Procedure B: Outgoing General Correspondence

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1. Outgoing General Correspondence

- a. Each facility shall provide envelopes and writing materials in reasonable quantities to prisoners 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.
- b. Each prisoner shall place all outgoing general correspondence in a designated secure prisoner mailbox, except that a prisoner who has no access to a prisoner mailbox shall hand all outgoing correspondence to a housing unit staff person. The staff shall place the prisoner correspondence in a prisoner mailbox or deliver it to the facility mail staff.

2. All outgoing general correspondence shall conform to the following standards:

- a. The prisoner's full name and MDOC #, facility name, and facility address shall be in the upper left-hand corner of the envelope. The envelope must be stamped with the notice and disclaimer that it is coming from a correctional facility. The prisoner shall put nothing other than the recipient's name and address, the prisoner's name, facility name and address, and postage on the envelope. Any envelope not meeting these requirements may be opened and handled as set out in Procedure A.13.
- b. The mail shall not contain contraband. Any mail in violation of this requirement shall be handled as set out in Procedure A.13. (a).
- c. The 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. Any mail in violation of this requirement shall be handled as set out in Procedure A.13.
- d. The envelope shall be sealed by the prisoner unless the prisoner has filled out a money transfer form to go with the envelope.
- e. The 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. Outgoing general mail may be opened and 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.
- f. Mail, or other designated staff, shall be responsible for the collection of all outgoing correspondence. A collection schedule shall be posted in all housing units

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- g. Mail or other designated staff shall ensure proper postage, paid for by the prisoner or within the prisoner's free mail allotment, is affixed to all correspondence or return the correspondence to the prisoner.

PROCEDURE C: Incoming General Correspondence

1. Except as set out below, mail or other designated staff shall open and inspect all incoming general correspondence envelopes to check for checks, money orders, or contraband. Except as set out below, if a check or money order is found, it shall be removed and credited to the prisoner's account, except that a check or money order for one prisoner that comes from the family or visitors of another prisoner shall not be credited to a prisoner's account without the prior written approval of the Chief Administrative Officer, or designee. If contraband is found, it shall be removed and handled in accordance with Procedure A.12.
2. All incoming general mail, except for postcards, must have both a verifiable name and a verifiable return address except as set out below.
3. Incoming general mail with a verifiable return address but no name which 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 as set out in Procedure A.13.
4. Any other incoming general mail with a verifiable return address but no name may be returned to the return address without being opened or may be opened. If it is opened, it shall be handled as set out in Procedure A.13.
5. Any incoming general mail without a verifiable return address (with or without a 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 as set out in Procedure A.13.
6. 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 from the prisoner's minor children. Any mail in violation of this requirement shall be handled as set out in Procedure A.13.
7. If there is more than one prisoner with the same first and last names, the 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. If the prisoner's name is misspelled to the point that the prisoner cannot be identified with reasonable certainty, the mail shall be

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returned to the sender with a notation that the sender will need to spell the prisoner's name correctly.

8. Mail or other designated staff shall be responsible for the distribution of all incoming general correspondence. A distribution schedule shall be posted in all housing units.
9. A prisoner shall not be allowed to distribute any other prisoner's mail. A prisoner shall not be allowed to have possession of any other prisoner's mail.

Procedure D: Outgoing/Incoming Privileged Correspondence

1. Privileged correspondence is correspondence concerning a legal matter or official government business involving a prisoner between that prisoner and any of the following:
 - a. Attorneys;
 - b. Judges and Clerks of Court;
 - c. Federal, State, Tribal and Local Government Agency Officials, including Department of Corrections officials;
 - d. Elected Government Officials; and
 - e. Legal advocacy organizations, including, but not limited to, American Civil Liberties Union, Maine Equal Justice Partners, Maine Civil Liberties Union, Disability Rights Center, and NAACP Legal Defense Fund.
2. Outgoing Privileged Correspondence
 - a. Outgoing privileged correspondence shall meet the same requirements as outgoing general correspondence except that the words "Privileged Mail" or "Legal Mail" shall be written by the prisoner on the front of the envelope.
 - b. Mail or other designated staff shall handle outgoing privileged correspondence in the same manner as outgoing general correspondence, except that it may not be opened without the prisoner being present, unless it is necessary to open the correspondence for the sole purpose of determining the identity of the prisoner who sent it. Outgoing privileged mail may be opened and inspected when the Chief Administrative Officer, or designee, has a reasonable suspicion that the mail contains contraband or is otherwise in violation of this policy and procedures but only in the presence of the prisoner.

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- c. A prisoner without funds (on his/her facility account and on a facility debit card) at the time the mail is forwarded shall be provided free postage for outgoing privileged correspondence. If the Commissioner of Corrections, or designee, determines that a prisoner has abused this free postage privilege (e.g., by manipulating the funds in his/her account, marking mail as privileged when it is not, or sending excessive amounts of mail using this free postage privilege), the Commissioner, or designee, may suspend the prisoner's access to free postage for privileged mail for up to ninety (90) days.
- d. Outgoing privileged correspondence may only be read by the Chief Administrative Officer, or designee, or other action may be taken with respect to outgoing privileged correspondence, only if, after consultation with the Department's legal representative, it is determined that there is probable cause to believe that the correspondence is being used to plan or conduct criminal activity, e.g. contains threats, obscene language or pictures, or escape or assault plans. All reading of privileged correspondence shall occur in the prisoner's presence.

3. Incoming Privileged Correspondence

- a. Incoming correspondence shall be treated as privileged only if it is in an official envelope with a verifiable return address.
- b. Mail or other designated staff shall handle incoming privileged correspondence in the same manner as incoming general correspondence, except that it may not be opened without the prisoner being present, unless the incoming privileged correspondence is from a Department of Corrections official (other than the Chief Advocate), in which case it may be opened outside the presence of the prisoner. If incoming privileged mail is inadvertently opened outside the presence of the prisoner, that shall be so noted on the envelope and an entry shall be made in a mail log.
- c. Mail or other designated staff shall open and inspect the privileged correspondence with the prisoner present to check for checks, money orders, or contraband. If checks or money orders are found, they shall be removed and credited to the prisoner's account. If contraband is found, it shall be removed and handled in accordance with Procedure A.12.
- d. Mail or other designated staff shall ensure that a prisoner receiving privileged correspondence signs for its receipt, unless the incoming privileged correspondence is from a Department of Corrections official (other than the Chief Advocate), in which case it may be opened outside the presence of the prisoner.

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- e. Incoming privileged correspondence may only be read by the Chief Administrative Officer, or designee, or other action may be taken with respect to incoming privileged correspondence, only if, after consultation with the Department's legal representative, it is determined that there is probable cause to believe that the correspondence is being used to plan or conduct criminal activity, e.g., contains threats, obscene language or pictures, or escape or assault plans. All reading of privileged correspondence shall occur in the prisoner's presence.

Procedure E: Publications

1. Only magazines, newspapers or books sent from publishers or commercial distributors may be received by prisoners. If a magazine, newspaper, or book is received from other than a publisher or commercial distributor, the prisoner shall be promptly notified in writing (Attachment C) and the publication shall be immediately disposed of. Prisoner access to these publications shall be prohibited only when the Chief Administrative Officer, or designee, determines that:
 - a. The publication constitutes a threat to safety, security, or the orderly management of the facility;
 - b. The publication contains sexually explicit material which, by its nature or content, poses a threat to the orderly management of the facility;
 - c. The publication facilitates criminal activity; or
 - d. The publication 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. For the purposes of this policy, any material which depicts or describes nude children, material which depicts or describes sexual acts between persons of the same sex or with animals or children (sexual acts include: any act between 2 persons involving direct physical contact between the genitals of one and the mouth or anus of the other, or direct physical contact between the genitals of one and the genitals of the other; any act between a person and an animal being used by another person which act involved direct physical contact between the genitals of one and the mouth or anus of the other, or direct physical contact between the genitals of one and genitals of the other; or any act involving direct physical contact between the genitals or anus of one and an instrument or device manipulated by another person when that act is done for the purpose of arousing or gratifying sexual desire) or material which is sadomasochistic, material depicting or describing the use or manufacture of drugs, alcoholic substances, firearms, explosives, other weapons, security systems, or skills, implements, or other information which could reasonably be used to effect escape or cause harm or injury to persons or property, material related to gangs or gang

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activities, or material which promotes hate, violence or bias is prohibited. Other materials may also be prohibited as directed by the Chief Administrative Officer, or designee.

3. If any part of the publication is found to be unacceptable by the Chief Administrative Officer, or designee, the prisoner shall be promptly notified in writing (Attachment C) and the entire publication shall be immediately disposed of.
4. Prisoners may not receive commercial junk mail, regardless of postage class, including, but not limited to, commercial catalogs, commercial advertisements, solicitations for commercial products or services, including subscriptions, solicitations for pen pals, and club membership offers, e.g., CD music clubs, book clubs, etc. Mail or other designated staff shall immediately dispose of any incoming mail consisting of any of these items. Unless prohibited under Procedure E.1., prisoners may receive 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.

Procedure F: Packages

1. Prisoners may only send packages through the U.S. Postal Service, unless an exception is approved by the Chief Administrative Officer, or designee, and processed by the facility. Prisoners may only receive packages through the U.S. Postal Service or other recognized mail delivery service and processed by the facility. A package is any mail that consists of a box, regardless of size, or an envelope larger than 8 1/2” by 11”.
2. Packages may only contain items ordered through authorized facility practices or books from publishers or commercial distributors or legal materials from a privileged mail correspondent. 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 its contents constitute evidence of criminal activity, violation of the facility’s rules or a risk to the safety of persons, security, or orderly management of the facility, the package and its contents shall be immediately turned over to the facility Correctional Investigator or other designated staff. If there is no reasonable suspicion, the package shall be returned to the sender or, if the return address cannot be determined from the package itself, it shall be disposed of.
3. Mail or other designated staff shall search each incoming package for contraband. A package from a privileged correspondent must be opened and searched in the presence of the prisoner. If contraband is found, it shall be removed and handled in accordance with Procedure A.12.

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4. Mail or other designated staff shall forward allowable incoming packages 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 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.
5. 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 and that a copy of the updated inventory form is maintained by the Property Officer, or other designated staff. The package shall not contain contraband. Any package in violation of this requirement shall be handled as set out in Procedure A. 13. (a).
6. 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 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.
7. Mail or designated staff shall ensure proper postage, paid for by the prisoner, is affixed to all packages 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.
8. An incoming package shall be inspected for contraband and distributed to a prisoner within forty-eight (48) hours of its delivery to the facility, excluding weekends and holidays, unless it is being withheld for review under Procedure E.1. or has been turned over to the Correctional Investigator or other designated staff to be secured as evidence. Unless an outgoing package has been turned over to the Correctional Investigator or other designated staff to be secured as evidence, it shall be mailed within forty-eight (48) hours of collection, excluding weekends and holidays, with the exception that if the package is accompanied by a money transfer, it shall be mailed within three (3) business days. A package shall not be withheld any longer than is necessary for review under Procedure E.1., unless it is secured as evidence. 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.

Procedure G: 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.

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2. A prisoner sending certified mail shall be provided the necessary forms and be required to pay all additional charges.

Procedure H: Forwarding Prisoner Mail/Change of Address

1. All changes of the prisoner’s home address shall be entered into the database and placed in the prisoner’s Administrative Record and Case Management Record.
2. During the release planning process, the prisoner shall be asked to provide the prisoner’s home address or other forwarding address.
3. 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. 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 deceased prisoner, the mail shall be returned to sender.
5. If mail is received for an escaped prisoner, the mail shall be forwarded unopened to the facility Correctional Investigator, or other designated staff.

Procedure I: Written Records

1. In every case in which a prisoner’s mail is read or secured as evidence, it shall be logged (Attachment D). The log shall include:
 - a. The name and MDOC Number of the prisoner;
 - b. The date and time;
 - c. A description of the mail in question;
 - d. A description of the action taken and the grounds justifying such action; and
 - e. The name of the staff taking the action.
2. If the Chief Administrative Officer’s designee reads a prisoner’s correspondence, the designee shall attach to the log a copy of the written authorization from the Chief Administrative Officer to read the mail.
3. The log shall be forwarded to the Chief Administrative Officer, with copies to other staff designated by the Chief Administrative Officer. Copies of the log shall placed in

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the prisoner's Administrative Record and Case Management Record, and the prisoner shall be notified unless the mail concerns criminal activity or violates a court order or a condition of probation currently in effect. If the mail concerns criminal activity or violates a court order or a condition of probation currently in effect, the prisoner shall not be notified nor shall a copy be placed in the prisoner's Case Management Record without the approval of the prosecuting attorney.

VII. PROFESSIONAL STANDARDS

ACA: 2-CO-5D-01, 3-4263, 3-4429, 3-4430, 3-4431, 3-4432, 3-4433, 3-4434, 3-4435, 3-4436, 3-4437, 3-4438, 4-ACRS-6A-06, 4-ACRS-6A-07, 4-ACRS-6A-08, 4-ACRS-6A-09

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
21.2 Prisoner Mail	21. Prisoner Communication	Page 15 of 15