



**POLICY and PROCEDURES**  
**Commonwealth of Pennsylvania • Department of Corrections**

<b>Policy Subject:</b>  Inmate Mail and Incoming Publications		<b>Policy Number:</b>  DC-ADM 803
<b>Date of Issue:</b>  November 5, 2007	<b>Authority:</b>  Signature on File  Jeffrey A. Beard, Ph.D.	<b>Effective Date:</b>  November 12, 2007

**I. AUTHORITY**

The Authority of the Secretary of Corrections to direct the operation of the Department of Corrections is established by Sections 201, 206, 506, and 901-B of the Administrative Code of 1929, 71 P.S. §§61, 66, 186, and 310-1, Act of April 9, 1929, P.L. 177, No. 175, as amended.

**II. APPLICABILITY**

This policy is applicable to all facilities operated under the jurisdiction of, or conducting business with the Department of Corrections.

**III. POLICY**

It is the policy of the Department to allow an inmate access to communication with members of society through the established public mail system,<sup>1</sup> to inspect mail, determine the types of publications allowed, and to review publications intended for inmates.<sup>2</sup> Restrictions shall be related directly to facility order and security, public safety, and obscenity laws and statutes.<sup>3</sup>

**IV. PROCEDURES<sup>4</sup>**

**A. Mail Privileges**

1. An inmate is permitted to correspond with the public, his/her attorney, and public officials.<sup>5</sup>

<sup>1</sup> 4-4492

<sup>2</sup> 1-ABC-5D-04, 1-ABC-5D-07

<sup>3</sup> 4-4487, 4-4488, 4-4490, 1-ABC-5D-02

<sup>4</sup> 4-ACRS-6A-07

<sup>5</sup> 4-4266, 4-4275, 4-4487, 4-4492

2. There is no limit to the number of correspondents to whom an inmate may send or from whom an inmate may receive mail.<sup>6</sup>
3. An inmate may not:
  - a. correspond with another inmate, former inmate, parolee, probationer, co-defendant;
  - b. transfer or receive through any means whatsoever, negotiable instruments, money, or items of monetary value to or from any other inmate, a former inmate, parolee, probationer, co-defendant, or victim(s) of the inmate's criminal acts or his/her immediate family without prior written approval of the Facility Manager/designee. **NOTE: An inmate shall be permitted to receive cancelled checks, but shall NOT be permitted to receive blank checks, cash advances, vouchers, and/or credit/debit cards from any source;**
  - c. correspond with a current or former employee, current or former volunteer, current or former contract employee, or victim(s) of the inmate's criminal acts except with the written approval of the Facility Manager/designee. The Office of the Victim Advocate will provide verification that an individual is a victim of the inmate's criminal acts, at the request of the Facility Manager/designee;
  - d. send or receive correspondence containing threatening or obscene materials, as well as correspondence containing criminal solicitations or furthering a criminal plan or misconduct offense;
  - e. use the facility address to fraudulently identify himself/herself as an employee, agent or representative of the facility; for example:

Theodore Smith, Paralegal  
SCI Mahanoy  
301 Morea Road  
Frackville, PA 17932
  - f. write to an individual who has informed the Department, in writing, that he/she does not wish to receive correspondence from the inmate. This restriction is not to be interpreted to infringe on the right of an inmate to correspond with a public official with regard to the performance of his/her official duty. When the inmate is given a "no contact" restriction, the name of the individual who requested the restriction and the date the restriction was issued to the inmate shall be entered into the Unit Management System, under the "Security Concerns" tab.
  - g. correspond with any prohibited party directed through a third party;
  - h. send or receive battery-operated greeting cards;
  - i. send or receive "bill-me-later" or free gift transactions; and/or

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<sup>6</sup> 4-4266, 4-4487, 4-4488

- j. receive correspondence or homemade artwork in correspondence that has any item affixed to it (excluding a mailing label ***that is affixed to the envelope***) with glue or other types of adhesives, including tape. An unaltered, commercially manufactured greeting card, other than a battery operated greeting card, will be permitted.
4. ***When an inmate wishes to correspond with an inmate at another facility (whether under the Department's jurisdiction or the jurisdiction of any other state or federal agency or contractor) or a juvenile in a detention center:***
- a. ***neither inmate can be in disciplinary custody status;***
  - b. ***each inmate must submit a request to the counselor at his/her current facility; the request must include the name and number of the other inmate, the relationship between them, and the name of the facility where the other inmate is located;***
  - c. ***the counselor will verify the relationship between the inmates, and prepare and circulate a DC-46, Vote Sheet;***
  - d. ***if approved, the counselor will prepare a Correspondence Between Inmates Form (Attachment A), obtain the Facility Manager/designee's signature, and forward it to the Facility Manager/designee of the other facility;***
  - e. ***the inmates must refrain from mentioning facility security, staff or inmates in their communication;***
  - f. ***the facility may read both incoming and outgoing correspondence between the inmates, to ensure compliance with the conditions of these procedures; and***
  - g. ***if either inmate receives a disciplinary custody sanction, permission to correspond may be withdrawn.***
5. Each inmate will be permitted, without cost, to mail 10 one-ounce, first-class letters per month.<sup>7</sup>
6. There will be no limit on the number of letters that an inmate may send at his/her own expense.<sup>8</sup> Envelopes are available for purchase through Commissary. In the event an inmate has purchased envelopes prior to a transfer to another facility, the inmate shall be allowed a one-for-one exchange of envelopes upon arrival at the new facility.

<sup>7</sup> 4-4489, 1-ABC-5D-03, 4-ACRS-6A-06

<sup>8</sup> 4-4488, 1-ABC-5D-02

7. No obscene material or contraband shall be written or drawn on, or contained in the mail. Such mail will be opened, returned to the sender, or disposed of at the inmate's expense.
8. Incoming and outgoing correspondence, other than privileged correspondence, may be opened and inspected if there is reason to believe that the security of the facility may be impaired or this directive is being violated.<sup>9</sup> Incoming and outgoing correspondence, other than privileged correspondence, may be read upon the written order of the Regional Deputy Secretary and reproduced upon written order of the respective Regional Deputy Secretary in accordance with **Section IV.D.1.c.** below.<sup>10</sup>
9. ***If an inmate violates any of the procedures in this directive, he/she may be subject to mail monitoring, upon written approval by the appropriate Regional Deputy Secretary.***
10. All outgoing mail shall include on the envelope the full-approved inmate name, Department inmate number, and return address printed in a legible, undisguised manner on the upper, left-hand corner of the envelope. An envelope not bearing this information will be opened and returned to the inmate, if identified.
11. All outgoing correspondence will be stamped **"Inmate Mail – PA. DEPT. OF CORRECTIONS."**
12. The inmate shall seal and place all outgoing correspondence in the collection boxes provided in each housing unit and/or other designated locations.
13. Photographs ***containing nudity, as specified in Section IV.F.3.b.(9)*** are prohibited.
14. In accordance with **18 Pa. C.S.A. §5903**, the Department will not disseminate obscene or explicit sexual materials to an inmate under the age of 18. Any inmate under the age of 18 found to be in possession of explicit sexual materials will be subject to a misconduct in accordance with **DC-ADM 801, "Inmate Discipline."**

#### **B. Privileged Correspondence**

1. Outgoing Privileged Correspondence: In order to be treated as outgoing privileged correspondence, the inmate's approved name and Department number must be printed in a legible, undisguised manner on the upper, left-hand corner of the envelope. The letter must be addressed to a specific attorney, law firm<sup>11</sup> or elected or appointed federal, state, or local official as specified in the definition of "Outgoing Privileged Correspondence." **(See Glossary of Terms)**

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<sup>9</sup> 4-4491

<sup>10</sup> 4-4488, 1-ABC-5D-05

<sup>11</sup> 4-4274, 4-4275

2. Incoming Privileged Correspondence: Mail from a court or an inmate's attorney will be opened for the first time in the presence of the inmate and inspected for contraband, but not read.<sup>12</sup>
  - a. Mail from a court or an attorney will be opened for the first time in the presence of the inmate. The mail will be inspected for contraband, but will not be read.
  - b. If upon opening the envelope in the presence of the inmate, the staff member without reading the contents, notices that the contents contain absolutely no legal material (e.g., contains only a publication readily available to the public with no notations from counsel), the staff member shall issue the contents to the inmate and complete a **DC-121, Part 3, Employee Report of Incident**, in accordance with Department policy **6.3.1, "Facility Security"** for submission to the Shift Commander and the Facility Manager/designee. The report shall include: the contents that were deemed not to be legal material; the name and Department number of the inmate who received the mail; and the name and address of the person who sent the mail. The Facility Manager/designee shall forward a copy of the staff member's report to the Office of Chief Counsel and the Bureau of Standards and Security for review and tracking.
  - c. The Office of Chief Counsel will issue a control number to a court or attorney as provided in **37 Pa. Code §93.2**; however mail from a court or an attorney will be handled as set forth in paragraphs (a) and (b) above even if a control number does not appear on the envelope.

### C. Stationery, Pen, and Postage for Indigent Inmates

Upon written request, an indigent inmate, *as defined in the glossary of terms*, shall be provided with stationery and a pen, and shall be able to anticipate the cost for postage to file papers necessary to the good faith pursuit of legal remedies.<sup>13</sup> ***An inmate who refuses to accept a work/school assignment shall be denied indigent status.***

#### 1. No-Cost Stationery and Pens

- a. An inmate who needs no-cost stationery may submit a request to the Facility Business Manager/designee. The request shall contain:
  - (1) the date of the request;
  - (2) whether a pen or the use of a pen is needed;
  - (3) the current balance in his/her inmate facility account, if known; and
  - (4) the court, case/docket number, caption and type of case.

<sup>12</sup> 4-4275

<sup>13</sup> 4-4274, 4-4276, 1-ABC-5D-06, 4-ACRS-6A-06

- b. The Business Manager/designee shall review the information contained in the request slip and verify that the inmate has insufficient funds to purchase the needed material.
- c. The Business Manager/designee shall respond to the request within five working days of receipt.
- d. Upon approval, the inmate shall be provided free of charge:
  - (1) the use or permanent possession of a common type of stick ball pen; and
  - (2) a packet of 50 sheets of clean paper and five sheets of carbon paper. Paper must be 8 ½" x 11" in size. Should the quantity of paper or carbon paper provided prove to be insufficient, the inmate may submit a request for one more additional packet per month.

## 2. Postage and Copying

### a. Anticipated Postage

- (1) An indigent inmate may anticipate on his/her account, postage for legal mail, **to include Exhaustion of Grievance** and copying charges of up to \$10.00 per month.<sup>14</sup> Under no circumstances, shall the Business Manager/designee approve requests in excess of \$10.00 per month. An inmate is responsible for managing his/her funds and monthly postage allowance to meet his/her legal needs.
- (2) The Business Manager/designee shall respond to the request within five working days of receipt.
- (3) After all deductions are taken in accordance with Department policy **DC-ADM 005, "Collection of Inmate Debts"** any money received in an inmate's account shall be used to satisfy the postage debt and copying fees.

### b. Postage Limitations

An inmate will be permitted to anticipate the deposit of funds into his/her account for regular first-class postage only except that:

- (1) a "Petition for Review" to Respondents is the only legal document required to be served by certified mail, return receipt;
- (2) an inmate may use, but is not required to use, certified mail, return receipt to file a "Petition for Review" with the Court;

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<sup>14</sup> 4-ACRS-6A-06

- (3) an inmate may not be permitted to anticipate the deposit of funds into his/her account to mail documents in any case in which he/she is not a party;
- (4) any misuse of postage and incomplete or false requests shall be grounds for disapproval of any further anticipation for postage and for discipline; and
- (5) the inmate may appeal any decision regarding this section as outlined in Department policy DC-ADM 804, "Inmate Grievances."

## **D. Security**

### **1. Incoming Correspondence**

- a. The facility's mailroom staff shall open and inspect all incoming correspondence unless it is privileged correspondence, which shall be processed as set forth in **Section IV.B.2.** above and opened in the presence of the inmate. Mailroom staff will not read incoming correspondence unless authorized to do so under subparagraph c. below.
- b. Internet pages, news clippings/articles, etc. shall be deemed to have come from an original source. The content of these items (*excluding publications*) shall be reviewed by the mailroom to ensure the content is acceptable in accordance with this policy. Content that *may potentially violate the criteria set forth in Section IV.F.3.* shall be reviewed by the IPRC for possible violations of this policy.
- c. Incoming and outgoing correspondence, other than privileged correspondence, may be read upon the written order of the **Facility Manager/designee. He/she shall review the status of the facility's mail monitoring on a monthly basis. Non-privileged correspondence may be** reproduced upon written order of the Regional Deputy Secretary only when there is reason to believe that the security of the facility may be threatened, that this directive is being violated, or there is evidence of criminal activity or of a misconduct offense.<sup>15</sup> In those cases where the Regional Deputy Secretary's approval is required, a request must be made in writing every 30 days for continued reproduction of correspondence. This request should also include a brief update of the ongoing investigation.
- d. The facility Security Office shall submit a quarterly report to the appropriate Regional Deputy Secretary outlining all inmate correspondence being monitored/reproduced on the **Inmate Correspondence Tracking Form (Attachment D).**
- e. **Investigations conducted by the Central Office Security Division or the Office of Professional Responsibility may require monitoring of an inmate's incoming and outgoing correspondence (other than privileged correspondence). If approved by the Regional Deputy Secretary the Chief**

<sup>15</sup> 4-4491, 4-ACRS-6A-08

*of Security/OPR or their designees will notify the Facility Manager and the Intelligence Gathering Captain to commence monitoring and/or photocopying the correspondence. A request must be made in, in accordance with Subsection D.1.c. above continued reproduction of correspondence.*

- f. *Federal, state, and local income tax filing documents shall not be delivered to an inmate, as these may be used to file fraudulent tax returns. If an inmate has a legitimate need to file a tax return, he/she may request the proper forms from the Unit Management Team.*
- g. *When a revenue refund check from the Pennsylvania Treasury Department or an **Internal Revenue Service refund check** is received, mailroom staff shall notify the Intelligence Captain/Security Lieutenant. These checks are identifiable by the address information that shows through the window on the envelope, REVREFUND, is printed and visible. The Intelligence Captain/Security Lieutenant shall contact the PA Department of Revenue/**Internal Revenue Service**, Office of Criminal Tax Investigations and advise them of the inmate's name, social security number, and check amount. The Department of Revenue representative will advise the Security Office as to the legitimacy of the refund.*
- h. *When a birth certificate, **Social Security Card, Drivers License, etc.**, is received for an inmate, mailroom staff will forward it to the Business Office (to be held until the inmate is released), and notify the inmate and his/her counselor of the receipt of the **document(s)**.*
- i. *When any documentation concerning Uniform Commercial Code (UCC) filings, the redemptive process, "Acceptance for Value" presentments or documents indicating copyright or attempted copyright of a name is received, mailroom staff shall notify the local Intelligence Captain/Security Lieutenant. An Unacceptable Correspondence/UCC Related Materials Form (Attachment E) shall be completed and sent to the inmate. The inmate shall have 10 days from the date of the notice to provide in writing to the local Intelligence Captain/Security Lieutenant an explanation of the legal basis or purpose for his/her possession of UCC related material. In the alternative, the inmate may choose to file a grievance under the DC-ADM 804, explaining the legal basis or purpose for his/her possession of UCC related material. Any and all documents or materials referenced in this paragraph shall be confiscated and considered contraband whether processed through the mailroom or found anywhere else within the facility.*



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j. **Account Statements**

(1) **Inmate Savings Accounts**

- (a) *An inmate is permitted to maintain a previously opened savings account or to open a savings account outside of the facility.<sup>16</sup>*
- (b) *The term “savings account” includes the following:*
  - i. *passbook or statement savings account;*
  - ii. *certificate of deposit account;*
  - iii. *U.S. Savings Bond;*
  - iv. *investment account; and*
  - v. *Tuition Assistance Plan (TAP) account.*
- (c) *All savings account passbooks and account identification (e.g., account identification card, check cashing, or debit card, etc.) shall be held by the facility Business Office until the inmate is released.*
- (d) *Savings account statements and deposit and withdrawal slips may be held by the inmate with his/her personal property, unless there is reason to believe that there is a threat to facility security or criminal activity, in which case, the materials will be considered contraband.*

(2) **Inmate Checking Accounts**

- (a) *An inmate with a checking account opened prior to his/her incarceration shall not use the account while incarcerated.*
- (b) *The opening of a checking account while incarcerated is prohibited.*

(3) **Inmate Credit or Charge Accounts**

- (a) *An inmate with a charge card or credit card account opened prior to his/her incarceration shall not charge to the account while incarcerated.*
- (b) *The opening of a charge card or credit card account while incarcerated is prohibited.*

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<sup>16</sup> 4-4046

- (c) ***“Blank checks” or “cash advance vouchers” associated with charge and credit card accounts are considered contraband, and shall not be provided to inmates.***
- (d) ***Credit or charge account solicitations and applications are considered contraband, and shall not be provided to inmates.***
- (e) ***Account statements for inmates who opened a charge card or credit card account prior to incarceration, may be held by the inmate with his/her personal property, unless there is reason to believe that there is a threat to facility security or criminal activity, in which case, the materials will be considered contraband and confiscated by staff.***

2. Outgoing Privileged Correspondence<sup>17</sup>

- a. Outgoing privileged correspondence will not be opened, read, censored, or reproduced outside the presence of the inmate, except under the following conditions:
  - (1) with the prior written approval of the ***Facility Manager/designee and the Secretary/designee***. A request for approval to open, read, censor, or reproduce outgoing privileged correspondence outside the presence of the inmate must be made in writing to the Secretary/designee and must state the reason for the request; and
  - (2) permission shall be granted only when there is reason to believe the correspondence may reveal or discuss planned or future criminal activity including, but not limited to, the following:
    - (a) any information relating to a possible escape;
    - (b) the introduction of weapons, drugs, money, or other contraband that presents a clear threat to the security of the facility;
    - (c) any information relating to a possible prison disturbance or other activity that presents a clear threat to the security of the facility; and
    - (d) any information relating to other criminal activity. Specifics of suspected activity must be provided.
- b. A log shall be kept of instances where mail is read, and the inmate shall be notified unless such notification would impede an investigation of misconduct or suspected criminal activity. The inmate shall be notified that his/her mail was read at the completion of the investigation.

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<sup>17</sup> 4-4492

### 3. *Outgoing Non-Privileged Correspondence*

*The Facility Manager/designee may authorize monitoring of outgoing non-privileged correspondence when there is reason to believe that it may reveal or discuss illegal or unauthorized activity, in accordance with Subsection D.1.c. above.*

### 4. *Electronic Mail (Email)*

- a. *All incoming inmate e-mails are monitored by a software program designed to alert staff if an e-mail contains inappropriate content.*
- b. *Facility mailroom staff shall forward any e-mail that contains inappropriate content to the facility Security Office for review.*
- c. *The facility Security Office shall review the e-mail's content for threats to the security of the facility, evidence of criminal activity, or any violations of this directive.*
- d. *If the facility Security Office has determined that the e-mail is not a threat to the security of the facility, evidence of criminal activity, or in violation of this directive, it will be returned to the mailroom to be delivered to the inmate.*
- e. *If the Security Office has determined that the e-mail is a threat to the security of the facility, evidence of criminal activity, or in violation of this directive, the facility Security Office shall follow the procedures outlined in Subsection D.1.c. above.*
- f. *The mailroom will return the inappropriate e-mail to the sender.*
- g. *Investigations conducted by the Central Office Security Division and/or OPR that require monitoring/photocopying of non-privileged incoming email correspondence shall be processed in accordance with Subsection D.1.e. above.*

## **E. Handling and Distribution of Mail**

1. *Outgoing mail placed in housing unit collection boxes or other designated locations shall be collected each day, Monday through Friday. A reasonable effort shall be made to ensure that such mail is delivered to the US Postal Service on the same day.*
2. *Incoming mail, including packages, shall be processed daily (excluding weekends and state/federal holidays) as outlined below:<sup>18</sup>*
  - a. *The facility will not accept any mail that has postage due.*

<sup>18</sup> 1-ABC-5D-09

- b. Every piece of inmate mail shall be checked against the inmate roster.
  - c. If an inmate has been transferred or released, mail shall be forwarded, unopened, to the new address, if known, for 60 days.<sup>19</sup> If no forwarding address is available, mail shall be returned, unopened, to the sender. It is the responsibility of the inmate to notify correspondents and publishers of a change of address.
  - d. If an inmate elects to have mail held in the mailroom while on furlough or an Authorized Temporary Absence (ATA), a formal notification, in writing, is required.
  - e. Each piece of incoming mail shall be delivered to the inmate within 24 hours, **unless the mail contains content requiring Incoming Publications Review Committee (IPRC) review in accordance with Section IV.F. below.** Packages shall be held no more than 48 hours, excluding weekends and holidays.<sup>20</sup>
  - f. An inmate who receives a letter of a disturbing nature should bring the matter to the attention of the housing unit officer and make arrangements to discuss the problem with his/her unit manager or counselor.
3. When non-privileged mail contains official documents (driver's license, birth certificate, **social security card**, welfare card, medical cards, etc.), these documents shall be confiscated and placed in the designated safe. **Mailroom staff shall notify the inmate and his/her counselor of the document being held and forward the correspondence only to the inmate;**
  4. Incoming mail shall be opened and inspected for contraband in the facility's mailroom.<sup>21</sup> Money orders and certified checks shall be recorded, indicating the nature of the receipt, the sender, the amount received, and the date.<sup>22</sup> A **DC-130B, Cash Transaction Receipt** shall be issued to the inmate for all amounts received. The money order and/or certified check shall be forwarded to the facility Business Manager who shall deposit the money into the inmate's account.<sup>23</sup>
  5. The facility **will not accept** personal checks or cash sent through the mail. If a personal check or cash is discovered during an inspection for contraband, the entire piece of mail is to be returned to the sender with a notice that it is being returned because of non-permitted contents.<sup>24</sup>
  6. All incoming mail must include the approved inmate name and Department number.

<sup>19</sup> 4-4496, 1-ABC-5D-10, 4-ACRS-6A-09

<sup>20</sup> 4-4495

<sup>21</sup> 4-4491, 1-ABC-5D-08

<sup>22</sup> 4-4494, 1-ABC-5D-07

<sup>23</sup> 4-4493

<sup>24</sup> 4-4493

7. If incoming correspondence is determined to be undeliverable for any reason other than those stated in **Section IV.A.3.**, it shall be marked appropriately and returned to sender at the inmate's expense or otherwise disposed of.
8. Incoming mail containing contraband shall be confiscated and held for further inspection and disposition. The contraband shall be returned to the sender (if known), or it shall be destroyed.<sup>25</sup>
9. All correspondence which is read and/or held in accordance with this directive and appears to be in violation of **Section IV.B.3.** shall be handled as follows:
  - a. the Deputy Superintendent for Facility Management (DSFM)/designee shall review correspondence and notify the inmate and the sender when a letter is rejected;<sup>26</sup>
  - b. the correspondence may be held for at least seven working days after notification is sent, to permit reasonable opportunity to appeal the decision. The Facility Manager/designee shall respond to all appeals and make a final decision whether the correspondence shall be rejected; and
  - c. an inmate who violates this directive shall not lose basic correspondence privileges. However, violations may result in the monitoring of mail until such time as it is determined that further violations will not occur. Any violation of this directive may result in misconduct charges being filed.
10. The inmate shall be notified when outgoing mail is being withheld.<sup>27</sup>
11. Presorted Standard Mail

Most magazines and newspapers are sent by Presorted Standard Mail. Since the inmate has a paid subscription for magazines and newspapers, they are to be permitted.

12. Certified or Registered Mail
  - a. Each facility shall establish procedures in cooperation with the local Postmaster for the processing of certified and registered mail.
  - b. Determination of mail to be sent by these methods is the responsibility of the inmate.
  - c. Except as provided in **Section IV.C.**, the inmate must have funds available in his/her account and an approved cash slip for such postage payment in order to send mail certified or registered.

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<sup>25</sup> 4-4494

<sup>26</sup> 4-4491

<sup>27</sup> 4-4491

## 13. Inmate Organization Correspondence

- a. Only approved inmate organizations as defined by Department policy 7.8.1, **"Inmate Recreational and Therapeutic Activities"** may send and receive mail.
- b. Payment of postage is the responsibility of the inmate organization.
- c. All incoming and outgoing inmate organization correspondence must be reviewed and approved by the facility staff coordinator for the organization.
- d. All outgoing correspondence must be reviewed by the staff coordinator for the organization to ensure compliance with Department policies.
- e. Outgoing correspondence must be sealed and delivered to the mailroom by the staff coordinator.

## F. Incoming Publications

## 1. General Procedures

- a. All publications must be received from the original source. Covers of hardbound publications may be damaged through examination or removed where inspection of the cover is deemed necessary and no reasonably available alternative form of inspection is adequate.<sup>28</sup>
- b. Magazines must be mailed directly from the original source. Single copies of small letter-sized pamphlets may be received in regular correspondence from family members, friends, or religious advisors.<sup>29</sup>
- c. Newspapers may be mailed or delivered to the facility.<sup>30</sup>
- d. Publications, new or used, that are sent directly from a publisher, bookstore, book club, distributor, or department store, **accompanied by a packing slip**, shall usually be deemed to have come from the original source.<sup>31</sup>
- e. **Books**, newsletters and other mail from recognized non-profit religious and charitable organizations, when addressed to an individual inmate shall be delivered to the inmate even if mailed at less than first or second-class mail rates (Presorted Standard Mail rate), **as long as the publication is permitted based on all other criteria set forth in this policy**.
- f. **Inmates are permitted to receive donated publications, with the following stipulations:**

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<sup>28</sup> 4-4490<sup>29</sup> 4-4490<sup>30</sup> 4-4490<sup>31</sup> 4-4490

- (1) *must be mailed directly from the original source (e.g., publisher, bookstore, book club, distributor, or department store);*
- (2) *must be specifically addressed to an individual inmate; and*
- (3) *any donated publication containing content that may be in violation of the security, obscenity, pornography, and/or nudity criteria must be forwarded to the IPRC for review and approval before permitting the material.*

**NOTE:** *Donated publications may also be accepted for common inmate use/reference. Such publications may come from any source (not necessarily the "original source") to the extent that the publication will enhance library or religious offerings without compromising security operations. Therefore, publications donated to a facility must be forwarded to the Librarian or FCPD as appropriate, upon receiving security clearance and IPRC approval, when necessary.*

- g. If a publication contains content *that may potentially violate any of the criteria set forth in Section IV.F.3.*, the Mailroom Supervisor, School Principal, or the Librarian shall forward these publications to the IPRC, *along with an Incoming Publication Review Form (Attachment F)*.<sup>32</sup>
- h. If a publication contains a free sample item (lotion, perfume, etc.), the Facility Manager/designee shall review the item to determine if it shall be permitted into the facility. If it is determined that the item is not to be permitted into the facility, it is to be removed from the publication and the publication is to be delivered to the inmate.
- i. An inmate may receive more than one copy of a publication only with special approval of the IPRC.
- j. Upon transfer, publications approved at one facility shall not necessarily be permitted in another facility. The IPRC at the receiving facility will review any publications that are deemed questionable.
- k. Upon receipt of mail sent at less than First or Second Class Rate, the mail inspector shall verify that the stamp specifically states "Presorted Standard Mail" and if the words "Presorted Standard Mail" are not printed on the mail, it shall be processed as regular incoming mail.
- l. If the words "Presorted Standard Mail" are marked on the item, the mail inspector shall determine if the item meets the definition of a publication as defined in the Glossary of Terms. If the criteria for a publication are met, it shall be accepted and processed in accordance with **Section IV.E. and F.**, regardless of the postal rate at which it was mailed. If the item has a Presorted

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<sup>32</sup> 4-4490

Standard Mail Stamp, but does not meet the criteria for a publication, delivery will be refused.

## 2. Review Process

- a. The IPRC shall determine whether written or printed material is a publication within 10 **working** days after the material is received.
- b. Each issue of a publication shall be reviewed individually. No publication shall be banned without review unless it appears on the monthly circulated banned list. ***When the determination is made to deny a publication that is already included on the banned list, the staff person denying the publication must provide the inmate with individual notice that the publication has been denied. This shall be done using the Notice of Incoming Publication Denial Form (Attachment G), and requires completion of Section I only.***
- c. Any publication that contains one or more sections dealing with prohibited topics must be disapproved in its entirety. If a publication is disapproved because of a section(s) dealing with prohibited topics, neither facility staff nor the original source may alter the publication by removing the prohibited section(s) in an attempt to make the publication acceptable. The publication must remain in its original format.
- d. The content shall be reviewed against the criteria listed in **Sections IV.F.3.a. and b.** below.
- e. A publication that is extensively circulated throughout the general public shall not be excluded for the sole reason that it contains sexually explicit material; however, it may be excluded if it contains material prohibited by the criteria guidelines.
- f. The IPRC ***shall notify the inmate of a decision to disapprove an incoming publication. The notice shall be provided via an individual, written notice to the inmate, using the Notice of Incoming Publication Denial Form. This notice shall indicate the name of the publication being disapproved, and shall communicate the reason(s) for the denial, including the specific page number(s) containing content in violation of this policy.***
- g. No publication shall be prohibited solely on the basis that the publication is critical of penal facilities in general, of a particular facility, of a particular facility staff member, of an official of the Department or of a correctional or penological practice in this or in any other jurisdiction.
- h. Recognized **original source** textbooks in chemistry, physics or the social sciences, ***shall be permitted as long as these publications adhere to the criteria outlined below in Section IV.F.3.a. and b.***



### 3. Criteria

A request for and receipt of **any publication, book, magazine, cartoon, drawing, or photograph** may be disapproved when the publication contains **content considered to pose a potential threat to security, or contains obscene, pornographic, or nude content, as follows.**<sup>33</sup>

#### a. Security Issues

***Written narratives/language and/or visual/graphic representations/images containing any of the following content shall be denied:***

- (1) information regarding the manufacture of explosives, incendiaries, weapons, escape devices or other contraband;
- (2) instruction regarding the ingredients or manufacture of poisons, drugs, or intoxicating beverages;
- (3) writings which advocate violence, insurrection or guerrilla warfare against the government or any of its facilities or which create a danger within the context of the correctional facility;
- (4) writings that advocate, assist or are evidence of criminal activity or facility misconduct;
- (5) racially inflammatory material or material that could cause a threat to the inmates, staff, and security of the facility; or
- (6) maps, road atlas, etc., that depict a geographic region.

#### b. Obscenity, ***Pornography, and Nudity Issues***

***Visual/graphic representations/images containing any of the following content shall be denied (written narratives/language and visual/graphic representations/images containing any of the following content shall be denied to any inmate under the age of 18). [An exception may be made for medical purposes only, upon review by the IPRC and approval by the DSCS]:***

- (1) where one of the participants in the act is, or appears to be, non-consenting;
- (2) where one of the participants appears to be forceful, threatening, or violent;
- (3) where one of the participants is dominating one of the other participants and one of the individuals is obviously in a submissive role or one of the

<sup>33</sup> 1-ABC-5D-04

participants is degraded, humiliated, or willingly engages in behavior that is degrading or humiliating;

- (4) one of the participants is a child/minor, or appears to be a child/minor;
- (5) where there is actual penetration, be it penile/vaginal-oral, penile-anal, or penile-vaginal; digital-anal, digital-vaginal; or insertion of any inanimate object in a body cavity if the depiction in the context presented is deemed to be opposed to legitimate penological objectives;
- (6) where any bodily excretory function is depicted;
- (7) where the material depicts bestiality, masturbation, sadomasochistic behavior, or bondage;
- (8) materials that depict or expressly encourage violent or assaultive sexual conduct, or involuntary deviant sexual contact; and/or
- (9) ***the material contains nudity, which for the purpose of this policy is defined as showing any of the following specific areas of the human body:***
  - (a) ***male or female genitals and/or pubic area; and***
  - (b) ***female nipple.***

***Exposure of any of the above areas through "see through" materials is considered nudity for purposes of this definition.***

#### 4. Appeal Process

- a. An inmate has the right to appeal a decision that results in the disapproval of a publication in accordance with Department policy **DC-ADM 804**.
- b. If the decision is appealed, ***the Facility Grievance Coordinator shall notify the Mailroom Supervisor, who shall hold all questionable publications until the appeal process is completed.***
- c. The publication shall be forwarded to the mailroom officer for final processing.
- d. If the inmate chooses not to appeal, a cash slip must be sent to the mailroom in order to mail the publication out. If the inmate refuses to submit a cash slip within 15 ***working*** days of the decision, the publication shall be destroyed.

#### 5. Denied Publication Listing

- a. By the ***5<sup>th</sup>*** of each month, the IPRC from each facility shall forward a ***Master Publication Denial List (Attachment H)*** for publications that were disapproved at the facility for that month to the Special Assistant to the Secretary/designee.

*The list shall be completed by the IPRC using the format provided in the Master Publication Denial List. Only those publications denied based on the criteria outlined in Section IV.F.3.(a) and (b) shall be included on the list.*

- b. The Special Assistant to the Secretary/designee shall compile a monthly list of all publications denied and distribute the list to the IPRC **and librarians** at each facility.
- c. The **Master Publication Denial List** shall be maintained in the libraries for a period of one year.
- d. An inmate who is interested in reviewing the content of the **Master Publication Denial List** may access this information through the library at his/her facility.
- e. All publications on the **Master Publication Denial List** shall be denied at all facilities.
- f. In the event that the decision to deny a publication is reversed via the appeal process, the Facility Grievance Coordinator shall notify the Special Assistant, who in turn, shall notify the IPRC at each facility that the publication is to be permitted. The Special Assistant shall revise the **Master Publication Denial List** to incorporate the change, and forward the updated list to the IPRC for each facility.
- g. *In the event that the inclusion of a publication on the Master Publication Denial List is challenged by a staff member, the staff member shall identify the concern to the facility's respective IPRC. The IPRC shall forward the concern to the Chief of the Secretary's Office of Inmate Grievances and Appeals for a decision to either maintain the publication on the Master Publication Denial List or to approve the publication. If the decision is made to reverse the publication denial, the Chief Grievance Officer shall notify the Special Assistant, who in turn shall remove the publication from the list.*

#### 6. Possession of Publications

- a. Each inmate in general population may retain in his/her cell only that quantity of publications that will fit within his/her allotted storage space along with any personal property of that inmate.
- b. Each inmate in a Level 5 Housing Unit may retain in his/her cell only the quantities of publications permitted under the policy applicable to that housing unit.

### V. SUSPENSION DURING AN EMERGENCY

In an emergency or extended disruption of normal facility operation, the Secretary, or designee may suspend any provision or section of this policy, for a specific period.

**VI. RIGHTS UNDER THIS POLICY**

This policy does not create rights in any person nor should it be interpreted or applied in such a manner as to abridge the rights of any individual. This policy should be interpreted to have sufficient flexibility to be consistent with law and to permit the accomplishment of the purpose(s) of the policies of the Department of Corrections.

**VII. RELEASE OF INFORMATION AND DISSEMINATION OF POLICY****A. Release of Information**

This document is public information and may be released upon request.

**B. Distribution of Policy****1. General Distribution**

The Department of Corrections' policy and procedure manuals (when applicable) shall be distributed to the members of the Central Office Executive Staff, all Facility Managers, and Community Corrections Regional Directors on a routine basis. Distribution to other individuals and/or agencies is subject to the approval of the Secretary of Corrections or designee.

**2. Distribution to Staff**

It is the responsibility of those individuals receiving policies and procedures, as indicated in the "General Distribution" section above, to ensure that each employee expected or required to perform the necessary procedures/duties is issued a copy or an electronic version of the policy and procedures.

**VIII. SUPERSEDED POLICY AND CROSS REFERENCE****A. Superseded Policy****1. Department Policy**

- a. DC-ADM 803, Inmate Mail and Incoming Publications issued November 2, 2005 by Secretary Jeffrey A. Beard, Ph.D.
- b. DC-ADM 803-1, Inmate Mail and Incoming Publications issued November 29, 2005 by Secretary Jeffrey A. Beard, Ph.D.
- c. DC-ADM 803-2, Inmate Mail and Incoming Publications issued April 5, 2006 by Secretary Jeffrey A. Beard, Ph.D.
- d. DC-ADM 803-3, Inmate Mail and Incoming Publications issued November 13, 2006 by Secretary Jeffrey A. Beard, Ph.D.

## 2. Facility Policy and Procedures

This document supersedes all facility policy and procedures on this subject.

### **B. Cross Reference(s)**

#### 1. Administrative Manuals

- a. DC-ADM 005, Collection of Inmate Debts
- b. DC-ADM 801, Inmate Discipline
- c. DC-ADM 802, Administrative Custody Procedures
- d. DC-ADM 804, Inmate Grievances
- e. 6.3.1, Facility Security
- f. 7.8.1, Inmate Recreational and Therapeutic Activities

#### 2. ACA Standards

- a. Administration of Correctional Agencies: 2-CO-5D-01
- b. Adult Correctional Institutions: 4-4266, 4-4274, 4-4275, 4-4276, 4-4487, 4-4488, 4-4489, 4-4490, 4-4491, 4-4492, 4-4493, 4-4494, 4-4495, 4-4496
- c. Adult Community Residential Services: 4-ACRS-6A-06, 4-ACRS-6A-07
- d. Adult Correctional Boot Camp Programs: None
- e. Correctional Training Academies: None

**DC-ADM 803, Inmate Mail and Incoming Publications Policy**  
**Glossary of Terms**

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**Approved Inmate Name** – The committed name and/or a name change that is in accordance with Department policy **11.5.1, “Records Office Operations.”** The inmate may execute a **DC-155, Power of Attorney** authorizing the receipt of mail and endorsement of checks in the approved new name. After the execution of the **DC-155**, the inmate may send and receive mail, packages, and publications using the approved new name.

**Charge Card** – *A charge card account is a financial arrangement with a merchant or company requiring the account holder to pay any balance on the account in full at the end of each month, and is subject to interest charges by the merchant or company (e.g., American Express or a Sears Charge Card).*

**Child Pornography** – The presentation of sexual explicit behavior involving or depicting children, as in a photograph, intended to arouse sexual excitement.

**Contraband** – An item that an inmate is prohibited from possessing or an item that an inmate is permitted to possess, but which has been altered or is being used for something other than its intended purpose.

**Control Number** – A number obtained through the Department’s Office of Chief Counsel authorizing an attorney or court to use the Department’s system designed to ensure facility security as well as essential, confidential attorney-client communications.

**Credit Card** – *A credit card account is a financial arrangement with a bank or company allowing the account holder to maintain a balance on the account at the end of the month, and is subject to interest charges by the merchant or company (e.g., Visa or MasterCard).*

**Electronic Mail (E-Mail)** – Mail that is sent electronically using vendor service.

**Explicit Sexual Material** – Pursuant to **18 Pa C.S.A. §5903** explicit materials include: any book, pamphlet, magazine, printed matter however reproduced, which contains any picture, photograph, drawing or similar visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct, or sadomasochistic abuse and which is harmful to minors. Explicit sexual materials also includes that which contains detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sadomasochistic abuse and which, taken as a whole is harmful to minors.

**Facility Mail Distribution System** – The system used to deliver and pick-up mail from inmates within the facility.

**Facility Manager** – The Superintendent of a State Correctional Facility, State Regional Correctional Facility, or a Motivational Boot Camp, Director of a Community Corrections Center, or Director of the Training Academy.

**Incoming Publications Review Committee (IPRC)** – A committee of three facility personnel selected by the Facility Manager/designee at each facility that reviews incoming mail that may contain prohibited materials.

**DC-ADM 803, Inmate Mail and Incoming Publications Policy**  
**Glossary of Terms**

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**Indigent Inmate** – An inmate shall be deemed indigent if the combined balances of his/her facility account and any other accounts are \$10.00 or less at all times during the 30 days preceding the date on which the inmate submits a request to a person designated by the Facility Manager/designee. Any inmate who refuses available work/**school** although he/she is physically able and is not precluded from work/**school** by virtue of his/her housing status, is not indigent for the purposes of this policy and is not eligible for free stationary or to anticipate for postage. An inmate who is self-confined may also be considered as refusing available work although physically able as determined by the Program Review Committee (PRC). Any inmate who has funds in another account, which if deposited in his/her facility account would bring his/her balance to more than \$10.00, is not indigent. Any inmate who has not made a good faith effort to manage his/her money so as to be able to pay the necessary costs of litigation himself/herself is not indigent.

**Obscene Material** – The definition of obscene contained in **18 Pa.C.S.A. §5903**, is “any material or performance, if

1. the average person applying contemporary community standards would find that the subject matter taken as a whole appeals to the prurient interest;
2. the subject matter depicts or describes in a patently offensive way, sexual conduct of a type described in this section (sexual conduct is defined as patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, including sexual intercourse, anal or oral sodomy and sexual bestiality; and patently offensive representations or descriptions of masturbation, excretory functions, sadomasochistic abuse and lewd exhibition of the genitals); and
3. the subject matter as a whole, lacks serious literary, artistic, political, education or scientific value.

**Presorted Standard Mail** – Mail that usually consists of sales flyers, form letters, or other printed pieces that are generally identical in content but do not meet the criteria of a publication as defined in the definition of publication. This mail is specifically identified with a United States Postal Service Presorted Standard Mail Stamp.

**Privileged Correspondence**

1. Outgoing Privileged Correspondence: Outgoing mail addressed to the following persons is privileged correspondence and shall not be opened outside the presence of the inmate who is sending it except as provided for in **Section IV.B.1**.
  - a. Elected or appointed federal, state, or local officials: One to whom the inmate has petitioned to redress a grievance. The term elected or appointed official includes, but is not limited to, the courts, the President of the United States, the Governor, the Attorney General and the District Attorney. The term elected or appointed official does not include the Veterans Administration, Bureau of Motor Vehicles, Social Security Administration, Department of Education, the Pennsylvania Prison Society, the Pennsylvania Board of Probation and Parole (PBPP) or to agencies to whom the inmate has applied for benefits.

**DC-ADM 803, Inmate Mail and Incoming Publications Policy**  
**Glossary of Terms**

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- b. **Attorney:** Any person authorized under applicable law to practice law and who is engaged in an attorney/client relationship with the inmate addressee. All correspondence to attorneys must be clearly marked with the attorney's full name, or the full name and address of the law firm, printed on the envelope for it to be considered privileged.

2. **Incoming Sealed Privileged Correspondence:** Mail from the court or an inmate's attorney.

**Prurient** – Obsessively interested in sexual matters; marked by an obsessive interest in sex; arousing or appealing to an obsessive interest in sex.

**Public Mail Systems** – The United States Postal Service and private carriers who serve the public with systems to move pieces of mail from one location to another.

**Publications** – Printed material that is circulated among the public for conveying information. This includes newspapers, magazines, hardcover or paperback books, pamphlets and newsletters, regardless of Postal Rate, that are not specifically intended for the purpose of advertising or selling merchandise.

**Storage Space** – An inmate in general population shall be permitted storage space equal to four records center boxes. This space may be made up of the four records center boxes or one footlocker and two record center boxes. In cells that have a built-in, or a freestanding storage cabinet, the inmate is permitted to use that space and either two records center boxes or one footlocker.

An inmate in Disciplinary Custody status shall be permitted storage space in accordance with Department policy **DC-ADM 801, "Inmate Discipline."** An inmate in Administrative Custody status shall be permitted storage space in accordance with Department policy **DC-ADM 802, "Administrative Custody Procedures."** A Capital Case inmate shall be permitted storage space in accordance with Department policy **6.5.8, "Capital Case Administration."**

**Undeliverable Mail** – Mail that cannot be identified for delivery due to incomplete or incorrect information.





**BULLETIN**  
**Commonwealth of Pennsylvania • Department of Corrections**


**TO: Executive Staff  
Superintendents  
Boot Camp Commander  
Regional Directors**

**Policy Subject:**  
**Inmate Mail and Incoming Publications**

**Policy Number:** **DC-ADM 803-1**

**Policy Issue Date:**  
**December 2, 2005**

**Date of Issue:**  
**November 29, 2005**

**Authority:**  
  
**Jeffery A. Beard, Ph.D.**

**Effective Date:**  
**January 1, 2006**

In order to assist with rehabilitation and treatment objectives, reduce sexual harassment and prevent a hostile work environment, inmates will not be permitted to receive or possess pornography, as defined below. As of the effective date of this bulletin, inmates will no longer be permitted to obtain a new or to renew an existing subscription to pornographic magazines or to order pornographic books.

Inmates will be able to turn in or mail out any pornographic materials in their possession through January 1, 2007. After that date, pornography will be considered contraband; it will be confiscated and destroyed and inmates will be subject to a misconduct for possession of contraband.

**DC-ADM 803, "Inmate Mail and Incoming Publications," Section VI.F. 3. b. Obscenity/Pornography (7)** is being revised, and the following is being added:

(7) where the material depicts bestiality, **masturbation**, sadomasochistic behavior, or bondage;

New language is being added as **Section VI.F. 3. c. "Pornography Issues,"**

**b. Pornography Issues**

The following categories of material are considered "pornographic:"

- (1) materials in which the purpose is sexual arousal or gratification; or
- (2) the material contains nudity which means showing the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or showing the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple (exposure through "see through" materials is considered nudity for purposes of this definition).



**BULLETIN**  
**Commonwealth of Pennsylvania • Department of Corrections**

**TO: Executive Staff  
Superintendents  
Boot Camp Commander  
Regional Directors**

**Policy Subject:**  
**Inmate Mail and Incoming Publications**

**Policy Number:** **DC-ADM 803-2**

**Policy Issue Date:** **December 2, 2005**

**Date of Issue:**  
**April 5, 2006**

**Authority:** *Jeffrey A. Beard*  
**Jeffrey A. Beard, Ph.D.**

**Effective Date:**  
**April 5, 2006**

The purpose of this bulletin is to clarify Bulletin **DC-ADM 803-1**, with an effective date of January 1, 2006:

- The most basic criterion is that the "...purpose is sexual arousal or gratification..." This refers to the intent of the publisher in including the photograph or drawing. Publications that contain advertisements with partially clad models would not be considered pornography; these are typically meant to be reasonable for family viewing.
- If the publication or material has significant literary or educational value it may be approved on a case by case basis, taking into consideration educational programs the inmate is involved in, and the type of his/her offense (i.e. sexual offender). This includes art books that may feature nude pictures; again the basic purpose of these is NOT sexual arousal or gratification.
- To clarify the reference to, "...buttocks with less than a fully opaque covering:" photographs where the model is wearing a covering of some type, such as a thong, may be permitted, as long as the thong is "fully opaque."
- The policy and these clarifications also apply to publications, books, magazines, cartoons, and photographs sent by families, friends, and others.

## Community Corrections Centers

### Region I

REGIONAL OFFICE  
1355 West Cheltenham Avenue  
Elkins Park, PA 19027-3122  
(215) 560-1600

PHILADELPHIA CCC #3  
219 East High Street  
Philadelphia, PA 19144-1197  
(215) 560-4885

PHILADELPHIA CCC #5  
1221-1223 Bainbridge Street  
Philadelphia, PA 19147-1805  
(215) 560-4543

PHILADELPHIA CCC #2  
407 North 8<sup>th</sup> Street  
Philadelphia, PA 19123-3907  
(215) 560-3041

PHILADELPHIA CCC #4  
1628-1630 North 1<sup>st</sup> Street  
Philadelphia, PA 19123-3402  
(215) 560-5328

### Region II

REGIONAL OFFICE  
33 North Cameron Street  
Harrisburg, PA 17101-2408  
(717) 787-8127

HARRISBURG CCC  
27 North Cameron Street  
Harrisburg, PA 17101-2408  
(717) 787-4427

SCRANTON CCC  
240 Adams Avenue  
Scranton, PA 18503-1602  
(570) 963-4215

ALLENTOWN CCC  
608-610 Hamilton Mall  
Allentown, PA 18101-2104  
(610) 821-6741

JOHNSTOWN CCC  
301 Washington Street  
Johnstown, PA 15901-1612  
(814) 533-2416

YORK CCC  
317 West Market Street  
York, PA 17401-1009  
(717) 771-4541

### Region III

REGIONAL OFFICE  
1301 Beaver Avenue  
Pittsburgh, PA 15233-2342  
(412) 565-5657

PITTSBURGH CCC #2  
501 North Negley Avenue  
Pittsburgh, PA 15206-2430  
(412) 565-5360

ERIE CCC  
423 West 8<sup>th</sup> Street  
Erie, PA 16502-1336  
(814) 871-4281

PITTSBURGH CCC #1  
915 Ridge Avenue  
Pittsburgh, PA 15212-6004  
(412) 322-6806

PITTSBURGH CCC #3  
535 South Aiken Avenue  
Pittsburgh, PA 15232-1532  
(412) 681-1202

SHARON CCC  
300 West State Street  
Sharon, PA 16146-1248  
(724) 983-5135

[illegible]

## Inmate Correspondence Tracking Form

Inmate Name and Number	Date Monitoring Initiated	Copy the Correspondence? Yes/No	Reason for Investigation	Current Status of Investigation

