



North Carolina "DAC"

## Division of Prisons Policy and Procedure

Chapter D .0300

Offender Use of the Mail

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### References

5<sup>th</sup> Edition Standards for Adult Correctional Institutions

### Related ACA Standards

5-ACI-7D-01, 5-ACI-7D-02, 5-ACI-7D-03,  
5-ACI-7D-05, 5-ACI-7D-06, 5-ACI-7D-07,  
5-ACI-7D-08, 5-ACI-7D-09, 5-ACI-7D-10

### North Carolina General Statute (NCGS)

none

### .0301 PURPOSE

It is the policy of the North Carolina Department of Adult Correction (NCDAC), Division of Prisons (DOP) to permit offenders to correspond with family, friends, officials and other significant government officials consistent with the safety and security needs of each facility. *The purpose of this policy is to describe the procedures that will be used by DOP staff to process offender correspondence and packages (5-ACI-7D-01).* Policy and procedures will be reviewed annually and updated as necessary.

The procedures for processing publications received from publishers or community contacts are addressed in DOP Policy D.0100, Publications Received/Possessed by Offenders.

### .0302 GENERAL

- (a) The Warden will be responsible for developing and implementing facility mail procedures consistent with this policy and provide appropriate notices to offenders concerning these procedures. The facility procedures must be reviewed annually and updated as necessary to assure compliance with current DOP policy.
- (b) The Deputy Secretary of Prisons or designee may modify these procedures based on the security considerations of a particular situation.

### .0303 CORRESPONDENCE

#### (a) Personal mail

- (1) Definition: Any mail to or from an offender that is not defined in D.0303 (b), (c), or (d). Correspondence includes letters, greeting cards, photographs (other than photographs contained in published books, newspapers, or magazines), photographic drawings, etc. Other materials received from Publishers, such as hardback and paperback books, newspapers and magazines, are handled under

Chapter D.0100, Publication Received/Possessed by Offenders. Personal Property received in the mail is handled under Chapter F.0500, Offender Personal Property.

- (2) Indigent Offenders – *Postage for personal mail from indigent offenders shall be limited to the cost of 10 first-class one-ounce letters per month per indigent offender (5-ACI-7D-03).* Postage for personal mail from offenders without funds will be paid using the Offender Welfare Fund provided the offender meets the requirements of being indigent. There is no limit on the volume of letters an indigent offender may receive.
- (3) Non-Indigent Offenders – There is no limit on the volume of letters non-indigent offenders may receive or send when they bear the cost of mailing.

~~(b)~~ Legal Mail

- (1) Definition: Mail to and from attorneys, paralegals working at the direction of attorneys, state and federal courts, the Attorney General of the United States or the Attorney General of North Carolina, the judiciary, the Industrial Commission, consular officials, or legal aid services. Mail from justice-related Boards and Commissions, such as the Juvenile Sentencing Review Board, the Inmate Grievance Review Board, and the Innocence Inquiry Commission, is also legal mail.
- (2) Postage for legal mail from indigent offenders will be paid from the Offender Welfare Fund *through OPUS/IBS (3PI transaction)* provided the offender is indigent. No other eligibility requirements apply to postage for legal mail. The 10-letter limitation on personal mail for indigent offenders does not apply to legal mail.

(c) Department of Adult Correction Officials

- (1) Definition: The Secretary of Adult Correction, the Chief Deputy Secretary of Adult Correction, the Deputy Secretary, the Assistant Commissioner, any member of the Inmate Grievance Resolution Board or its staff, the Post-Release Supervision and Parole Commission or its staff, or any official of the Department of Adult Correction in the chain of command above the Warden of the facility to which the offender is assigned, are defined as NCDAC officials.
- (2) Mail to NCDAC officials will be accepted within the NCDAC interoffice mail system (facility mail, bus mail, courier mail) without postage.

(d) Other Government Officials

- (1) Definition: Any member of the Congress of the United States or any member of the General Assembly of North Carolina; the President of the United States or the Governor of North Carolina; the Director or any agent of the Federal Bureau of Investigation.

- (2) Mail to other government officials will be considered as personal mail for the purpose of postage.

**.0304 CONTENT AND STRUCTURE OF INCOMING AND OUTGOING MAIL**

- (a) *When the offender bears the mailing cost, there is no limit on the length, language, content, or source of mail for any offender except when there is reasonable belief that limitation is necessary to protect public safety or institutional order and security (5-ACI-7D-02).*
- (1) Correspondence between offenders is generally prohibited. This general prohibition includes offenders housed in any correctional facility (Federal prisons, county jails, prisons in other states etc.) that seek to correspond with offenders housed in DOP facilities. Correspondence between offenders can be approved by both wardens involved when the offenders are immediate family members or if another compelling reason for the correspondence is presented. Legally married offenders may still correspond with each other as immediate family members, subject to the same rules that apply to all other offender correspondence. The approval process for offender-to-offender correspondence requests, when both are housed in a DOP facility, is handled through use of the appropriate OPUS screens. Any request for correspondence between offenders must be entered into the appropriate OPUS screens in the Offender Control Status (ISS) module.
- (2) An individual offender's privilege to write to a particular person or persons may be withdrawn, by the Warden of the correctional facility to which the offender is assigned, upon request of the recipient or if the recipient is a minor, at the request of their parents or legal guardian. Writing privileges also may be terminated for any of the reasons stated in Section .0305 (d) (1) of this policy. The reason for withdrawal must be stated in a written notice to the offender that should refer specifically to the letters previously returned.
- (b) Letters to or from offenders may be typewritten, printed, or written legibly in longhand.
- (c) Letters from offenders must have their full name and OPUS number and the return address of the facility in the upper left-hand corner of the envelope.
- (d) It is the purpose of the mail policy to protect citizens in the community from offensive or threatening letters and prevent criminal activities and escape plots from developing through correspondence. To accomplish this, it is the responsibility of each facility mail room to stamp the outside of each piece of outgoing offender mail (including packages) with the name of the correctional facility (e.g.; mailed from Columbus Correctional Institution). The stamp should be affixed to the front of the envelope above the address and between the return address the postage stamp.
- (e) Letters to offenders should be addressed so that the full name, offenders OPUS number and the name of the correctional facility the offender is housed at appears on the envelope

as well as the address to the third-party mail processing center. The offender shall instruct their correspondents to use the correct address as posted on the offender bulletin boards. The person sending mail to an offender should be identified in the return address space on the envelope. It is the responsibility of the offender to advise their correspondents of this requirement.

(f) Non-English Correspondence

- (1) Generally, letters to and from an offender should be written in English. However, correspondence not written in English does not, in and of itself, create reason to believe it threatens security.
- (2) Exceptions shall be made for an offender or a person writing to an offender if either is determined to be unable to read or write in English, unless the Warden has reason to believe that the correspondence falls into one of the categories set forth in D .0305 (d)(1).
- (3) If the Warden has reason to believe the content of the correspondence falls into one of the categories listed in D .0305 (d)(1), immediate action shall be taken to obtain an accurate translation by any means available, including access to local resources such as departmental staff, volunteers, high schools, community colleges, universities, and foreign language associations.
- (4) Correspondence not written in English should not be prohibited based on the ability of the offender or person writing the offender to read or write in English. The determinative factor should be whether or not the content of the correspondence falls into one of the categories set forth in D .0305 (d)(1).

(g) Pen Pals

A pen pal refers to an offender who is in regular correspondence with a non-incarcerated person. Offenders are permitted to correspond with pen pals, subject to the same rules that apply to all other offender correspondence.

**.0305 PROCESSING INCOMING AND OUTGOING MAIL**

(a) Processing

- (1) DOP incoming personal mail will be processed via a third-party mail processing company. All facilities will post the address of the third-party mail processing centers on the offender bulletin boards. Offenders and visitors will be provided with the address of the processing company. It will be the offender's responsibility to notify family, and friends of the appropriate mailing address for the processing center. All facilities will include this information in the offender orientation packet. Facilities will not accept or process any personal correspondence sent directly to the prison address.
- (2) Offender legal mail will be handled according to DOP policy G .0200, Court Related Procedures.

- (3) The mail-processing company will scan incoming personal mail to include the outside of the envelope into a database. The company will process and deliver scanned mail to facilities daily from Monday – Friday with the exception of holidays and weekends.
  - (A) Any envelope without complete or missing information either for the sender or for the offender will be rejected and returned to sender unopened without exception. If the sender is unable to be determined, the envelope will be discarded.
  - (B) The offender's family and friends can create and send electronic letters, greeting cards, photos, and drawings from their children at an affordable cost online by visiting the mail-processing centers website.
  - (C) All original mail will be retained for 30 days, after which it will be securely shredded unless otherwise instructed by the DOP. Family members who wish to obtain their original letter may do so for a fee of \$2.50 as provided by the vendor's website (TextBehind.com). After 30 days of the original receipt date all contents of any letter will be shredded.
- (4) Once the mail has been scanned into the database, it will be sent digitally to the housing facility the offender is currently assigned.
- (5) The facility will review incoming personal mail digitally and approve or disapprove said mail.
- (6) Once approved, the mail will be printed and delivered to the offender daily. Each facility will develop a delivery time and schedule.
- (7) Facility intelligence staff will screen personal mail to all offenders that are validated as a security risk group or any offender being investigated before being delivered to the offender.
- (8) The offender and addressee will receive a right to appeal notice on all disapproved mail.
- (9) The mail-processing center will not accept legal mail, postage stamps, books, magazines, religious items, money orders, checks, gift cards, or cash sent in the mail. The unacceptable items will be returned to the sender.
- (10) Monitoring Procedures for Validated Security Risk Group Members & Individuals:

All incoming and outgoing mail (except legal mail) should be read by the Warden, Facility Intelligence Officer or designee. Such mail shall be subject to rejection, non-delivery, and photocopying by the Warden/designee if it threatens

the safety of staff, facility, offenders, or the community. Legal mail should be managed according to existing DOP policy and procedures.

(b) Delivery

- (1) ***The Warden will ensure that except for weekends, holidays, and emergency situations all incoming and outgoing mail is held no more than 48 hours and no more than 72 hours for packages (5-ACI-7D-09).*** For the purpose of this policy, emergency situation refers to any significant disruption of normal operation due to riot, fire, natural disaster, or other serious incident.
- (2) For the purpose of identifying addresses and location, Combined Records maintains an offender's record based on the name of the offender when the offender was first committed to the custody of the Department of Adult Correction. The alias screen on OPUS contains other names used by the offender, including legal name changes. Offenders that have legally changed their name can receive incoming mail and send outgoing mail with the legally changed name and the offender's OPUS number OR with the legally changed name and the offender's committed name. By searching OPUS records, DOP finds that even though using either the OPUS number or committed name is allowable, the most efficient manner of sending and receiving mail is listing the offender's legally changed name and committed name. Facility mailroom staff should use this information in order to identify the intended recipient.
- (3) If the offender name is incomplete such that the offender cannot be located in OPUS, the mail will not be opened. This mail will be returned to the sender.
- (4) ***Transferred/Released Offenders (5-ACI-7D-10)***
  - (A) If mail arrives at the facility for a released offender, to include mail received from the processing center, the mail must be forwarded to the offender's release address as it appears on the Offender Release Plan screen in OPUS on the web. Any cost incurred for the forwarding of mail for released offenders shall be handled through the Offender Welfare Fund.
  - (B) If the offender has transferred to another facility, the sending facility shall forward the mail to the receiving facility using the NCDAC interoffice mail system (facility mail, bus mail, courier mail) within 24 hours of the original receipt of the mail excluding weekends, holidays, or emergency situations as outlined in section .0305 (b)(1).
  - (C) If the offender is temporarily absent (out to court, treatment, etc.) the facility shall print out and/or hold the offender's mail until the offender returns. Upon the offender's return, the mail should be delivered within the time frames as outlined in section .0310(a)(1)

**(c) Inspection**

- (1) *The Warden shall provide for the inspection of all incoming mail by mailroom staff. The Warden may also provide for the inspection of outgoing mail (5-ACI-7D-05). The inspection shall serve to prevent the offender from receiving or sending through the mail any material that threatens to undermine the security and order of the facility or mail that contains contraband or other material which cannot be lawfully sent through the mail. The facility mailroom staff should inspect letters and packages to intercept money orders, cash, and checks (5-ACI-7D-07).*
- (2) *Personal Mail is read, censored, or rejected based on legitimate institutional interests of order and security (5-ACI-7D-05).*
- (3) *Legal Mail from offenders may be inspected by correctional staff for contraband in the presence of the offender prior to being sealed. If there is any question as to whether an addressee fits the definition of legal mail, the letter/package may be held for not more than 24 hours to resolve the question (5-ACI-7D-06).*
- (4) *Legal mail addressed to an offender may be opened by correctional staff in the presence of the offender unless waived in writing by the offender, or in circumstances which may indicate contamination. Correctional staff will ensure that the contents of letters from these persons are free of contraband and are, in fact, official or legal correspondence from the person whose name and return address appears on the outside of the envelope or package. The correspondence shall not be read beyond what is necessary to make this determination (5-ACI-7D-06).*
- (5) *Mail to NCDAC officials may be inspected by correctional staff in the presence of the offender before being sealed to inspect for contraband, unless waived in writing by the offender, or in circumstances which may indicate contamination (5-ACI-7D-06).*
- (6) *Mail from NCDAC officials may be opened and inspected by correctional staff in the presence of the offender (5-ACI-7D-06).*
- (7) *Mail to and from other government officials may be inspected and/or opened as outlined in section D .0305 (c)(5) & (6) (5-ACI-7D-06).*

**(d) Censorship**

- (1) The Warden or designee may prohibit an offender from sending or receiving any item of personal mail if the content of the item contains any material that threatens to undermine the security and order of the facility, or the mail contains contraband or other material which cannot be lawfully sent through the mail. The reasons for censorship are:

- (A) The mail contains threats of physical harm against any person or threats of criminal activity.
- (B) The mail threatens blackmail or extortion.
- (C) The mail concerns sending contraband in or out of the correctional facility including stamps, or cash or stickers.
- (D) The mail concerns plans to escape;
- (E) The mail concerns plans to violate departmental rules and policies necessary to maintain security and control;
- (F) The mail concerns plans for criminal activity or violations of state or federal laws;
- (G) The mail concerns information that if communicated would create a clear and present danger of violence and physical harm.
- (H) The mail contains sexually explicit material which by its nature or content poses a threat to the security, good order, or discipline of the institution or facilitates criminal activity. Sexually explicit materials are defined as pictorial depictions of sex acts involving any person of any age, written depictions of sex acts involving violence, sadomasochism, sex with animals, or sex with any person who is under age 18 (or, if the person's age is not stated in the text, who could reasonably be thought to be under age 18). The term sex acts means actual or simulated sexual acts, including sexual intercourse, oral sex, or masturbation. In addition, pictorial materials which depict exposed full-frontal view of uncovered human genitalia, exposed genitalia from the rear or the female breast are specifically deemed to be a threat to institutional order, security and safety and a threat to offender rehabilitation and are prohibited. This prohibition shall not apply to patently medical, artistic, anthropological or educational commercial publications, including but not limited to National Geographic, works of art displayed in public galleries, i.e., Art News, anatomy texts or comparable materials. Procedures for publications which contain sexually explicit photographs are addressed in DOP policy D .0100, Publications Received/Possessed by Offenders.
- (I) The mail contains photographs which in any way supports, incites, promotes, encourages or advocates any type of gang activity. Procedures for publications received from a publisher which contain pictorials, writings or sign gang language or insignia are addressed in DOP policy D .0100, Publications Received/Possessed by Offenders.



- (2) ***Disapproval letters must be sent to both the offender and the outside addressee/sender (5-ACI-7D-05).*** Both the offender and the outside addressee/sender will have appeal rights. Using the Disapproval Letter at the end of this policy (attachment #1), a letter must be sent to the offender and one to the outside addressee/sender informing them of the reason for censorship as listed in D .0305 (d)(1) in writing within twenty-four (24) hours. The offender and outside addressee/sender shall be informed that they may appeal the decision to withhold correspondence by presenting written arguments to a committee appointed by the Director of Operations to resolve the issue. The offender and outside addressee/sender shall be allowed ten (10) days from the date they receive written notice of the correspondence being prohibited in which to appeal to the Deputy Secretary's Correspondence Review Committee. The offender and outside addressee/sender are given the notice of the decision and appeal rights.
  - (3) The Deputy Secretary's Correspondence Review Committee need not meet formally to approve or disapprove the correspondence, but each member will be consulted as to their opinion before a final decision is reached. The Deputy Secretary's Correspondence Review Committee shall make its final decision within thirty (30) days of the date the offender's appeal is received. In instances where the offender or addressee/sender fails to appeal the decision made by the Warden or where the Deputy Secretary's committee determines the content of the correspondence falls into one of the categories listed in D .0305 (d)(1) then the correspondence shall be handled like any other personal property that the offender is not entitled to have in their possession as outlined in the DOP policy F .0500, Offender Personal Property.
  - (4) The Deputy Secretary's Correspondence Review Committee may reverse the decision to withhold mail from the offender. The offender and addressee/sender along with the Warden will be copied on the Deputy Secretary's Correspondence Review Committee decision of appeal using the letter at the end of this policy (attachment #2).
- (e) Disposition of Mail or Items within the Mail
- (1) ***Should inspection of the mail determine that any unauthorized item is being mailed out by an offender or mailed to an offender, the Warden may authorize everything in the envelope be considered unauthorized. Unless otherwise noted, unauthorized items found will be confiscated in accordance with F.0800 Contraband Control (5-ACI-7D-08).***
  - (2) Mail to an offender that appears to be from another offender as described in D .0306(a) shall be inspected to determine through OPUS if approval has been given. If no approval has been given, the mail shall be returned to the Warden housing the offender who sent the mail. The facility where the sending offender is housed shall investigate and take appropriate action.

- (3) Mail to an offender that contains Federal or State income tax refund checks shall be researched thoroughly to determine if the offender was or was not incarcerated for the tax period shown on the check. If there is any question, the facility shall log the check and place it in the safe and not deposit the check until a determination is made by contacting the Internal Revenue Service or the State Revenue Department. Federal or State income tax refund checks for offenders who are or have been on Work Release shall be logged and mailed to NCDAC Work Release Accounting for deposit to the offender's Work Release account.
- (4) Postage Stamps - may not be sent to offenders enclosed through outside personal mail. Postage Stamps that are enclosed in incoming personal mail shall be removed and logged into IBS and returned to the sender with a form letter describing mail procedures. The offender will receive a copy of the form letter. If there is no return address or if the stamps mailed out are returned to DOP because of an incorrect address, the stamps are removed and the value of them logged into IBS as contraband and log them out of IBS to the facility mailroom for use as indigent postage. The other contents of the envelope shall be given to the offender. Stamps that are concealed or hidden within mailed items in an attempt to avoid detection shall prompt an investigation and appropriate disciplinary action.
- (5) Money – Outside personal mail containing funds (i.e. cash, money order, cashiers check or certified check) is not permitted. Funds enclosed in incoming personal mail shall be removed and logged into IBS and returned to the sender with a form letter describing JPAY procedures. The offender will receive a copy of the form letter. If there is no return address or if the funds mailed out are returned to DOP because of an incorrect address, the funds shall be deposited to the IBS Contraband Account, which shall be swept to the Offender Welfare Fund. The other contents of the envelope shall be given to the offender. Funds that are concealed or hidden within mailed items in an attempt to avoid detection shall prompt an investigation and appropriate disciplinary action. The proper handling of funds will be followed in accordance with DOP Trust Fund procedures.
- (6) Social Security or Supplemental Security Income checks. See Offender Banking Manual for procedures on returning Social Security and Supplemental Security Income Checks.
- (7) Veteran's Compensation checks – Limitations on payment of Veteran's Compensation checks to offenders incarcerated for conviction of a felony are addressed in Title 38 of the United States Code, Section 3113. The following guidelines shall be used to handle veteran's benefits checks received by an offender:
  - (A) Deposit the check in the offender's trust fund following existing procedures.
  - (B) Send a letter with the following information to V. A. Regional Office,

251 North Main Street, Winston Salem NC 27155.

- (i) Date of Conviction
- (ii) Date of initial admittance to prison
- (iii) Projected release date
- (iv) Dates of escape and recapture, if any
- (v) Whether or not the offender is participating in a work release program or is residing in a halfway house, and
- (vi) A copy of all Judgments and Commitments for the current term of imprisonment.

- (C) The V. A. Regional Office will then make a determination regarding the offender's continued eligibility and/or the amount of the benefit check. If the V. A. Office determines that an offender has received an overpayment, they will request repayment by the offender of the overpayment. If the offender does not repay the overpayment, the V. A. Office will reduce the offender's future checks to collect the overpayment.

- (8) Mass Mailings – Any mass mailings that attempt to reach a majority of the offender population at a facility is inherently suspect. If the Warden has good cause to believe that such an attempt has been initiated in order to cause disruption or otherwise threaten the order and security of the facility, the mail in question will be censored. If necessary, based on security consideration stated directly above, the Warden shall refuse delivery of this mail without notice to the offender addressee. Such mail may be returned to the sender if return postage is guaranteed, or destroyed at the facility. No notice is provided to the offenders in such circumstance.

- (9) Advertising "junk" mail – Including but not limited to promotional offers, drawings, sweepstakes, lotteries, and campaigns which propose a commercial transaction and is NOT addressed to a specific individual shall be withheld. No notice is provided to the sender or the offender in such circumstances. Such "junk" mail may be returned to the sender if return postage is guaranteed, or destroyed at the facility. The facility shall contact their local U. S. Postal Service office to request no delivery of this type of mail.

(f) Record Keeping

The facility mailroom staff will keep records concerning the sending and receiving of legal mail and packages. They will also record mail received for any offender that contains negotiable instruments.

- (1) Incoming Mail: The mailroom staff shall record in a separate mail record book (DC-218)

- (A) Incoming legal mail and packages; and

- (B) Negotiable instruments such as:
    - (i) checks in payment of an offender's settlement or claim;
    - (ii) state and federal income tax refunds;
    - (iii) Veterans' Administration payments; and
    - (iv) any other negotiable instrument other than personal money orders and trust fund transfer checks.
  - (C) The facility mailroom staff must record their name in the mail record book at the beginning of each day. The staff person must also record their initials beside each entry recorded for the day.
  - (D) Each offender must sign the recorded entry in the Mail Record book (DC-218) for legal mail, packages, or mail containing negotiable instruments. The offender must also endorse any negotiable instruments. The officer distributing legal mail, packages, or mail containing negotiable instruments must initial beside the offender's signature. Endorsed negotiable instruments are returned to the mailroom where the facility restricted endorsement stamp is added. The facility mailroom staff will run a calculator tape showing total number of receipts, total dollar amount, and balance. The negotiable instruments, calculator tape and other receipts will be delivered to the trust fund staff.
- (2) Outgoing Mail: The mailroom staff shall keep a record on a separate Form DC-218 showing the destination of all legal mail and packages mailed by an offender. The mailroom staff mailing such items shall sign their name beside each entry.

#### **.0306 PACKAGES AND OTHER ITEMS**

- (a) Packages Sent by offenders may not be sealed for mailing until inspection by mailroom staff and found free of contraband or material which constitutes a threat to the order and security of the facility or which cannot be lawfully sent through the mail. This inspection shall be done in the presence of the offender. If cleared for mailing, the items shall be sealed and placed in the mail by the sender in the presence of the inspector. If not cleared for mailing, the Warden shall follow the steps outlined in the censorship disposition sections of this policy .0305 (c) & (d).
- (b) Packages sent to offenders shall be subject to inspection as outlined in the inspection section .0305 (c) of this policy. Additional items sent to offenders shall be subject to inspection and handling by mailroom staff. The inspection shall be done in a secure location in the facility and shall not be done in the presence of the offender except when the packages are considered legal mail or mail from Department or Other Government Officials. If mailroom staff determines that the package or envelope contains contraband or other material that threatens the order and security of the facility, this material shall be

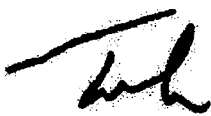
confiscated and the Warden shall follow the steps outlined in the censorship disposition sections of this policy .0305 (d) & (e).

(c) Items that may be received by an offender through a package are:

- (1) Clothing approved for use while incarcerated;
- (2) Clothing to be used upon release (if received within 15 days of a scheduled release date);
- (3) Musical instruments (when approval is granted in advance from the Facility Head);
- (4) Legal papers;
- (5) Publications which may be received under D .0100, Publications Received/Possessed by Offenders.
- (6) Pre-approved religious items (refer to DOP Religious Practices Operational Manual);
- (7) Documents and Negotiable instruments, such as checks, in payment of an offender's settlement or claim that require the offender's endorsement.

(d) COD Packages and/or Mail Sent with Postage Due to Offenders: no COD packages or mail with postage due will be accepted for any offender and no offender shall be authorized to send packages COD or mail with postage due.

(e) Offender Request for Other Items: any offender may request in writing permission from the Region Director to receive through the mail a specific item that is not otherwise authorized. This request shall be forwarded through the chain of command to permit the views of region staff to be expressed.

  
\_\_\_\_\_  
Secretary of Adult Correction

October 13, 2021

Date

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## CENSORSHIP & APPEAL/WAIVER FORM

(This notice should be used when mail or contents contained with mail is censored by the facility)

**DATE:****Facility:**

**RE: Disapproval of Correspondence and/or Contents**

Correspondence you addressed to \_\_\_\_\_ or sent to you by \_\_\_\_\_ has been withheld. I have reviewed the correspondence and any contents and determined that the correspondence and or its' contents violates DOP policy section D .0305 (d) and is disapproved for the reason listed. Therefore, I am disapproving possession of this correspondence and/or its contents.

**(Check only one)**

Correspondence Withheld Only: \_\_\_\_\_ Contents Withheld Only: \_\_\_\_\_

**Both Correspondence and Contents Withheld:** \_\_\_\_\_

**Describe Contents Only:** \_\_\_\_\_

**You may choose to appeal this decision to the Deputy Secretary's Correspondence Review Committee within 10 days of receipt of this written notice. Or you may choose to waive your appeal and have the correspondence and or its contents disposed of in accordance with DOP Policy F.0500, Offender Personal Property.**

**Listed below are the options available to you in this matter.**

1. Do you choose to appeal? Yes \_\_\_\_ No \_\_\_\_ (Failure to indicate a choice will be considered a choice NOT to appeal.)  
If you select this option, the item(s) described above will be forwarded to the Deputy Secretary's Correspondence Review Committee for final review. You may attach additional sheets to explain your appeal or you can use the space below.

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2. If your appeal is denied, or if you do not choose to appeal:

Do you choose to have the disapproved correspondence and/or its contents mailed (at your expense) to another address? Yes \_\_\_\_\_ (name and address) \_\_\_\_\_ No \_\_\_\_\_

Do you choose to have the disapproved correspondence and/or its contents destroyed? Yes \_\_\_\_\_ No \_\_\_\_\_

If you do not indicate a choice or if you do not submit this form within three (3) working days of the date shown above, the correspondence and/or its contents will be destroyed.

**The Warden has an obligation to report to local law enforcement any correspondence and or its contents that may reference or be linked to criminal activity.**

Offender Signature/Date: \_\_\_\_\_

**Staff Signature/Date:** \_\_\_\_\_

cc: Offender Copy Facility File Correspondence Review Committee File

The correspondence and/or its contents has been disapproved due to the violation of DOP Policy Chapter D, Section .0305 (d), threats to institutional safety and security included but are not limited to materials which depict, describe or advocate or which include:

	COMPLETE THE APPROPRIATE DISAPPROVAL REASON
Reason .0305 A	The mail contains threats of physical harm against any person or threats of criminal activity. Comments: _____
Reason .0305 B	The mail threatens blackmail or extortion. Comments: _____
Reason .0305 C	The mail concerns sending contraband in or out of the correctional facility including stamps, or cash or stickers. Comments: _____
Reason .0305 D	The mail concerns plans to escape. Comments: _____
Reason .0305 E	The mail concerns plans to violate departmental rules and policies necessary to maintain security and control. Comments: _____
Reason .0305 F	The mail concerns plans for criminal activity or violations of state or federal laws. Comments: _____
Reason .0305 G	The mail concerns information that if communicated would create a clear and present danger of violence and physical harm. Comments: _____
Reason .0305 H	The mail contains sexually explicit material which by its nature or content poses a threat to the security, good order, or discipline of the institution or facilitates criminal activity. Sexually explicit materials are defined as pictorial depictions of sex involving any person of any age, or written depictions of sex acts involving violence, sadomasochism, sex with animals, or sex with any person who is under age 18 (or, if the person's age is not stated in the text, who could reasonably be thought to be under age 18). The term sex acts means actual or simulated sexual acts, including sexual intercourse, oral sex, or masturbation. In addition, pictorial materials which depict exposed full-frontal view of uncovered human genitalia, exposed genitalia from the rear or the female breast are specifically deemed to be a threat to institutional order, security and safety and a threat to offender rehabilitation and are prohibited. This prohibition shall not apply to patently medical, artistic, anthropological or educational commercial publications, including but not limited to National Geographic, works of art displayed in public galleries, i.e., Art News, anatomy texts or comparable materials. Comments: _____
Reason .0305 I	The mail contains photographs which in any way supports, incites, promotes, encourages or advocates any type of gang activity. Comments: _____

**LETTER TO OFFENDER, ADDRESSEE/SENDER CONCERNING CORRESPONDENCE APPEAL**

(To be sent to offender after review by Correspondence Review Committee)

**TO:** Offender Name & Number **DATE:**  
Addressee/Sender  
**FROM:** Chairperson – Correspondence Review Committee  
**RE:** Correspondence Appeal

Correspondence and or its contents you addressed to \_\_\_\_\_ or sent to you by \_\_\_\_\_, has been reviewed by the Correspondence Review Committee.

\_\_\_\_\_ It has been determined that you can possess the correspondence and or contents appealed. The facility head has been notified and should be returning these items within 48 hours after receiving this notification.

\_\_\_\_\_ It has been determined that you cannot possess this correspondence and or contents.

(Check only one)

Correspondence Withheld Only: \_\_\_\_\_

Contents Withheld Only: \_\_\_\_\_

Describe Contents: \_\_\_\_\_

Both Correspondence and Contents Withheld: \_\_\_\_\_

Describe Contents Only: \_\_\_\_\_

This correspondence and or its contents has been disapproved due to the violation of DOP Policy Chapter D, Section .0305 (d), threats to institutional safety and security included but are not limited to materials which depict, describe or advocate or which include:

	<b>COMPLETE THE APPROPRIATE DISAPPROVAL REASON</b>
Reason .0305 A	The mail contains threats of physical harm against any person or threats of criminal activity. Comments: _____ _____
Reason .0305 B	The mail threatens blackmail or extortion. Comments: _____ _____
Reason .0305 C	The mail concerns sending contraband in or out of the correctional facility including stamps, or cash or stickers. Comments: _____ _____
Reason .0305 D	The mail concerns plans to escape. Comments: _____ _____
Reason .0305 E	The mail concerns plans to violate departmental rules and policies necessary to maintain security and control. Comments: _____ _____



Reason .0305 F	The mail concerns plans for criminal activity or violations of state or federal laws. Comments: _____
Reason .0305 G	The mail concerns information that if communicated would create a clear and present danger of violence and physical harm. Comments: _____
Reason .0305 H	The mail contains sexually explicit material which by its nature or content poses a threat to the security, good order, or discipline of the institution or facilitates criminal activity. Sexually explicit materials are defined as pictorial depictions of sex acts involving violence, sadomasochism, sex with animals, or sex with any person who is under age 18 (or, if the person's age is not stated in the text, who could reasonably be thought to be under age 18). The term sex acts means actual or simulated sexual acts, including sexual intercourse, oral sex, or masturbation. In addition, pictorial materials which depict exposed full-frontal view of uncovered human genitalia, exposed genitalia from the rear or the female breast are specifically deemed to be a threat to institutional order, security and safety and a threat to offender rehabilitation and are prohibited. This prohibition shall not apply to patently medical, artistic, anthropological or educational commercial publications, including but not limited to National Geographic, works of art displayed in public galleries, i.e., Art News, anatomy texts or comparable materials. Comments: _____
Reason .0305 I	The mail contains photographs which in any way supports, incites, promotes, encourages or advocates any type of gang activity. Comments: _____

If the appeal has been denied listed below are the options available to you in this matter. If you do not indicate a choice within three (3) working days of the date shown above, the correspondence and/or its contents will be destroyed.

\_\_\_ Do you choose to have the disapproved correspondence and/or its contents mailed (at your expense) to another address?  
 Yes \_\_\_\_\_ (name and address) \_\_\_\_\_ No \_\_\_\_\_

\_\_\_ Do you choose to have the disapproved correspondence and/or its contents destroyed? Yes \_\_\_\_\_ No \_\_\_\_\_

**The Deputy Secretary's Correspondence Review Committee has an obligation to report to local law enforcement any correspondence and or its contents that may reference or be linked to criminal activity.**

Offender Signature/Date: \_\_\_\_\_

Staff Signature/Date: \_\_\_\_\_

cc: Offender Copy  
 Facility File  
 Correspondence Review Committee File