

 <p>ARIZONA DEPARTMENT OF CORRECTIONS</p> <p>DEPARTMENT ORDER MANUAL</p>	<p>CHAPTER: 900</p> <p>INMATE PROGRAMS AND SERVICES</p>	<p>OPR:</p> <p>OPS</p>
	<p>DEPARTMENT ORDER: 914</p> <p><b><i>INMATE MAIL</i></b></p>	<p>SUPERSEDES:</p> <p>DO 914 (5/1/08)</p>
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## PURPOSE

This Department Order establishes regulations, processes and procedures for inmates to send and receive mail, music, and individually reviewed publications. All mail is processed consistent with postal regulations and the security requirements of correctional facilities. Each publication is individually reviewed consistent with the Department's legitimate penological interest in maintaining the safety, security and orderly operations of the institutions.

## PROCEDURES

### 914.01 MAIL GENERAL

- 1.1 There is no limitation put on the amount of mail an inmate may receive regardless of custody or detention status, provided the incoming mail meets requirements, does not violate policy, and the mail is not between an inmate and any of the following:
  - 1.1.1 Released offenders currently under community supervision by the Department, excluding members of the inmate's immediate family as defined in this Department Order.
  - 1.1.2 An inmate confined in any local, state or federal correctional facility including, but not limited to county jails, detention centers, halfway houses, privately operated correctional facilities, and juvenile facilities, excluding an inmate's immediate family as defined in this Department Order.
    - 1.1.2.1 Inter-relational mail shall be approved as outlined in section 914.04 of this Department Order.
  - 1.1.3 Current or former Department/Contract Bed employees or current or former Department volunteers, without the Complex Warden's prior written approval.
  - 1.1.4 Minors that are not the inmate's natural or adopted child or minors that do not have parents' or guardians' prior written approval.
  - 1.1.5 Anyone who advises the Warden or Deputy Warden in writing that they do not wish to receive mail from a particular inmate. This request must be documented and filed in the inmate record and through an AIMS entry.
  - 1.1.6 Victim(s) of a crime for which an inmate was convicted and/or their family members when the victim has requested for no communication on a Post-Conviction Notification request in accordance with Department Order #1001, Inmate Release System. Victims that have not formally made the "No Inmate Mail" request may communicate with the inmate or the inmate's family members with prior Warden or Deputy Warden written approval. This request must be documented and filed in the inmate record and through an AIMS entry.
    - 1.1.6.1 Unit/Complex staff shall notify the inmate of the victim's request and that further contact with the victim or his/her family members identified by the victim will result in disciplinary action.
- 1.2 Postage stamps are sold in inmate stores only.

- 1.2.1 Indigent inmates shall be provided with the minimum required postage, including postage rates for Mexico or Canada, for five one-ounce pieces of first class mail per month. Inmates may receive additional credit for postage for Legal Mail as outlined Department Order #902, Inmate Legal Access to Courts.
  - 1.2.2 All postage required beyond the limits cited in this Department Order and all postage for inmate groups and organizations shall be at the expense of the inmate, group or organization.
  - 1.2.3 Postage stamps shall not be used as negotiable instruments or legal tender as payment for materials ordered from private vendors.
  - 1.2.4 Inmates shall not barter, trade, sell, or exchange postage stamps for any goods or services.
  - 1.2.5 Inmates are subject to the limits for possession of postage stamps as outlined in Attachment A of Department Order #909, Inmate Property.
- 1.3 Mail room staff shall maintain:
- 1.3.1 An itemized list of all incoming and outgoing registered, insured and certified mail.
  - 1.3.2 Permanent logs that will be subject to periodic inspections shall consist of:
    - 1.3.2.1 An itemized list of all incoming and outgoing packages, including the name and ADC number of each inmate who sends or receives a package.
    - 1.3.2.2 The name and address of each sender and addressee for each package.
    - 1.3.2.3 A detailed description of the contents of each. For incoming publications, this includes the name and dated information for each publication.
    - 1.3.2.4 The amount of postage or the amount paid to the contract carrier for each outgoing package.
    - 1.3.2.5 The date of the mailing or receipt of each package, expenses incurred in processing the mail, and the name of the staff member who recorded the information.
  - 1.3.3 An electronic log of all incoming and outgoing legal mail to include the date received, inmate name and number, sender, and the date received by the inmate. All Incoming and Outgoing Legal Mail shall be processed as outlined in Department Order #902, Inmate Legal Access to Courts.

## **914.02 INCOMING MAIL**

- 1.1 Upon arrival at a new Department/Contract Bed facility, staff shall provide each inmate with the correct mailing address. It shall be the responsibility of the inmate to notify correspondents of the correct mailing address.

- 1.2 Incoming Mail addressed to inmates shall have the inmate's complete first and last name, the inmate's name under which he/she is incarcerated (unless legally changed), the inmate's correct ADC number, as well as the inmate's unit name and the appropriate Post Office (PO) Box.
- 1.3 Incoming Mail shall have a complete return address including the sender's name and the complete street address or PO Box. Mail without a complete return address shall be opened and read to inspect the contents to make a reasonable attempt to ascertain the identity of the sender. If the sender can be identified and the mail does not present any security concerns the mail may be delivered to the inmate. If the sender cannot be verified, the inmate shall receive a notice and the mail held for 90 days before it is destroyed.
- 1.4 It is the inmate's responsibility to notify correspondents of his/her mailing address, where local U.S. Postmaster practice permits, a U.S. Postal Service (USPS) change of address form shall be completed by the inmate and sent to the USPS. All Department/Contract Bed facilities shall make these forms available. Incoming mail shall be forwarded as follows:
  - 1.4.1 Mail that arrives without an inmate ADC number shall be stamped "Return to Sender," and returned.
  - 1.4.2 Mail that arrives for an inmate at an institution where the inmate is no longer housed shall be forwarded to the inmate's current institution.
  - 1.4.3 When possible, First Class mail belonging to an inmate who is temporarily confined at a hospital or local county jail shall be forwarded.
  - 1.4.4 Mail belonging to an inmate who is no longer in physical custody of the Department shall be forwarded up to 30 days after his/her release; provided a forwarding address is available. When no forwarding address is available, the mail shall be stamped "inmate is no longer in custody" and returned to the sender.
  - 1.4.5 All mail received for inmates on escape status shall be forwarded to the Criminal Investigation Unit (CIU) for evaluation and processing.
- 1.5 Designated staff at each unit/complex is authorized to open, inspect and read incoming mail to prevent criminal activity and prevent inmates from receiving contraband or any other material that may be detrimental to the safe and orderly operation of the institution.
  - 1.5.1 Upon inspection, incoming mail shall be withheld from an inmate if it meets one or more of the following criteria:
    - 1.5.1.1 Poses a direct and immediate threat to the security, safety or order of the institution.
    - 1.5.1.2 Substantially hinders efforts to treat or rehabilitate the inmate; however, legal mail will not be withheld for this purpose.
    - 1.5.1.3 Threatens the intended recipient.

- 1.5.1.4 Promotes, aids or abets criminal activity or violation of Department rules, including but not limited to rioting, extortion, escape, illegal drug use, conveyance of contraband, solicitation of funds, violence towards others, and promotes or encourages security threat groups.
- 1.5.1.5 Has content written in code or that contains hidden messages.
- 1.5.2 Mail meeting one or more of the criteria in 1.5.1 through 1.5.1.5 of this section shall be forwarded to CIU for review. CIU shall return the mail for delivery within 72 hours unless it is determined that an investigation is required, in which case the mail shall be held. If it is determined that the mail is not to be delivered, the inmate shall be notified unless notification would interfere with the investigation.
- 1.5.3 When an incoming envelope is stamped "Return to Sender" staff shall open and inspect it for contraband before returning it to the inmate.
- 1.5.4 Incoming legislative correspondence shall be opened in the presence of the inmate to whom it is addressed and may only be inspected to the extent necessary to establish the presence of contraband.
- 1.6 Inmates may only receive money orders, cashier's checks or certified checks for deposit into inmates' accounts, in accordance with Department Order #905, Inmate Banking/Money System. No other monetary instrument, including cash, coins or personal checks, shall be deposited into an inmate's account.
  - 1.6.1 Money orders, cashier's checks or certified checks shall be made payable to "The Arizona Department of Corrections for the account of (Inmate's Name and ADC Number)."
  - 1.6.2 Mail Room staff shall deliver a receipt to the inmate and forward all money orders, cashiers checks, cash and personal checks received to the Business Office for processing.
  - 1.6.3 The Business Office/designated staff shall process the monetary instruments that meet the Department requirements and return those that do not meet Department requirements at the inmate recipient's expense.
  - 1.6.4 The Business Office shall notify CIU of any received Internal Revenue Service (IRS) checks. CIU may notify the IRS if deemed appropriate.
  - 1.6.5 Outgoing inmate/IRS correspondence shall contain a notation by staff on the envelope directing the correspondence to the Criminal Investigations Branch at the Service Center to which the correspondence is addressed.
- 1.7 Unauthorized property or material discovered in incoming mail shall be removed from incoming letters and held as contraband. An inmate Property/Contraband/Disposition, Form 909-6, and Notice to Sender of Rejection of Incoming Mail, Form 909-3, shall be completed and sent to the inmate. Inmates have 90 days to either have item(s) destroyed or returned to the sender. The Department shall not pay for the cost of notifying the sender of the inmate's contraband arrangements or its mailing cost.

- 1.7.1 The Department shall not pay for the cost of returning unauthorized property or material that includes, but is not limited to:
  - 1.7.1.1 Used or unused postage stamps.
  - 1.7.1.2 Stickers, labels, address labels or decorative stamps.
  - 1.7.1.3 Photos where the non-photo side can be separated (Polaroid's).
  - 1.7.1.4 Photos of other inmates.
  - 1.7.1.5 Unknown foreign substances and/or powders.
  - 1.7.1.6 Oils, perfumes, incense or personal property items.
  - 1.7.1.7 Lottery tickets or games of chance.
  - 1.7.1.8 Tax forms.
  - 1.7.1.9 Battery operated greeting cards, or greeting cards larger than 8 ½" by 11."
  - 1.7.1.10 Unused Greeting cards, stationary, pens/pencils and/or envelopes.
  - 1.7.1.11 Unused postcards.
  - 1.7.1.12 Bookmarks.
  - 1.7.1.13 Inspirational cards or medals.
  - 1.7.1.14 Candy, gum, or any food items.
  - 1.7.1.15 Art, crafts and hobby supplies.
  - 1.7.1.16 Road maps of Arizona, areas contiguous to Arizona, states that contain the contract prison facilities, and states contiguous to those states where contract prison facilities are located; Public Transportation maps of Arizona and states with contract prison facilities and/or descriptions or photos of Department or contract prison facilities. ("Contiguous", as used in this section, means states surrounding and bordering the subject state. In the example of Arizona, this would mean California, Nevada, Utah, New Mexico, Colorado, and Mexico, or any portion thereof). Any publication containing maps as part of the material will be subject to all publication review requirements.
  - 1.7.1.17 Calendars.
  - 1.7.1.18 A printed individual item (not a supplement of an item such as a newspaper), specifically intended for the purpose of advertising or selling merchandise (catalog, circular) for any items that an inmate would not be permitted to receive.
    - 1.7.1.18.1 Catalogs for publications, compact discs, cassettes and other items inmates would be able to receive shall be processed according to the publication review requirements.

- 1.7.1.19 Personal or professional/commercial photographs that feature nudity or sexually explicit acts, as detailed in the DEFINITION section. Photos of current or former Department/Contract Bed employees and/or Department volunteers.
- 1.8 Newspaper clippings, magazine articles, cartoons or copies of material from the internet may be enclosed within personal mail; however, the content is subject to the publication review process. Internet material containing information about staff or other inmates is unauthorized if it is determined to be a threat to the safe and orderly operation of an institution and/or a threat to the safety of any other person. Inmates are not authorized to receive items from the ADC Net website.
- 1.9 Inmates may be permitted to view crime scene and/or autopsy photographs in accordance with Department Order #909 Inmate Property.
- 1.10 Incoming third class/bulk mail and publications will be delivered provided the mail/publication content meets policy guidelines and:
  - 1.10.1 Is prepaid, as defined by this Department Order;
  - 1.10.2 Is addressed to a specific inmate or inmates with the correct name, ADC number and housing location.
- 1.11 Undeliverable Standard Mail shall be returned to the Post Office, if the Post Office will accept it. If the Post Office does not accept the undeliverable mail, it shall be documented in the appropriate log and destroyed/shredded and bagged by staff and placed in a dumpster or other trash container.
- 1.12 Incoming telegrams or similar urgent mail, including but not limited to, overnight mail shall be delivered within 12 hours unless circumstances make delivery impractical.
- 1.13 Excluding holidays and weekends, incoming mail shall not be held and shall be delivered within 24 hours unless circumstances make delivery impractical.
- 1.14 All mail and publications with metal bindings other than staples, including paper clips, binder clips, and other metal fasteners are prohibited. An inmate that receives a metal binding piece of mail and/or publication shall be informed of its arrival and will either decide to have the publication processed as contraband or give his/her written permission to have the binding removed prior to its release to the inmate. Staff shall make note of the removal in the inmate's property file.
  - 1.14.1 Staples in all mail and publications are prohibited in the following types of housing units:
    - 1.14.1.1 Death Row.
    - 1.14.1.2 Administrative or Disciplinary Confinement.
    - 1.14.1.3 Close Management.
    - 1.14.1.4 Maximum Management.
    - 1.14.1.5 Mental Health Treatment Units (Baker and Flamenco)

### 914.03 AUTHORIZATION OF COMPACT DISCS AND/OR CASSETTE TAPES

- 1.1 All compact discs (CD's) and/or cassettes received through the mail shall be new, clear or a cardboard container, in its original wrapper and packaging, and shall not be a re-recording of an original, and shall be consistent with copyright laws. Authorized mail order purchases for inmate in disciplinary detention may be held until inmate is released from detention.
- 1.2 Envelopes/packages containing incoming CD's and/or cassettes shall have the inmate's complete first and last name, the inmate's name under which he/she is incarcerated unless legally changed, the correct ADC number, institution and unit, and the appropriate Post Office Box. Incoming approved compact discs and/or cassette tapes for inmates in disciplinary detention may be held until the inmate is released from detention.
- 1.3 Incoming CD's and/or cassettes must come directly from a recognized publisher, distributor or authorized retailer. Family members or friends are not authorized to send CD's and/or cassettes directly to an inmate even if they include a verifiable packing list or invoice. Secondary markets also known as third party vendors, (for example, "eBay," and "Amazon Marketplace"), or any other auction sites are not authorized retailers or distributors for the purpose of this Department Order.
- 1.4 Cassette tapes and/or CD's commonly referred to as "Books on Tape" are subject to the publication review requirements, as outlined in section 914.09 of this Department Order and shall be included in the total possession limit amount for cassette tapes/discs as outlined in Attachment A of Department Order #909, Inmate Property.
- 1.5 Inmates may receive correspondence tapes with prior written approval of the unit Deputy Warden. Inmates shall only receive correspondence tapes from an individual on his/her approved visitation list.
  - 1.5.1 The requesting individual shall submit a written justification to the unit Deputy Warden requesting approval for correspondence tapes indicating that the inmate or visitor has a disability or literacy concern that prevents written correspondence.
  - 1.5.2 The inmate shall show in advance that he/she is in possession of an operational and authorized appliance with a cassette player.
  - 1.5.3 Correspondence tapes shall not contain sexually explicit language or any other unauthorized content that would be in violation of this Department Order.
  - 1.5.4 Correspondence tapes shall be screened at the Complex/Unit Level only and shall not be forwarded to Central Office Publication Review.
- 1.6 Religious oriented tapes and/or CD's sent through the mail to a specific inmate shall be commercially recorded. Tapes/CD's of religious services being donated by volunteers or outside groups for services or inmate listening shall be pre-screened by the Senior Chaplain to ensure that they are consistent with the guidelines within this Department Order. Volunteers are not authorized to directly provide inmates with recorded material.
- 1.7 Cash on delivery (COD) orders and contract purchases such as music clubs are prohibited and shall be returned to sender. The Department shall not be responsible for the cost of returning any unauthorized material.



## 914.04 INTER-RELATIONAL MAIL

- 1.1 Inmates that are immediate family members as defined in this Department Order and those that are the verified natural or legally adopted parents of a child are authorized to have inter-relational mail, provided the communication meets the criteria set forth in this Department Order.
- 1.2 In order to have inter-relational mail privileges, the natural or adoptive parents shall:
  - 1.2.1 Provide the child's birth certificate, and
  - 1.2.2 The relationship can be readily verified by staff, i.e. it is clear in the pre-sentence report or file.
- 1.3 Inter-relational communication shall not contain communications with or on behalf of any other inmates that do not have inter-relational mail approval.
- 1.4 Only letters, homemade greeting cards or greeting cards purchased through the inmate store are authorized for inter-relational mail. The transfer of funds and/or any other item is prohibited.
- 1.5 The sending unit/complex shall verify the inmate's relationship, and shall stamp the outgoing letter as "verified." Letters that have not been verified and approved shall be returned to the inmate sender.
- 1.6 All inter-relational mail privileges shall be pre-approved by both the requesting and receiving Warden or Deputy Warden. Approvals and denials are at the discretion of the Warden or Deputy Warden and may be revoked when it is in the best interest of institutional security.
- 1.7 The inmate shall pay postage. Indigent inmates may be provided postage as outlined in section 914.01 of this Department Order.
- 1.8 Inmates who wish to send mail to an incarcerated immediate family member shall submit the request to their assigned Correctional Officer III who shall verify the relationship.
- 1.9 The assigned Correctional Officer III or designated staff member at the requesting institution shall:
  - 1.9.1 Complete a Request to Communicate with an Incarcerated Family Member, Form 915-3, as outlined in Department Order #915, Inmate Phone Calls.
  - 1.9.2 Verify that an immediate family relationship exists between the inmates.
  - 1.9.3 Forward the application to the Warden or Deputy Warden for approval/disapproval.
  - 1.9.4 Forward copies of the approved applications to the respective Mail/Property rooms at the requesting and receiving institution.
  - 1.9.5 Advise inmate of disapproved applications, and note all approvals and denials on AIMS.

## 914.05 OUTGOING MAIL

- 1.1 All outgoing inmate mail shall include on the envelope the inmate's complete first and last name (the name under which he is incarcerated), ADC inmate number, and full return address, including the name of the complex, unit and bed location.
  - 1.1.1 Institution mailroom staff shall return mail lacking this information to the sending inmate, if known, for a correction.
  - 1.1.2 If the inmate sender is not known, the correspondence shall be opened to make a reasonable attempt to determine the identity of the inmate sender. If the identity cannot be determined, the mail shall be held in a "Dead Letter" repository for 90 days, pending claim. If no claim is made, the mail shall be processed as unclaimed property.
  - 1.1.3 Inmates shall seal outgoing mail and place it in locked mailboxes located throughout the institution or in other areas designated by the Warden or Deputy Warden. Mail shall be collected at approximately the same time each workday, except on weekends and holidays, and shall be delivered to the mail room for processing.
    - 1.1.3.1 Outgoing mail being sent to any elected government official shall be brought to the mailroom unsealed. Staff shall review the envelope for content, but shall not read the contents of the letter.
  - 1.1.4 **SECTION DELETED**
  - 1.1.5 Inmates shall not use the complex or unit address to fraudulently identify themselves as employees, agents, or representatives of the Department, complex, unit, or Contract Bed facility.
- 1.2 Staff who processes outgoing inmate mail may inspect it for contraband, but shall not read or censor mail being sent to:
  - 1.2.1 The inmate's attorney, a judge, or court.
  - 1.2.2 Publisher or editor of a newspaper, news magazine or periodical of general distribution, national or international news service or to the station manager of any radio or television stations.
  - 1.2.3 The Director, Deputy Director or Division Directors of the Department.
  - 1.2.4 Elected or appointed public officials.
- 1.3 Staff shall read up to 10% of outgoing mail. Mail may be returned to the inmate, retained by the institution, or removed from the mailing (the balance of which shall be mailed) when the contents or communications:
  - 1.3.1 Pose a direct and immediate threat to the security, safety or order of the institution.
  - 1.3.2 May substantially hinder efforts to treat or rehabilitate the inmate.
- 1.4 Staff shall not stamp or mark the contents of outgoing read mail, rather, the envelope or box shall be stamped or marked as having been inspected and resealed prior to mailing.

- 1.5 Outgoing inmate mail is subject to being opened and read by staff when there is a reasonable belief that the inmate is using the mail to further a crime or circumvent Department regulations or written instructions. Such mail may include, but is not limited to:
  - 1.5.1 Descriptions or encouragement of activities that may lead to the use of physical violence.
  - 1.5.2 Information that involves escape plans and/or activities that violate Department or institution regulations or written instructions.
  - 1.5.3 Threatens the intended recipient.
  - 1.5.4 Promotes, aids or abets criminal activity or violation of departmental rules, including but not limited to, rioting, extortion, escape, illegal drug use, conveyance of contraband, solicitation of funds, violence towards others, and promotes or encourages security threat groups.
  - 1.5.5 Mail written in code or provides instruction on code use.
- 1.6 Outgoing mail that is read by staff and is determined to be detrimental to the security or safe operation of the institution or that may impede the protection of the public or facilitate criminal activity shall be referred to the Criminal Investigations Unit for further action.
- 1.7 The Criminal Investigation Unit shall:
  - 1.7.1 Retain the censored portion of any outgoing mail during any investigation, and then return it to the sender.
  - 1.7.2 Stamp the uncensored portion of any censored mail to indicate that portions of the mail were censored, and mail it to the recipient unless doing so would interfere with an ongoing investigation.
  - 1.7.3 The Department may censor the item or determine not to mail the item.
- 1.8 Mail outlined in 1.7.2 of this section shall be sent within 72 hours, and unless it is determined that such mail is not to be sent. If the mail is not to be sent, the inmate shall be notified of such within 72 hours, unless doing so interferes with an ongoing investigation.
- 1.9 Excluding holidays and weekends, outgoing mail shall not be held and shall be delivered to the Post Office within 24 hours unless circumstances make delivery impractical.

## **914.06 PUBLICATIONS**

- 1.1 All publications are subject to screening and review and shall meet standards and guidelines as detailed in this Department Order.
- 1.2 The envelope/container shall have the inmate's complete first and last name under which he/she is incarcerated unless legally changed, the correct ADC number, institution and unit, and the appropriate Post Office Box.

- 1.3 Publications shall come directly from a recognized publisher, distributor, or authorized retailer, be consistent with copyright laws and shall include a packing list/invoice with all shipments.
  - 1.3.1 Secondary markets (also known as Third Party Vendors) such as e-Bay and Amazon Marketplace are not authorized retailers or distributors.
  - 1.3.2 Used publications are authorized provided they meet all incoming publication requirements including coming from a recognized publisher, distributor or retailer or a verifiable organization that donates publications to inmates and are in good condition, free of highlighting, underlining, notes or other marks.
- 1.4 Non-English publications may be delayed due necessary translation.
- 1.5 Incoming publications shall be pre-paid. Cash on Delivery (COD) orders and contract purchases such as music or book clubs are prohibited and will be returned to the sender at the inmate's expense. Donated publications not coming in from a recognized publisher, distributor or retailer shall be processed as contraband or donated to an inmate library provided they meet Departmental policy requirements and publication review as set forth in this Department Order.
- 1.6 Publications shall be forwarded for a 90 day period if the inmate is in custody at a Department or Contract Bed facility, provided there is no state or other governing rules/regulations preventing the forwarding of the publication.
  - 1.6.1 The inmate shall be responsible for the change of address notifications.
  - 1.6.2 At the end of the 90-day period, the publications shall be subject to contraband policies and procedures and will no longer be forwarded.
- 1.7 Inmates are responsible for staying within publication possession limit requirements as outlined in Attachment A of Department Order #909, Inmate Property, and may be subject to disciplinary action for exceeding publication/property limits. Items over the established limit shall be considered contraband.
- 1.8 Authorization to withdraw funds from an inmate's account for the purchase of a publication does not constitute approval of the publication.
- 1.9 All publications, including those that are part of a title or series, are reviewed on an individualized basis. Rejection of several issues of any one publication is not sufficient reason to reject a subscription to a publication in its entirety; unless the publication regularly includes sexually explicit material as part or all of its content.
- 1.10 Unless there is a legitimate correctional concern relating to security, safety, criminal activity or a threat to the orderly operation of the institution, the contents of incoming publications or publications under review shall not be revealed to any non-Publications Review Staff. Only those staff approved to participate in publication review and who have received publication review training, shall be involved in processing, reading and reviewing publications.
- 1.11 No publication shall be excluded solely on the basis of its appeal to a particular ethnic, racial or religious group.

- 1.12 Staff shall not remove pages of any publication to make the publication acceptable. Removing pages alters the publication rendering it as contraband. Previously excluded publications that have been re-edited by removing pages or the blocking out of pictures or texts will remain excluded. Staff may remove stapled or perforated items including, but not limited to free product samples, calendars, advertising or promotional items provided that no damage is done to the publication in the removal process.
- 1.13 Previous decisions to exclude publications, regardless of any subsequent revisions in standards or criteria, remain final. Previously excluded Publications shall not be re-submitted for review or appeal under this Department Order.
- 1.14 Publications delivered to an inmate in error at any complex/unit prior to and contrary to a First or Second Review may be considered contraband upon official notice from Publication Review Office that the publication has been excluded. Inmates will be provided the options of sending out the material, placing it in long-term storage, or having it destroyed.
- 1.15 Approved incoming publications in disciplinary detention may be held until the inmate is released from detention.

#### **914.07 SEXUALLY EXPLICIT MATERIAL**

- 1.1 In order to assist with rehabilitation and treatment objectives, reduce sexual harassment and prevent a hostile environment for inmates, staff and volunteers, inmates are not permitted to send, receive or possess sexually explicit material. For the purpose of this Departmental Order, sexually explicit material is defined as publications that feature nudity and/or sexual behaviors/acts and/or the publication is promoted based on such depictions.
- 1.2 Prohibited publications include, but are not limited to:
  - 1.2.1 Publications that contain photographs, drawings, cartoons, animations, pictorials or other facsimiles that show nudity of either gender. (For Nudity see Definitions.)
  - 1.2.2 Publications that contain any of the following acts and behaviors either visually, written or in audio (non-lyric) form:
    - 1.2.2.1 Physical contact by another person with a person's unclothed genitals, pubic area, buttocks or, if such person is a female, breast.
    - 1.2.2.2 Sadomasochistic abuse.
    - 1.2.2.3 Sexual intercourse, vaginal or anal, fellatio, cunnilingus, bestiality or sodomy.
    - 1.2.2.4 Masturbation, excretory functions, and lewd exhibition of the genitals.
    - 1.2.2.5 Incestuous sexual activity.
    - 1.2.2.6 Sexual activity involving an unwilling participant, or a participant who is the subject of coercion, or any sexual activity involving children.
- 1.3 Publications that contain nudity and/or sexual behaviors/acts for artistic, scientific, medical, educational, or anthropological purposes will be sent to the Office of Publication Review and may be approved on an individualized basis.

- 1.4 Personal letters are not subject to Publication Review.
- 1.5 Sexually Explicit Publications will be reviewed and processed as following:
  - 1.5.1 Within seven calendar days, unit/complex staff shall send the inmate the Complex Level Publications Review/Sexually Explicit Material, Form 914-7 stating that a sexually explicit publication has arrived and will be processed according to contraband policies and procedures, unless a second level review is requested within 20 calendar days of the inmate's actual receipt of the notice of exclusion.
  - 1.5.2 Inmates may give their request of a second level review to the Complex/Stand-Alone Unit Publication Review staff through Inmate Letter, Form 916-1 within 20 calendar days of the actual receipt of the notice of exclusion. If no second level review is requested within the 20 calendar days, the publication will be returned to sender at the inmate's expense. Publications under second level review will not be returned to sender pending disposition of the appeal.
    - 1.5.2.1 The Office of Publication Review is considered the second level review for sexually explicit material.
    - 1.5.2.2 **SECTION DELETED**
    - 1.5.2.3 Appeal decisions made by the Office of Publication Review are final and exhaust inmates' administrative remedies.
  - 1.5.3 A Division Director or Director's designee not in the same chain of command as the Office of Publication Review shall complete second level reviews for excluded publications that contain nudity and/or sexual behaviors/acts for artistic, scientific, medical, educational, or anthropological purposes.

**914.08 UNAUTHORIZED PUBLICATIONS AND MATERIAL** - Prohibited publications include those that by their nature or content threaten or are detrimental to the security, safety and orderly operation, or discipline of the facility, or inmate rehabilitation, or, are found to facilitate, encourage, incite, promote or instruct in criminal activity or unauthorized prison activity.

- 1.1 Prohibited publications include, but are not limited to:
  - 1.1.1 Depictions or descriptions that incite, aid, or abet riots, work stoppages, or means of resistance.
  - 1.1.2 Instructions or plans on the sending or receiving of prison contraband.
  - 1.1.3 Depictions or descriptions of street gangs and/or Security Threat Groups (STG), and related gang/STG paraphernalia, including, but not limited to, codes, signs, symbols, photographs, drawings, training material, and catalogs.

- 1.1.4 Pictures, descriptions and instructions regarding the function of locks and/or security devices (e.g. cameras, alarms) or how to bypass or defeat the security functions of these devices.
- 1.1.5 Depictions, descriptions, instructions on the use of hands, feet, or head as weapons, fighting weapons and techniques, self-defense and martial arts.
- 1.1.6 Depictions or descriptions, or promotion of drug paraphernalia or instructions for the brewing of alcoholic beverages or the manufacture or cultivation of drugs, narcotics or poisons.
- 1.1.7 Content that is oriented toward and/or promotes racism and/or religious oppression and the superiority of one race/religion/political group over another, and/or the degradation of one race/religion/political group by another.
- 1.1.8 Depictions, descriptions or content that instructs on the sale, manufacture, concealment, or construction of ammunition, guns, rifles, bombs, explosives or any other type weaponry; displays, realistic pictures, or cutaway pictures of guns or knives suitable for use in making of reproduction weapons. The mere photograph of a gun or knife in a magazine or publication (e.g. Field and Stream) is not sufficient in and of itself to exclude the publication.
- 1.1.9 Detailed illustrations, explanations, and/or descriptions of computers/communications systems or electronics.
- 1.1.10 Depictions, descriptions or content that promotes or instructs on identity theft.
- 1.1.11 Content that depicts, encourages, or describes methods of escape and/or eluding capture, or contains blueprints, drawings, road maps of Arizona, areas contiguous to Arizona, states that contain the contract prison facilities, and states contiguous to those states where contract prison facilities are located; Public Transportation maps of Arizona and states with contract prison facilities and/or descriptions or photos of Department or contract prison facilities. ("Contiguous", as used in this section, means states surrounding and bordering the subject state. In the example of Arizona, this would mean California, Nevada, Utah, New Mexico, Colorado, and Mexico, or any portion there of.)
- 1.1.12 Content that contains survival skills that could be used as an aid in eluding capture following an escape.
- 1.1.13 Gambling strategies and other gambling-related instructional material.
- 1.1.14 Pictures, depictions, illustrations, explanations, instructions, and/or patterns for tattoos and/or skin modification equipment which would provide, at minimum, visual aids for inmates wishing to reproduce this type of body ornamentation and/or equipment.
- 1.1.15 Cipher or code or instruct on the usage of code.
- 1.1.16 Pictures, depictions, illustrations or text that promotes acts of violence, that cause or intends to cause serious criminal injury or harm.
- 1.1.17 Graphic violence that includes but is not limited to murder, rape, sexual assault, assault, amputation, decapitation, dismemberment, mutilation maiming, disfigurement or cruelty to animals.

- 1.1.18 Pictures, photographs, illustrations, text or other content that may encourage unacceptable sexual or hostile behaviors, or creates a hostile environment for volunteers including, but not limited to sexual representations of inmates, law enforcement, military, professional medical staff, teachers and Clergy.
  - 1.1.19 Intelligence gathering instruction and/or investigative techniques that may impede the Department's investigative ability.
  - 1.1.20 Military/strategy publications that may circumvent the Department's ability to monitor and control activities/behaviors that may be a violation of law and/or Departmental policy.
  - 1.1.21 Medical publications that may lead to any or all of the following:
    - 1.1.21.1 Harming of oneself or others;
    - 1.1.21.2 Impacting clinical test results;
    - 1.1.21.3 Preventing medical staff from accurately diagnosing medical issues and providing appropriate medical treatment and/or false concerns of a given diagnosis or medical treatment necessities.
  - 1.1.22 Depictions/descriptions/textual content that may create a health and fire risk.
  - 1.1.23 Crime scene/autopsy photos.
  - 1.1.24 Depictions, descriptions or content that promotes and/or instructs on the facilitation of activity that is in violation of departmental policy and/or governmental laws.
  - 1.1.25 Canine search procedures, techniques and scent discrimination.
  - 1.1.26 Instruction on the making of incense.
  - 1.1.27 Depictions, descriptions or content that instructs on the sale, manufacture, concealment, or the construction of tools.
- 2.1 A publication will not be rejected based upon inclusion of an advertisement promoting of the following if the publication is otherwise permissible and the advertisement is merely incidental to, rather than the focus of, the publication:
- 2.1.1 Three-way calling services;
  - 2.1.2 Pen pal services;
  - 2.1.3 The purchase of products and services with postage stamps;
  - 2.1.4 The purchase of products and services that violate Departmental policy;
  - 2.1.5 Conducting a business while incarcerated.
- 2.2 Publications that contain detailed content of any subjects listed above may be excluded.



## **914.09 PUBLICATION REVIEW PROCESS**

- 1.1 The Complex/Stand-Alone Unit Level Publication Review staff shall:
  - 1.1.1 Facilitate the processing of sexually explicit publications as contraband as outlined in section 914.07 of this Department Order.
  - 1.1.2 Forward publications that contain nudity and/or sexual behaviors/acts for artistic, scientific, medical, educational, or anthropological purposes to the Office of Publication Review for disposition.
  - 1.1.3 Approve/release publications that do not require additional review.
  - 1.1.4 Notify inmates of publications that are pending disposition by the Office of Publication Review.
  - 1.1.5 Process inmates' second level review request and notify inmates of their outcome or inform inmates if the request is not within timeframes. Second Review can be requested by inmates through Inmate Letter, Form 916-1 to the assigned Complex/Stand-Alone Unit Level Publication Review staff within 20 calendar days of the inmate's actual receipt of the notice of exclusion.
  - 1.1.6 Distribute copies of Office of Publication Review - Notice of Result, Form 914-6 and a Memorandum of Second Review to inmates affected by either the decision to exclude a publication or the referral for a Second Review. The distribution of these copies shall include inmates presently in possession of excluded publications, or who may in the future possess excluded publications. The excluded publication will be dealt using the same procedures as set forth in section 914.02, subsections 1.7 - 1.7.1 of this Department Order.
  - 1.1.7 Provide the Warden with a copy of any Memorandums of Second Review.
  - 1.1.8 Respond to Inmate Publication Review-Related Letters questions or concerns.
  - 1.1.9 Log all incoming publications that are included as part of Publication Review, noting the specific publication, inmate information, and disposition, and sending the monthly report to the Office of Publication Review.
  - 1.1.10 Maintain log information for a period of two years.

## **914.10 THE OFFICE OF PUBLICATION REVIEW**

- 1.1 The Office of Publication Review shall:
  - 1.1.1 Review, process, document and track publications forwarded by the Complex/Stand-Alone Unit Publication Review staff and determine whether to allow or exclude them.
  - 1.1.2 Notify all Wardens and Mail/Property rooms of the decision on each reviewed item.
  - 1.1.3 Complete the Office of Publication Review - Notice of Result form for all reviewed publications. Notices of Reviews for excluded publications must provide a reason for the exclusion.

- 1.1.4 Send completed Office of Publication Review - Notice of Result form to the Complex/Stand-Alone Unit Publication Review staff for distribution.
- 1.1.5 Act as second level review for publications that contain nudity or the sexually explicit material as outlined in section 914.07 of this Department Order.
- 1.1.6 Maintain copies of all Notices of Review for period of three years from the date of exclusion. Excluded publications shall be returned to the complex/unit mailroom within 90 days following the review unless a Second Review has been requested. One copy of an excluded publication will be retained for three years if a Second Review has been completed and the exclusion was upheld.
- 1.1.7 Compile a monthly list of all excluded publications, which shall be forwarded to all Complex/Stand-Alone Unit Level Publication Review staff and to all Wardens.
- 1.1.8 Notify all Wardens and Complex/Stand-Alone Unit Level Publication Review staff of pending and completed second reviews.
- 1.1.9 Prepare a Memorandum of Second Review and appeal packet for publications that inmates have requested a second level review that do not fall under the sexually explicit material as outlined in section 914.07, of this Department Order.
  - 1.1.9.1 A Division Director or Director's designee not in the same chain of command as the Office of Publication Review shall complete the Memorandum of Second Review to affirm or reverse the original decision. The Memorandum shall be forwarded to all affected inmates through Complex/Stand-Alone Unit Level Publication Review staff. The decision of the Division Director or Director's Designee is final and exhausts inmates' administrative remedies.
  - 1.1.9.2 Inmates may file grievances on Publication Review process procedural issues. Grievances shall be processed through the inmate's unit to the Central Office Appeals Unit. The appeal response shall only address procedural issues and will not re-consider any decisions to exclude publications.
- 1.1.10 Forward completed Memorandums of Second Review to Complex/Stand-Alone Unit Level Publications Review staff for distribution.

## IMPLEMENTATION

Within 90 days of the effective date of the Department Order:

- Each Warden shall update and issue the appropriate Institution Orders For Inmate Mail addressing, at a minimum:
  - Outgoing and incoming mail.
  - Inter-relational mail.
  - Mail Room operations.
  - Mail contraband control.

- Warden and Deputy Wardens shall update and issue the appropriate Institution Orders and Post Orders for mail procedures and processing all types and rates of mail consistent with current USPS requirements mail operations.

Section 914.07, Sexually Explicit Material is not effective until August 26, 2010:

- Until August 26, 2010 the previous Department Order 914, Inmate Mail, Section 914.07, Obscene Material dated May 1, 2008 remains in effect. (See Attachment A)
- Prior to this date inmates:
  - Shall cancel or allow to expire any current subscriptions to commercially published magazines or publications that feature nudity.
  - Shall mail out, destroy or request long-term storage for these publications or any other material that is in violation of this Department Order.
- Inmates may receive disciplinary action if found in the possession of unauthorized commercially published magazines or publications after August 26, 2010. All such items shall be considered contraband and will be subject to seizure.

## DEFINITIONS

**ALTERING** - To change or make different; modify.

**AUDIO BOOK** - A taped reading of a book or book condensation reproduced in audiocassette form.

**CENSOR** - To delete, ban, suppress or withhold portions of mail.

**CONTRABAND** – For the purpose of this Department Order, contraband is defined as any item considered to be a detriment to the safe and orderly operation of an institution or parole office. Contraband includes, but is not limited to:

- Any item that could be used as an aid to escape.
- Any item that could be used to disguise or alter an inmate's appearance.
- Any item of clothing or items for personal use or consumption that are not cleared first through security or the property room of the institution.
- Cameras, video, audio or related equipment, unless authorized by order of written instructions.
- The introduction and/or possession of any separate components that may aid in the use of wireless devices and/or multimedia storage devices. This includes, but may not be limited to:
  - Cell phone chargers.
  - Mobile chargers.
  - Cell phone batteries.
  - Any other item that staff reasonably determines may aid in the use of wireless devices and/or multimedia storage devices.
- Allowable items which are:

- Possessed without permission.
- Discovered in improper locations.
- Over set allowable amounts.
- Obtained in improper manners or methods.
- In altered forms or conditions.

**CORRESPONDENCE TAPES** - Cassette tapes sent or received by an inmate or visitor where there exists a disability or literacy concern that prevents written correspondence.

**CRIMINAL ACTIVITY** - Any activity that violates local, state and federal law, statutes, ordinances, or codes, and constitutes a criminal act under the law.

**CUNNILINGUS** - Oral stimulation of the clitoris or vulva.

**EXCRETORY FUNCTIONS** - The elimination of a body's waste products through defecation and urination.

**FEATURES** - The publication contains nudity on a routine or regular basis or promotes itself based upon such depictions in the case of an individual one-time issue.

**FELLATIO** - Oral stimulation of the penis.

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**FIRST CLASS MAIL** - A class of mail including letters, postcards, and postal cards, all matter wholly or partially in writing or typewriting; includes but is not limited to anything mailable such as bills, invoices, personal correspondence, and some merchandise.

**GENITALIA** – Male and female sexual organs.

**IMMEDIATE FAMILY** - A legal spouse, natural or adopted parents, siblings, natural or adopted children, stepchildren, grandparents, or other verified person primarily responsible for the raising of the inmate in the absence of the inmate in the absence of a parent.

**INCESTUOUS ACTIVITY** - Sexual activity between family members who are forbidden to marry due to their close kinship.

**INFLAMMATORY** - Arousing passion or strong emotion, especially anger and belligerence.

**INTERCOURSE** - The act of having sex.

**INTER-RELATIONAL MAIL** - Letters deliverable by the United States Postal Service written by an inmate to an incarcerated immediate family member, clearly marked with the name and ADC number of the sending and receiving incarcerated immediate family member.

**ILLEGAL CONTRABAND** - Any item, the possession of which in the community or on prison grounds is a felony or misdemeanor, i.e., weapons, explosive devices, drugs, wireless communication devices, multimedia storage devices or other statutorily prohibited item(s).

**LEGISLATIVE CORRESPONDENCE** - Letters to or from a member of the Arizona State Legislature. Mail that is received in envelopes that are clearly marked as official envelopes used by the Arizona State Legislature is considered incoming legislative correspondence.

**MASTURBATION** - Touch or rubbing of sexual organs for the purpose of sexual pleasure. Excitation of one's own or another's genital organs, usually to orgasm, by manual contact or means other than sexual intercourse.

**NUDITY** - Nudity as defined by ARS 13-3501, the showing of the human male or female genitals, pubic area, female breast with less than a fully opaque covering of the nipple, or male or female buttocks with less than a full opaque covering of the anus (e.g., a thong). The anus does not need to be visible.

**PENOLOGICAL** - Relating to the theory and practice of prison management and criminal rehabilitation.

**PERIODICAL CLASS MAIL** - Mail that consists of magazines, newspapers and other publications.

**PREPAID PUBLICATIONS** – Are any type of publication sent to an inmate that has been paid for in advance of delivery to the inmate. Publications not paid for in advance will not be accepted and returned to the sender at the inmate's expense.

**PUBLICATION** - A book, booklet, pamphlet, (or similar document), or a single issue of a magazine, catalog, periodical, newsletter, audio (non music) tapes and CDs. Publication does not include personal letters and personal photographs.

**SADOMASOCHISTIC ABUSE** - As defined by ARS 13-3501 means flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed, for the purpose or in the context of sexual gratification or abuse.

**SEXUALLY EXPLICIT MATERIAL** - Any publications, drawing, photograph, film, negative, motion picture, figure, object, novelty device, recording, transcription, or any book, leaflet, catalog, pamphlet, magazine, booklet or other item, the cover or contents of which pictorially depicts nudity of either gender, or that graphically depicts through text any sexually explicit homosexual, heterosexual, or auto-erotic sex acts including fellatio, cunnilingus, masturbation, sadism, sado-masochism, bondage, bestiality, excretory functions, sexual activity involving children, an unwilling participant, or the participant who is the subject of coercion.

**STANDARD MAIL** - Advertising mail that includes advertisements, circulars, newsletters, magazines, small parcels and merchandise and weighs less than 16 ounces.

**STG** - An unofficial term used to denote any type of gang activity in prisons and correctional facilities. The official term for this is Security Threat Group.

**UNAUTHORIZED MATERIAL**- Material that by its nature or content threatens or is detrimental to the security, safety, good order or discipline of the facility, or inmate rehabilitation, or, that is found to facilitate, encourage, incite, promote or instruct in criminal activity or unauthorized prison activity.

**VIOLENCE** - Acts of aggression or abuse that causes or intends to cause criminal injury or harm. These acts include, but are not limited to, murder, rape, sexual assault, assault, and cruelty to animals. Graphic violence would include, but is not limited to, acts of violence that include amputation, decapitation, dismemberment, or mutilation maiming or disfigurement.

{Original Signature on File}

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Charles L. Ryan  
Director

## **ATTACHMENT**

Attachment A – Obscene Material

## **FORMS LIST**

914-6, Office of Publication Review - Notices of Result  
914-7, Complex Level Publications Review/Sexually Explicit Material

## **AUTHORITY**

A.R.S. 12-941 et seq, Disposal of Certain Unclaimed Property in Custody of State, City or Town Officers.  
A.R.S. 13-2501, Definitions of Contraband.  
A.R.S. 13-2505, Promoting Prison Contraband.  
A.R.S. 13-3309, Seizure; Exception; Definition.  
A.R.S. 13-3501, Obscene Material.  
A.R.S. 13-3503, Seizure of Obscene Things; Disposition.  
A.R.S. 13-4301 et seq, Forfeiture.  
A.R.S. 13-4411.01, Notice of Right to Request Not to Receive Inmate Mail.  
A.R.S. 13-4429, Return of Victim's Property; Release of Evidence.  
A.R.S. 31-231, Unauthorized Communications.  
A.R.S. 31-235, Prisoner correspondence: definitions.

**ATTACHMENT A  
DEPARTMENT ORDER 914**

**OBSCENE MATERIAL**

**(DEPARTMENT ORDER 914, INMATE MAIL, SECTION 914.07, DATED MAY 1, 2008)**

**914.07 OBSCENE MATERIAL**

- 1.1 Publications that contain obscene material may be prohibited and includes material that by its nature or content poses a threat or is detrimental to inmate rehabilitation or is detrimental to the security, safety, good order and discipline of the facility.
- 1.2 Material may be deemed obscene under applicable constitutional standards. A publication is deemed obscene when ALL of the following apply:
  - 1.2.1 The average person, applying contemporary state standards, would find that the publication, taken as a whole, appeals to the prurient interest.
  - 1.2.2 The average person, applying contemporary state standards, would find that the publication depicts or describes, in a patently offensive way, sexual activity as defined in this written instruction.
  - 1.2.3 The publication, taken as a whole, lacks serious literary, artistic, political or scientific value.
- 1.3 Prohibited publications include, but are not limited to:
  - 1.3.1 Publications that contain portrayal of actual or simulated acts or threatened acts of force or violence in a sexual context, including, but not limited to forcible intercourse (rape) or acts of sadomasochism emphasizing the infliction of pain.
  - 1.3.2 Publications that contain portrayal of actual or simulated acts or behaviors between a human being and an animal.
  - 1.3.3 Publications that contain portrayal of actual or simulated acts or behaviors in which one of the participants is a minor, or appears to be under the age of 18.
  - 1.3.4 Publications that include cartoons, animations, or other facsimiles of the above listed acts.