

The JVPU shall close the savings account, inform the financial service, and arrange for remaining savings and final payroll to be forwarded to the parolee inmate-employee.

#### 53140.23 Lease Agreements

The Director of the Department of General Services (DGS) with the consent of the CDCR may let, in the best interest of the State, any real property located within the grounds of a facility of the Department to a public or private entity for a period not to exceed five (5) years for the purpose of conducting a JVP. The lease may provide for renewing the lease for additional successive terms not to exceed a total of twenty (20) years. Any lease for State property entered into pursuant to this section may be at less than market value when the Director of DGS determines it shall serve a statewide public purpose (Government Code Section 14672.16(b)).

#### 53140.24 Standard Agreement (Contract)

A Standard Agreement (Contract) shall be entered into between CDCR and any public entity, non-profit or for profit entity, organization, or business for the purpose of employing inmate labor pursuant to the Prison Inmate Labor Initiative of 1990. These contracts are non-competitively bid, and are awarded for five-year terms up to a total of twenty (20) years.

#### 53140.24.1 Security Deposit

The JVE shall provide CDCR with a Security Bond or equivalent security. This requirement shall be included in the Contract. The amount of the bond shall be not less than two months wages for the inmate-employee workforce contemplated by the JVE after six months of operations, and shall be determined on a case-by-case basis based on, but not limited to, the size of the inmate-employee workforce and the size of space leased by the JVE. The bond or its equivalent shall be retained by the CDCR and may be used by the CDCR in the event a JVE fails to submit payroll or defaults on any of its obligations to the State. The CDCR shall apply the bond first to pay past due wages to inmate-employees and thereafter to unpaid obligations to the State, including, but not limited to, rent, utilities, workers' compensation, and custody costs.

#### 53140.24.2 Contract Termination

Termination of a Joint Venture contract shall be completed in compliance with State contract regulations. See DOM Section 22040.21 for further details.

#### 53140.25 In-Service Training

The Warden, or designee shall determine the type and amount of orientation training to be provided to the JVE non-inmate staff prior to occupying the facility, and any relevant annual updates particularly on the topic of Inmate-Staff Relations. All effort will be made to include only topics appropriate to the JVE non-inmate employees.

#### 53140.26 Institutional Communications

The JVEs shall be included in the distribution of all relevant information that is circulated to institutional Departments.

#### 53140.27 Institutional Lockdowns

When an institution lockdown occurs that affects the JVEs operation, inmate-employees will be designated as critical workers, and returned to work as soon as possible without effecting the safety and security of the institution.

#### 53140.28 Personal Protective Equipment

The JVE's non-inmate personnel shall be required to be in possession of a whistle whenever they are on facility property. Personal alarm devices shall be provided to JVEs if they would be provided to CDCR employees working in similar conditions.

#### 53140.29 Incident Investigation

Institution staff shall investigate any unusual occurrences or incidents that occur in the JVP worksite. The investigation shall be conducted in compliance with all departmental rules, regulations, and expectations.

#### 53140.30 Revisions

It is the responsibility of the JVPU Administrator, or designee to ensure that the contents of this Article are kept current and accurate.

#### 53140.31 References

PC §§ 2717.1 - 2717.8 and 2812.

CCR (15)(3) §§ 3084.1, 3084.7(m), 3097(a), (b), and (j), 3375, and 3480 - 3486.

GC § 14672.16(a).

C §§ 98.7, 1132.6, 1132.8, 2926 and 2927.

LC & TC §§ 7, 8, 17039, 17053.6, and 23036.

The Prison Inmate Labor Initiative, 1990, Proposition 139.

Federal Guidelines (Federal Register: April 7, 1999, Vol. 64, Number 66).

18 USC 1761(c).

41 USC 35(d).

DOM § 22040.21.

### ARTICLE 41 — INMATE MAIL

*Effective January 3, 1990*

*Revised July 26, 2008*

#### 54010.1 Policy

The California Department of Corrections and Rehabilitation (CDCR) encourages correspondence between inmates and persons outside correctional institutions/facilities. The sending and receiving of mail by inmates shall be uninhibited except as provided for in this Article. Mail shall be delivered to inmates, regardless of housing, unless it is: contraband per the California Code of Regulations (CCR), Title 15, Article 1, Section 3006; or is Disturbing or Offensive Correspondence, per CCR, Article 4, Section 3135, or excessive property per the Department Operations Manual (DOM), Chapter 5, Article 43, Inmate Property.

#### 54010.2 Purpose

The purpose of this Article is to provide guidelines for orderly processing of inmate mail and to give direction to staff, inmates, and their correspondents concerning institution/facility mail requirements.

#### 54010.3 Compliance

Correspondents are personally responsible for the contents of their mail. All persons corresponding with inmates must comply with existing laws, regulations, and local rules. Violations of law or the CCR, Title 15, Division 3, may be referred to the appropriate federal, State, or local authorities for proper disposition. Such violations may also result in the temporary suspension or the denial of correspondence between the involved parties. Each newly arrived inmate shall be promptly informed of all Department regulations and procedures governing inmate mail. Upon receipt at each subsequent institution, inmates shall be promptly informed of all institutional policies and procedures governing mail.

#### 54010.4 Definitions of Classes of Mail

##### First Class Mail

The United States Postal Services (USPS) regulations define First Class Mail as all matter wholly or partly in writing or typewriting, all actual and personal correspondence, all bills and statements of account, and all matter sealed or otherwise closed against inspection. The maximum weight for a First Class letter is 13 ounces.

All First Class Mail shall be delivered to the inmates as soon as possible, but not later than seven (7) calendar days from receipt of the mail from the Post Office.

##### Standard Mail

USPS regulations define Standard Mail as mail used for advertising mail, catalogues, and newsletters of a non-personal nature that are not required to be mailed as First Class Mail. The maximum weight for Standard Mail is 16 ounces. Standard mail used to be referred to as "Bulk Mail."

##### Periodicals

USPS regulations define Periodicals as a class of mail consisting of magazines, newspapers, or other publications formed of printed sheets that are published at least four times a year at regular, specified intervals (frequency) from a "known office of publication." Periodicals usually must have a list of subscribers and/or requesters, as appropriate.

##### Package Services

USPS regulations define Package Services as Parcel Post, bound Printed Matter, Media Mail, and Library Mail.

With the exception of Parole Clothes and third party special purchase health care appliances, inmates shall not be allowed to receive Package Services directly from personal correspondents. Packages containing parole clothes or third party special purchase medical assistive devices must be clearly marked with either "parole clothes" or "health care appliance" on the outside of the package. Personal correspondents do not include the Courts, Law Firms, County, State and Federal Agencies, Publishers, Bookstores, Book Distributors, etc.

All incoming packages, regardless of their contents or whom they are addressed to, shall be put through an x-ray machine to prevent the introduction of contraband into the institution.



All packages received in the mailroom that are addressed to an inmate shall be processed through Receiving and Release where they will be searched, inventoried, and issued to the inmate.

All appropriately addressed mail shall either be delivered to the inmate, or forwarded per the CCR Subsection 3133(f) and DOM Section 54010.25.

#### **54010.5 Paper, Envelopes, and Stamps for Indigent Inmates**

Indigent inmate means an inmate who has \$1.00 or less in their Inmate Trust Account for 30 consecutive days.

Upon an indigent inmate's request, writing paper, envelopes, a writing implement, and the postage required for five 1 ounce First Class letters per week shall be supplied. Indigent inmates shall only be given the supplies for five letters per week in accordance with DOM, Chapter 5, Article 43, Inmate Property.

Except as provided in CCR, Subsection 3138(h) and DOM Section 54010.5.2 for mail to the courts or to the Attorney General, indigent inmates may request to mail correspondence that weighs more than one ounce. Indigent inmates must relinquish the appropriate number of indigent envelopes to either their assigned Correctional Counselor or housing unit staff with the item to be mailed. If the item to be mailed weighs more than five ounces, the indigent inmate must relinquish all five indigent envelopes. Staff must forward the indigent envelopes with the item to be mailed to the mailroom with the notation that it is to be mailed for the indigent inmate. In order to facilitate this mailing, if requested, staff shall provide the indigent inmate with one appropriately sized envelope.

Foreign mail requiring postage in excess of the minimum required for First Class Mail shall be limited to two of the five letters.

Indigent envelopes issued to an inmate become their property. The inmate shall be allowed to utilize the envelopes regardless of current financial status. A charge shall not be placed against future deposits to the inmate's trust account to recover the cost of materials and postage provided while the inmate was indigent as defined above.

Indigent inmates desiring to correspond with their attorney or any other confidential correspondents per CCR, Section 3141, shall be required to utilize their weekly allotment of indigent supplies to send such correspondence.

#### **54010.5.1 Processing Request for Indigent Inmate Envelopes**

All inmate requests for indigent envelopes shall be authorized by the Institutional Inmate Trust Account Office.

Any inmate attempting to use a State issued envelope intended for an indigent inmate or found altering envelopes that were not issued to them, shall receive progressive discipline.

#### **54010.5.2 Postage for Indigent Inmates for Correspondence to the Courts and Other Persons as Required**

In addition to indigent writing supplies and postage for the five 1 ounce letters per week, indigent inmates shall have free and unlimited mail to any court or Attorney General's Office.

Upon request, institutions shall also provide indigent inmates free copying and postage of legal documents required by the court, plus one copy for the opposing party and one copy for the inmate's records.

If the case is accepted by the court, the need for future copies of legal documents and necessary postage will be evaluated on a case-by-case basis.

A charge shall not be placed against future deposits to the inmate's trust account to recover the cost of materials, copying, and postage provided, while the inmate was indigent as defined in DOM Section 54010.5.

#### **54010.5.3 Indigent Inmate Writing Supplies**

Each institution shall establish local procedures for the issuance of writing supplies to indigent inmates.

Indigent inmates shall be given no more than five indigent envelopes per week, and shall be given enough paper to allow them to send out five 1 ounce First Class letters per week. Inmates are not allowed to trade, transfer, or swap indigent inmate supplies with another inmate.

#### **54010.6 Recipient's Address**

All outgoing mail shall be properly addressed. It must contain the sender's name, Department identification number, and the return address designated by the institution for inmate mail (to include housing). It shall also contain the recipient's Name, Address, City, State, and appropriate zip code.

All incoming mail shall be properly addressed. Appropriately addressed mail shall include the inmate's name and Department identification number. The mail should also include the address designated by the institution for inmate mail. The receiving institution is required to update any mail piece that does not reflect accurate housing or institutional location.

Appropriately addressed, Standard Mail must be addressed to an individual inmate, showing their name, CDCR number, and the address for the applicable institution.

All appropriately addressed mail shall either be delivered to the inmate, or forwarded per CCR Subsection 3133(f) and DOM Section 54010.25.

#### **54010.7 Identifying Mail Originating from California State Prison**

All outgoing mail including, but not limited to, letters, packages, and parcels shall be clearly identified as originating from a California State Prison or Community Correctional Facility. Outgoing mail shall be stamped or labeled, utilizing black ink only, with block letters not exceeding one-quarter inch in height, and the stamp or label not exceeding two and one-half inches in width by one and one-half inches in height. The stamp or label shall read "California Department of Corrections and Rehabilitation."

#### **54010.8 Inspection and Reading of Incoming and Outgoing Mail**

All non-confidential inmate mail, incoming or outgoing, is subject to being read in its entirety by designated staff.

All non-confidential inmate mail that is "returned to sender" shall be opened and inspected before being returned to the inmate.

The only weight limits that can be imposed for incoming mail are outlined in DOM Section 54010.4.

All incoming mail shall be inspected for contraband prior to issuance. Mail shall only be disallowed if it violates CCR Sections 3006, 3135, any other applicable regulations, or DOM Sections 54010.13 and 54010.14.

Institutions shall not require incoming books, magazines, or newspapers to have an institution pre-approved "vendor approved" label affixed to the packaging. Per CCR Subsection 3133(b)(4), a departmentally approved vendor is any publisher, book store, or book distributor that does mail order business.

Books, periodicals, or other publications that are mailed from a religious organization bookstore shall be considered as coming from an authorized vendor.

#### **54010.8.1 Items Enclosed in Incoming First Class Mail**

In addition to the written word, such as letters, internet downloads, newspaper clippings, religious pamphlets or leaflets, or photocopies of written words, etc., First Class Mail can have the following items enclosed:

- Photographs.
- Calendars.
- Blank greeting cards (No 3-dimensional attachments or stamps).
- Postage embossed envelopes, maximum of forty.
- Blank envelopes.
- Writing paper/tablets (white or yellow lined only – no cotton paper).
- Typing paper (no cotton paper).
- Legal paper; to include colored paper required by court (no cotton Paper).
- Children's drawings.
- Forty postage stamps (unless there is a rate change; then the intent is forty stamps at the old rate and forty stamps at the amount needed to equal the new rate). Personalized postage stamps will not be accepted.

The weight limits for First Class Mail are outlined in DOM Section 54010.4. The size and quantity of items listed above is limited per DOM, Chapter 5, Article 43, Inmate Property.

Inmates may receive photographs in First Class mail in accordance with the exception of the following:

- All photographs must comply with the CCR Section 3006, and DOM Section 54010.14.
- Amount and size shall not exceed allowances specified in DOM, Chapter 5, Article 43, Inmate Property.
- Photo albums (available through the canteen and the Vendor Package Program).
- Photographs with attached backing are not permitted.
- Photographs framed in such a manner that they cannot be adequately searched are not permitted.
- Polaroid photographs are not allowed.
- Negatives are not allowed.
- Slides are not allowed.



Any unacceptable mail shall be immediately returned to sender with the envelope annotated "Unauthorized Mail, Return to Sender." Inmates shall be notified pursuant to CCR Section 3136.

#### 54010.8.2 Metered Envelopes in Correspondence

Per the USPS Domestic Mail Manual, Section 604, metered reply envelopes sent in with correspondence must adhere to the following conditions:

- The postage amount must be enough to prepay the postage in full.
- Indicia may be printed directly on the mail piece or on a label and must be positioned in accordance with 604.4.8.3 (Position of Indicum on Mail Piece). An applied label must meet the standards in 604.4.8.11 (Adhesive Tape of Label).
- Indicia used to prepay reply postage, except for Information Based Indicia (IBI) generated by a Personal Computer Postage system, must not show the date.
- IBI generated by a Personal Computer Postage System to prepay reply postage must show the date the licensee printed the indicium and must include the words "REPLY POSTAGE."
- The mail piece must be pre-addressed for return to the licensee. Prepaid reply mail is delivered only to the address of the licensee. When the address is altered, the mail is held for postage.
- Except for those Personal Computer Postage systems with the capability to print an address for the given class or size of mail piece, the address side of reply may be prepared by any photographic, mechanical, or electronic process or combination of such processes (other than handwriting, typewriting, or hand stamping). For those Personal Computer Postage systems with the capability to print destination addresses for the given size and class of mail piece, the address must be prepared using the Personal Computer Postage system.
- The words "NO POSTAGE STAMP NECESSARY POSTAGE HAS BEEN PREPAID BY" must be printed above the address.
- For bar-coded letter-size First Class Mail reply mail for all postage evidencing systems except Personal Computer Postage, a Facing Identification Mark (FIM) A may be used. For Personal Computer Postage, FIM D is required for prepaid reply when the indicium is printed directly on the mail piece.
- The address side must follow the style and content as described in this Section and shown in the illustration below. Nothing may be added except a return address, FIM, or bar-code.

This is the only type of Metered envelope that will be allowed to come in to any inmate with correspondence.

#### 54010.9 Inspection of Incoming and Outgoing Packages

All incoming packages addressed to an inmate shall be opened and inspected in the presence of the inmate. The contents of the package are inspected to record authorized personal property and to prevent the introduction of contraband.

Delivery by staff of packages and special purchases shall be completed as soon as possible, but not later than 15 calendar days, except during the holiday season and during lockdowns of affected inmates.

Packages shall be inspected pursuant to institutional policy. Packages shall be processed and issued from a designated distribution area. All outgoing packages shall be inspected for contraband prior to being sealed and mailed.

- When there is reasonable cause to believe the mail presents a threat to the security of the facility or the safety of persons, mailing or delivery may be delayed to allow for staff translation of the correspondence, if needed. When such delay exceeds 48 hours from the date received at the facility or from the date submitted for mailing by the inmate, the

inmate shall be promptly notified in writing of the delay, the reason for the delay, and all subsequent determinations and actions regarding that item of mail.

#### 54010.10 Internet Downloaded Material, Electronic Mail Correspondence, and Newspaper Clippings

Inmates may receive First-Class Mail containing newspaper clippings, Internet downloaded articles, photocopies of clippings/articles, or electronic mail (e-mail). Prior to issuance, they shall be reviewed to ensure that they comply with CCR Sections 3006, 3135, and DOM Sections 54010.14 and 54010.15.

#### 54010.11 Certified Mail

Certified mail that is received at the institution can be signed for by institutional staff since the USPS designates them as the agent of record. However, the person to whom the Certified mail is addressed must sign for delivery before receiving the mail piece.

#### 54010.12 Confidential Correspondence

Confidential correspondence is a right guaranteed by law. Using confidential correspondence for personal non-business correspondence, the transmission of contraband items, or the smuggling of letters and other communications to be forwarded to persons not listed in DOM Subsection 54010.11 is an abuse of this right and such proven abuse shall be subject to legal, administrative, and disciplinary action.

Confidential Correspondents will not be limited to First Class mail standards. Mail received from confidential correspondents will be processed regardless of weight or postage class.

#### 54010.12.1 Persons with Whom Inmates May Correspond Confidentially

Persons and employees of persons with whom inmates may correspond confidentially, and receive correspondence confidentially from, include:

- All state and federal elected officials.
- All state and federal officials appointed by the governor or the President of the United States.
- All city, county, State, and federal officials having responsibility for the inmate's present, prior, or anticipated custody, parole, or probation supervision.
- County agencies regarding child custody proceedings, as clearly identified in the communication and listed on the envelope.
- All state and federal judges and courts.
- Any attorney at law, on active status or in good standing, listed with a state bar association.
- All officials of a foreign consulate.
- The Secretary, Undersecretary, Chief Deputy Secretaries, Executive Director, Assistant Secretaries, Division Directors, Associate Directors, the Chief, Inmate Appeals, and the Lead Ombudsman's Office of the Department.
- A legitimate legal service organization that consists of an established group of attorneys involved in the representation of offenders in judicial proceedings that includes, but not limited to:
  - The American Civil Liberties Union.
  - The Prison Law Office.
  - The Young Lawyers Section of the American Bar Association.
  - The National Association of Criminal Defense Lawyers.
  - California Appellate Project.

Per DOM Subsection 54010.11, all incoming confidential mail from an attorney or legal service organization shall include the attorney's name, title, and return address of their office.

Institution mailroom staff shall contact the CDCR, Office of Legal Affairs, if there is any question regarding the legitimacy of a legal service organization.

#### 54010.12.2 Processing Outgoing Confidential Mail

In order to be accepted and processed as confidential correspondence, an inmate's letter shall comply with the following requirements:

- The letter shall be addressed to a person, official, or office listed in Subsection 54010.11.
- The address of the attorney must match the address listed with the State Bar.
- The inmate's full name, Department identification number, and address of the facility shall be included in the return address appearing on the outside of the envelope.



The word "Confidential" shall appear on the face of the envelope. Mail received in the mailroom without this notice of confidentiality shall be processed as regular mail. If for any reason the mail cannot be processed as regular mail, it shall be returned to the sending inmate.

Inmates shall post confidential mail by presenting the mail unsealed to designated staff. In the presence of the inmate, the staff shall remove the contents of the envelope upside down to prevent inadvertent reading of the contents. Staff shall remove the pages and shake them to ensure the absence of prohibited material. If no prohibited material is discovered, the contents shall be returned to the envelope and sealed. Staff shall place their signature, badge number, and date across the sealed area on the back of the envelope. Staff shall then deposit the confidential mail in the appropriate depository.

If prohibited material is found in the confidential mail, the prohibited material shall be confiscated; however, the letter may be returned to the inmate or mailed following the process outlined above. If the prohibited material indicates a violation of the law or intent to violate the law, the matter may be referred to the appropriate authorities for possible prosecution. Administrative and/or disciplinary action shall also be taken against all parties involved.

It is the responsibility of staff to transport inmate mail to the appropriate depository as designated by the Warden.

#### 54010.12.3 Processing Incoming Confidential Mail

Incoming letters must show the name, title, return address, and office of persons listed in Subsection 54010.11 on the outside of the envelope for them to be processed as confidential correspondence. An attorney's return address must match the address listed with the State Bar. A notice of or a request for confidentiality is not required. Letters that are appropriately addressed with a return address that indicates it is from any of the persons or employees of persons outlined in Section 54010.11 shall be processed and treated as confidential correspondence whether or not they are stamped as such. Designated staff shall open the letter in the presence of the addressed inmate at a designated time and place. Staff shall remove the contents of the envelope upside down to prevent inadvertent reading of the contents. Staff shall remove the pages and shake them to ensure the absence of prohibited material.

Inmates shall sign for all confidential mail at the time of delivery. This shall be accomplished by use of a permanent log book or use of receipts. If receipts are used, the receipts shall be forwarded to the mailroom for filing. The log book, at a minimum, must record the date of delivery, the inmates name and departmental identification number, and the senders name and address.

#### 54010.12.4 Confidential Enclosures

Newspapers, published articles, pamphlets, books, etc., enclosed in confidential correspondence shall not be treated as confidential mail and shall be handled as outlined below.

#### 54010.12.5 Examination of Enclosures in Confidential Correspondence

The inmate may consent to an immediate examination of the enclosure by staff who issues the mail. Such examination shall be limited to the extent necessary to determine if the enclosure may be safely admitted into the institution/facility under the standards of CCR Sections 3006, 3134, 3135, and 3145, or DOM Sections 54010.8.1, 54010.13, and 54010.14. If the enclosure can be safely admitted into the institution/facility, it shall be given to the inmate. If, in the examiner's opinion, the enclosure does not meet the standards of CCR and cannot be safely admitted into the institution/facility, it shall be referred to staff at not less than the Correctional/Facility Captain level for final determination. If the enclosure is not released to the inmate at this level, the process outlined in DOM Section 54010.15 shall be followed and the inmate shall be allowed to return the enclosure to the sender or dispose of it pursuant to CCR Section 3191(c).

#### 54010.12.6 Inmate Declines Consent for Examination of Confidential Enclosures

The inmate may decline to consent to examination of enclosures in confidential mail by any staff. When this occurs, the enclosure shall be immediately placed in an envelope and sealed in the presence of the inmate. The separate envelope will, at the inmates choosing, be returned to the sender with the mailing cost charged to the inmate's trust account, or disposed of pursuant to CCR 3191(c). The inmate is entitled to keep the letter or correspondence and the envelope it came in.

#### 54010.12.7 Restriction of Confidential Mail Privileges

Administrative action may be taken to restrict, for cause, the confidential mail privileges afforded to an attorney based upon the information contained in this Article. The confidential mail privilege may be a statewide

suspension for any offense that could be prosecuted as a felony. Only the Secretary or his/her designee shall issue a statewide suspension of confidential mail privileges.

A first offense of a non-serious mail rule violation of the Department's mail regulations shall result in a written warning or up to a six-month suspension of the attorney's confidential mail privileges.

A second offense of a non-serious mail rule violation shall result in modification/suspension of confidential mail privileges for a period of up to 12 months.

A third offense of a similar nature and/or a first offense that could be charged as a felony that jeopardizes the safety of persons or the security of the facility, shall result in confidential mail privileges being suspended for a minimum period of one year or beyond for an indefinite period.

The attorney must petition the Warden or Secretary for reinstatement of his/her confidential mail privilege.

#### 54010.13 Staff Confidentiality Requirements

Any person who examines the content of mail under the authority of this Article or in connection with an appeal by an inmate of a ruling under this Article shall keep the content of the examined material in strict confidence.

No original, copy, excerpt, or summary of personal correspondence to or from an inmate shall be made or be placed in an inmate's C-file unless such correspondence is or has been the subject of:

- Legal, disciplinary, criminal investigation, or casework determination and actions affecting the inmate.
- When the recipient of an inmate's disturbing or offensive mail corresponds with the facility and requests administrative action subject to CCR Section 3135.
- If an inmate requests that a copy of personal correspondence be placed in their C-file and the inmate's caseworker deems it appropriate to do so based on the relationship of the correspondence to the inmates incarceration.

#### 54010.14 Correspondence that is Offensive/Threatening/Contains Security Concerns

Non-confidential correspondence may be disallowed if the text of such correspondence presents a danger or a threat of danger to any person or place. The authority to disallow such correspondence shall not be delegated below the level of Correctional/Facility Captain.

Disagreement with the sender's or receiver's morals, values, attitudes, veracity, or choice of words shall not be cause for correctional staff to disallow mail. Correctional staff shall not challenge nor confront the sender or receiver with value judgments.

Certain correspondence, including but not limited to the following, is disallowed, regardless of values or morals in order to ensure the safety and security of the institution/facility:

- Any mail of a character tending to incite murder, arson, a riot, or any form of violence or physical harm to any person or any ethnic, gender, racial, religious, or other group.
- Threatens blackmail or extortion.
- Contraband, or sending or receiving contraband.
- Concerns plans to escape or assist in an escape.
- Concerns plans to disrupt the order, or breach the security of any institution/facility.
- Concerns plans for activities which violate the law, these regulations, or local procedures.
- Contains coded messages.
- Describes the making of any weapon, explosive, poison, or destructive device.
- Contains illustrations, explanations, and/or descriptions of how to sabotage or disrupt computers, communications, or electronics.
- Contains maps depicting any area within a ten-mile radius of an institution/facility.
- Contains gambling or lottery information or paraphernalia.
- Contains obscene material in nature as described in Section 54010.14.
- Contains human or animal hair, substances, or fluids.

#### 54010.15 Obscene Material

Inmates shall not possess or have under their control, obscene material and/or mail containing information concerning where, how, or from whom obscene material may be obtained.



Obscene material means catalogs, advertisements, brochures, and/or material taken as a whole, which to the average person applying contemporary statewide standards, appeals to the prurient interest. It is material which taken as a whole, depicts or describes sexual conduct, and when taken as a whole, lacks serious literary, artistic, political, or scientific value.

Additionally, material is considered obscene when it appears from the nature of the matter or the circumstances of its dissemination, distribution, or exhibition that it appeals to deviant sexual groups.

Material subject to the test of the above includes, but is not limited to:

- Portrays sexually explicit materials, which are defined as materials that show frontal nudity including personal photographs, drawings, and magazines and pictorials that show frontal nudity.
- Portrays, displays, describes, or represents penetration of the vagina or anus, or contact between the mouth and genitals.
- Portrays, displays, describes, or represents bestiality, sadomasochism, or an excretory function, including urination, defecation, or semen.
- Portrays, displays, describes, or represents the nudity of a minor or person who appears to be under 18 years old.
- Portrays, displays, describes, or represents conduct that appears to be non-consensual behavior.
- Portrays, displays, describes, or represents conduct that appears to be forceful, threatening, or violent.
- Portrays, displays, describes, or represents conduct where one of the participants is a minor, or appears to be under 18 years old.

#### 54010.16 Notification to Inmates of Disapproval-Mail/Packages/Publications and Disposition of Undelivered Mail

Disapproved material that is in clear violation of CCR Sections 3006, 3135, 3139, and 3135 or DOM Subsections 54010.11, 54010.13, 54010.14, and 54010.21 shall be referred to staff not below the level of Correctional/Facility Captain for determination and appropriate action. Disapproval of material that is not in clear violation of the above noted CCR and DOM sections shall be referred to the Warden, but not lower than the Chief Deputy Warden, for determination and appropriate action. The CDCR Form 1819, Notification of Disapproval-Mail/Packages/Publications, shall be utilized by each institution/facility when incoming or outgoing mail/packages/publications addressed to or being sent by an inmate are withheld or disallowed. Additionally, in accordance with CCR, Subsection 3134(i), the CDCR Form 1819 informs the inmate of the reason, disposition, name of official disallowing the mail/package/publication, and the name of the official to whom an appeal can be directed.

When inmate mail is disapproved based on the criteria established in CCR Section 3006 and 3135, DOM Subsection 54010.8.1, or DOM Section 54010.13 and 54010.14, a copy of the CDCR Form 1819 and the supporting document(s) (e.g., a photocopy of representative pages) shall be retained by each institution/facility for a minimum of seven years for litigation purposes.

After seven years if the material is not needed it shall be destroyed.

If a lawsuit has been filed as a result of mail being disapproved, the CDCR Form 1819 and the supporting document(s) will be retained for two years from the conclusion of the suit.

It is noted that a publication can be a book, magazine, newspaper, or periodical.

#### 54010.17 Non-English Language Mail

Correspondence in language other than English to or from an inmate is subject to the same regulations governing all other mail and may be subject to a delay for translation of its contents by staff.

When such delay exceeds normal mail processing by five business days, the inmate shall be notified in writing of the delay, the reason for the delay, and subsequent determinations and actions regarding that item of mail.

If staff is unable to translate the letter and its contents within 20 business days of notice to the inmate, then the letter shall be delivered to the inmate untranslated.

#### 54010.18 Funds Enclosed in Correspondence

Funds may be mailed to an inmate in the form of:

- Money order.
- Certified check.
- Personal check.
- Any other negotiable means except cash and Travelers Checks.

The check or money order shall be made payable to the California Department of Corrections and Rehabilitation with the inmate's last name and Department identification number. This information shall be on the face of the check or money order.

The following restrictions apply:

- Funds from other inmates/parolees shall be only accepted from approved correspondents who are members of the same family, or the parent of the inmate's child(ren).
- Funds received in the mail shall be removed from the envelope by mailroom staff and processed as follows:
  - Staff shall ensure that the inmate's name and Department identification number are on the check or money order. Staff shall, if necessary, make every effort to affix the information to the front of the check or money order. The institution/facility endorsement stamp shall be placed on the back of the check or money order.
  - The envelope shall be imprinted with a stamp that reads "Funds enclosed." The date, amount, and initials of the person processing the funds shall be recorded on the envelope before it is forwarded to the inmate.
  - The stamped envelope is the inmate's receipt for the funds.
  - Cash shall not be accepted for an inmate.
  - Cash received in incoming mail will be returned to the sender. Mailroom staff shall complete a memorandum for disallowed cash money to the inmate, informing them that cash was received and will be returned to sender. The envelope containing the cash and two copies of the memo will be forwarded to the Inmate Trust Office. The two copies of the memo shall be folded around the envelope and held in place with a rubber band/paperclip. The information in the center of the form shall be clearly visible to the reader. The Inmate Trust Office will process the cash and mail per current departmental policy.
  - Mailroom staff shall arrange the day's remittances in numerical order. The remittances shall be listed in sequence on the report of collections. This report shall include each inmate's name, Department identification number, type of payment (check, money order), amount, and the total received.
  - The report shall be prepared in triplicate and distributed with the original and secondary copies sent to the Inmate Trust Office, and the triplicate retained in the Mailroom.

#### 54010.18.1 Receipt of Social Security/Welfare/Tax Refund Checks

Generally, inmates are not eligible to receive Supplemental Security Income (SSI) checks from the Social Security Administration, Veteran Affairs Benefits, or Welfare checks from the California Department of Social Services/County Welfare agencies. Depending upon eligibility, inmates may be allowed to receive tax refund checks.

A facility representative shall be appointed by the Associate Warden, Business Services, to assist outside agencies in determining an inmate's eligibility.

Mailroom staff shall deliver all received SSI, Veteran Affairs Benefits, and/or welfare and/or tax refund checks to the Inmate Trust Office. The Accounting Officer shall notify the facility representative that checks are being held pending determination of eligibility of the inmates to receive the checks.

The facility representative shall contact the appropriate agency.

Unauthorized checks shall be returned to the appropriate agency.

#### 54010.18.2 Receipt of U.S. Government Checks for Deceased or Discharged Inmates

When a U.S. Government check is received for an inmate who is deceased or discharged from CDCR, the following shall occur:

- The check and envelope shall be returned to the sending agency with the necessary information shown as to the inmate being deceased or discharged.

#### 54010.18.3 Receipt of U.S. Government Checks for Transferred or Paroled Inmates

If an inmate has been transferred to another institution/facility, the check shall be forwarded including a note requesting the inmate to notify the state or federal agency of their change of address. Mail received for inmates who have been paroled shall be forwarded to the office of the parole region to which the inmate was released, or if unable to locate the parolee, the check should be returned to the originating state or federal agency.