

	State of Indiana Indiana Department of Correction	Effective Date	Page 1 of	Number
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POLICY AND ADMINISTRATIVE PROCEDURE Manual of Policies and Procedures				

Title CORRESPONDENCE

Legal References (includes but is not limited to)	Related Policies/Procedures (includes but is not limited to)	Replaces:
IC 11-8-2-5(a)(8) IC 11-11-3-2 IC 11-11-3-4 thru 7 IC 11-11-5-4(4) IC 11-11-7-2	00-01-102 03-02-101 00-02-301 04-01-104 02-01-101 02-03-101 02-04-101	02-01-103 (Eff. Date 3-15-21) / ED # 21-18)

I. PURPOSE:

The purpose of this policy and administrative procedure is to establish a mechanism for incarcerated individuals to maintain contact with persons in the community through correspondence, and printed material in a manner that ensures the safety and security of the persons involved and the facilities.

II. POLICY:

It is the policy of the Indiana Department of Correction that incarcerated individuals shall be permitted to maintain contact with the community and persons in the community through the use of correspondence and printed materials. The Department encourages the maintenance of community ties and relationships through correspondence as a means to enhance the incarcerated individual's re-integration into the community upon release.

In order to ensure this continued contact, the Department shall establish administrative procedures for the sending, receiving, distributing, and forwarding of correspondence both to and from incarcerated individuals in Department facilities. An incarcerated individual's correspondence shall not be censored, delayed, or denied solely on the basis of the sender's or receiver's apparent moral, political, ethical, ethnic, or religious values or attitudes, veracity, or choice of words.

III. DEFINITIONS:

For the purpose of this policy and administrative procedure, the following definitions are presented;

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- A. **CENSORSHIP:** Any action taken by departmental staff which results in the restricting, deleting, or withholding, beyond that time necessary for normal delivery, of an item of correspondence or a publication, or a part of an item of correspondence.
- B. **CONTRABAND:** Any property the possession of which is in violation of Indiana or federal statute.
- C. **CORRESPONDENCE:** Any letter, package, or printed matter written, initiated, forwarded, sent, received, or transmitted through the U.S. Postal Service, or other private commercial carrier, to or from an incarcerated individual. Printed matter may be purchased by the incarcerated individual (or their family) from a publisher or provided at no cost by the publisher.
- D. **GENERAL CORRESPONDENCE:** Any letter, package, or printed matter not marked as privileged or legal mail, all religious mail, educational mail, photographs, art, or drawings. All general correspondence is subject to copying procedures, as outlined in this policy and administrative procedure or any Executive Directive that replaces it.
- E. **INMATE FRAUD:** As defined in Indiana Code, 35-43-5-20- Sec. 20. (a) As used here, "inmate" means a person who is confined:
 - 1) Makes a misrepresentation to a person who is not an inmate and obtains or attempts to obtain money or other property from the person who is not an inmate; or,
 - 2) Obtains or attempts to obtain money or other property from the person who is not an inmate through a misrepresentation made by another person; commits inmate fraud, a Level 6 felony.
- F. **INTAKE UNIT:** Any facility or unit within a facility designated by the Commissioner to receive individuals from a court.
- G. **INDIGENT INDIVIDUAL:** An incarcerated individual who has a Trust Fund account balance of less than fifteen dollars (\$ 15.00) (not including any monies in the incarcerated individual's Re-Entry Administrative Account) on the day of request and has not had a total of more than fifteen dollars (\$ 15.00) credited to the Trust Fund account (not including the incarcerated individual's Re-Entry Administrative Account) in the preceding thirty (30) days.

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- H. **KIOSK:** a small stand-alone device providing information and services on a computer screen.
- I. **LEGAL CORRESPONDENCE:** Correspondence mailed directly from or to a court, a judge, or an attorney, whether it is the attorney in a criminal or civil action involving the incarcerated individual, including opposing counsel, and which has been identified as legal mail. All legal correspondence is subject to copying procedures, as outlined in this policy and administrative procedure or any Executive Directive that replaces it. (This correspondence includes mail to the embassies/consulates of foreign nations by foreign nationals, legal organizations such as the American Civil Liberties Union [ACLU], American Civil Liberties Union of Indiana [ACLU-I], Legal Services Organization [LSO] or the Public Defender Council or Notices of Tort Claim sent to the Commissioner).
- J. **MAIL CLERK:** The employee(s) designated by the Warden to initially process and, when appropriate, inspect correspondence.
- K. **MINISTRY/RELIGIOUS ORGANIZATION:** Any organization that encompasses some of the following attributes—distinct legal existence, recognized creed and form of worship, definite and distinct ecclesiastical government, formal code of doctrine and discipline, membership, ordained ministers, literature of its own, established places of worship and regular congregations and services. The Facility Chaplain will make the final determination whether an organization is recognized as a ministry.
- L. **PRINTED MATTER (PUBLICATION):** Any book, magazine, newspaper, pamphlet, newsletter, brochure, article, periodical, religious study material, or any other type of printed literature of any kind.
- M. **PRIVILEGED CORRESPONDENCE:** Correspondence mailed directly to or from any of the following persons in their respective official capacities: local, state and federal officials, including but not limited to: Governor, all federal, State or local officials having responsibility for the incarcerated individuals present, prior or anticipated future custody or supervision; the Commissioner or other officials of the Department; members of the Indiana Parole Board; the Indiana Inspector General; the Indiana Ombudsman; the Department of Child Services; and the Internal Revenue Service. All privileged correspondence is subject to copying procedures, as outlined in this policy and administrative procedure or any Executive Directive that replaces it. Additionally, grievances and disciplinary appeals mailed to Central Office shall be considered privileged correspondence.

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- N. **PROPERTY:** Any item which the Department permits an incarcerated individual to possess.
 - O. **PROHIBITED PROPERTY:** Any item that is not specifically permitted either in Policy and Administrative Procedure 02-01-101, “Offender Personal Property,” 01-03-101, “Religious Services,” or by the Warden; property item amounts that exceed established limits; property items that are misused or altered; or property items that are in the possession of an unauthorized person.
 - P. **PUBLISHER:** Any publisher, book club, store, or any other book, magazine, religious organization or ministry, or a newspaper distributor that conducts mail order business or otherwise delivers publications to readers.
 - Q. **RESTRICTED CORRESPONDENCE:** Correspondence between incarcerated individuals that requires administrative approval.
 - R. **RESTRICTIVE STATUS:** The classification of an incarcerated individual whose continued presence in the general population would pose a serious threat to life, property, self, staff, or other incarcerated individuals, or to the security or orderly operation of a correctional facility. This definition does not apply to protective custody.
 - S. **SOLICITATION:** The act of begging, canvassing, or specifically requesting funds or other items of value; however, requests to an incarcerated individual’s immediate family (as defined in Policy and Administrative Procedure 02-01-102) or friends on the incarcerated individual’s visitor list shall not be considered solicitation unless the incarcerated individual is engaging in illegal or prohibited activities.
 - T. **THIRD (3rd) PARTY FULFILLMENT SERVICE:** The outsourcing of e-commerce logistics and shipping processes, including warehousing, picking and packing items, inventory management, shipping orders, and managing returns. Goods cannot be sold or packaged from friends and family.
- IV. **GENERAL PRINCIPLE OF CORRESPONDENCE:**
- When the incarcerated individual bears the mailing cost, there is no limit on the volume of letters the incarcerated individual may send or receive or on the length, language, content, or source of mail or publications except when there is reasonable belief that the limitation is necessary to protect public safety or facility order and security. However, such correspondence shall not be written in code or include symbols.

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V. RESTRICTED CORRESPONDENCE:

An incarcerated individual must obtain prior approval from the Department to receive or send correspondence to another person if the other person is:

- A. Held in a correctional facility (Federal, State, or local);
- B. On parole;
- C. Sentenced to a community corrections program;
- D. Held in a county jail;
- E. Released from a Department correctional facility to county probation supervision;
- F. Participating in a Community Transition Program (CTP); or,
- G. Participating in a work release program.

The facility or program indicated in A-G may be operated by, or provided through contractual services to, a county, state, province, or federal unit of government.

The burden of obtaining permission for such correspondence is with the incarcerated individual. The incarcerated individual must establish that the exchange of correspondence is in the best interests of both the confined persons and the facilities involved. This request shall be made on State Form 11985, "Request to Correspond with Another Confined Person," and shall be directed to the Warden or designee for approval or denial

The Warden of the facility housing the requesting incarcerated individual shall review the request and make a recommendation. If the Warden's recommendation is to deny the request, the Warden shall indicate the denial and return the request to the incarcerated individual, with a copy filed in their facility packet. If the Warden recommends approval, the request shall be forwarded to the Warden of the facility/program housing the other incarcerated individual. If the receiving facility/program is not under the jurisdiction of the Department, the Warden shall include a cover letter explaining the request. The Warden shall ask that the receiving Warden or designee review the request, make a recommendation, and return it. The Warden or designee of the receiving facility shall contact the incarcerated individual at that facility to determine whether the request to correspond is mutual.

If the request involves facilities within the Department and the two (2) Warden's disagree, the originating Warden shall forward the request, with all comments, to the assigned Executive Director of Adult Facilities or the Executive Director of Youth Services for review and a decision. If the request is between a Department facility and a facility or program outside the Department's jurisdiction, a denial by either Warden shall be considered the final decision.

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Any incarcerated individual placed on a restrictive status for disciplinary or investigative reasons shall not be allowed to correspond with other incarcerated individuals during the restrictive status period, regardless of any prior approvals. Upon release from restrictive status, any prior approval normally will be reinstated; however, the Warden or designee may rescind the prior approval if it is felt that continued correspondence would be detrimental to the safety and security of the public, facility, staff, or the incarcerated population.

Denials of correspondence with other incarcerated individuals shall not be used as a disciplinary measure unless the denial is based upon a demonstrated abuse of this privilege by the incarcerated individual.

An incarcerated individual who is denied authorization to correspond with a person identified in A – G above, may challenge the decision in accordance with Policy and Administrative Procedure 00-02-301, "Offender Grievance Process." If the request involves an agency outside the jurisdiction of the Department and the request is denied by the Warden of the outside agency, the decision of the Warden shall be final.

VI. PRIVILEGED CORRESPONDENCE (See Facility Directive):

An incarcerated individual shall be permitted to mail privileged correspondence to government officials. Only correspondence sent to or received from the government officials in their official capacities as designated in these procedures shall be considered privileged correspondence. Privileged correspondence does not include correspondence mailed to the courts, attorneys, and legal organizations as this correspondence is considered legal mail. Incarcerated individuals shall be required to designate on the envelope that the correspondence is "privileged."

All outgoing privileged correspondence shall be inspected for contraband and/or prohibited property prior to being sealed. This inspection shall include verification that the contents pertain to the incarcerated individual's present, prior, or anticipated future custody or supervision as stipulated by the definition of privileged correspondence in Procedure III of this policy and administrative procedure. This inspection shall take place in the presence of the incarcerated individual and once inspected and approved, the privileged correspondence shall be sealed in the presence of the incarcerated individual. Outgoing privileged correspondence shall not otherwise be opened, read, censored, copied or otherwise interfered. Once sealed, staff shall not open privileged correspondence unless the facility acquires reason to believe that this correspondence does not meet the requirements to be considered privileged correspondence or it contains material that could jeopardize the health and safety of others or otherwise is in violation of this policy and administrative procedure, as described in more detail below in Procedure VII.

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In cases where there is reason to believe that correspondence designated as privileged contains prohibited property, contraband, or is not for official government business, the facility may open the correspondence and inspect it. When privileged correspondence is opened, staff shall complete State Form 11984, "Notice and Report of Action Taken on Correspondence," and provide the incarcerated individual with a copy of this form, including the reason the correspondence was opened or delayed. If the Department has been advised that a criminal investigation is being conducted in accordance with Procedure VIII, D or Procedure IX, D and notification to the incarcerated individual would compromise the integrity of the investigation, this mail may be opened and read without notification to the incarcerated individual at that time. In such cases, State Form 11984 shall be completed; however, it shall be filed in the incarcerated individual's facility packet (the confidential section) and the incarcerated individual shall not be provided a copy until the criminal investigation is completed.

Incarcerated individuals shall be responsible for the cost of mailing privileged correspondence. Incarcerated individuals may use any free postage and stationery provided by the facility to mail privileged correspondence; however, the facility shall not otherwise assume the cost for privileged correspondence.

Privileged correspondence sent to an incarcerated individual shall be opened and inspected for prohibited property or contraband only in the presence of the incarcerated individual. The facilities shall handle incoming privileged mail in a manner similar to legal mail. Staff shall not read incoming privileged correspondence unless there is a reasonable belief that the correspondence is not privileged correspondence or that it contains information that presents a clear and present threat to the safety and security of the facility.

All facilities copy privileged mail by direction from Legal Services. Each facility shall develop a Facility Directive for all protocols relating to copying privileged mail.

The Facility Directive shall be forwarded to the Department Policy Manager for approval from Legal Services and Operations to implement.

VII. LEGAL MAIL:

Incarcerated individuals shall be allowed unrestricted access to legal representatives and courts through the mail. Only that mail to or from an incarcerated individual which is clearly identified as legal mail shall be treated as such. It is the responsibility of the sender to indicate that the correspondence is legal mail. Mail from a court, an attorney, or legal organization (such as LSO, ACLU,

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ICLU, etc.) shall be treated as legal mail. Also, mail identified as a Tort Claim sent to the Commissioner shall be treated as legal mail.

Incarcerated individuals who are foreign nationals shall be permitted to correspond with the embassy or consulate of their home nation. This mail shall be considered legal correspondence and shall be subject to the same requirements as other correspondence designated as legal mail. Staff shall not interfere with a foreign national attempting to correspond with their embassy or consulate.

Each facility shall use a Facility Directive for all protocols relating to copying legal mail. The Facility Directive shall be forwarded to the Department Policy Manager for retention and approval through Legal Services.

If the item is legal mail or privileged correspondence, the facilities shall adhere to the following procedure:

- A. Staff shall inspect the incoming Legal Mail or Privileged Correspondence by making a visual inspection of the outside of the mail. If anything appears unusual or suspicious, staff shall confiscate the item in accordance with this policy and administrative procedure and submit the envelope to the Office of Investigations and Intelligence for further investigation.
- B. Legal mail or privileged correspondence shall be copied and distributed according to the approved facility directive. The incarcerated individual shall only receive the contents of the mailing container along with a photocopy of the parcel showing sender's name, return address, and postmark date. The mailing container and packing material shall be destroyed daily.
- C. Staff shall inspect any legal mail or privileged correspondence returned to the facility from the Post Office. If a visual inspection of the mail does not indicate anything unusual or suspicious (e.g., when the returned item is noted on facility logs of outgoing mail), the mail shall be treated as incoming Legal mail or privileged correspondence and treated in accordance with the approved facility directive.
- D. In the event that suspicion is raised that the returned legal mail or privileged correspondence is tainted with a foreign substance or contains contraband/prohibited property, it shall be treated in the same manner as non-legal mail or privileged or non-privileged correspondence which raised similar suspicion. Such correspondence shall be opened and reviewed by the Office of Investigations and Intelligence staff, or similar facility staff, to check for a foreign substance or other contraband/prohibited property. If no foreign substance or other contraband/prohibited property is discovered,

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the mail shall be copied in accordance with the approved facility directive and the copy provided to the incarcerated individual. In the event the facility staff determine that the mail is tainted with a foreign substance or contains other contraband/prohibited property, the mail shall be retained and preparations made to destroy the mail, subject to the procedures outlined below and further outlined in Procedure XII and XIII of this policy and administrative procedure.

- E. Prior to destroying the returned legal mail or privileged correspondence, the incarcerated individual shall be provided with State Form 11984, "Notice and Report of Action Taken on Correspondence." The incarcerated individual shall be given the opportunity to fully grieve the issue of the proposed destruction of legal mail or privileged correspondence before the destruction can occur, in accordance with Policy and Administrative Procedure 00-02-301, "Offender Grievance Process," or Policy and Administrative Procedure 03-02-105, "Youth Grievance Process." Only after the incarcerated individual has fully exhausted the grievance remedies, or has failed to timely grieve the matter, may the returned legal mail or privileged correspondence to be destroyed.

Incarcerated individuals returning to a facility from an outside location, including but not limited to a county jail, courthouse, or hospital, shall be subject to having all paperwork searched upon their return to the Department. Facilities shall copy all corresponding paperwork in the presence of the incarcerated individual, upon their return. Copying shall be completed according to the same procedures outlined in each Facility Directive. General Correspondence shall be copied by all facilities, in accordance with the steps outlined in this policy and administrative procedure.

Outgoing legal mail shall be inspected for contraband and/or prohibited property in the presence of the incarcerated individual and once the legal mail has been cleared, shall be sealed in the presence of the incarcerated individual. Once sealed, staff shall not interfere with the processing of the legal mail unless additional information becomes available which reasonably would lead staff to believe that the legal mail is in fact not legal mail as indicated in this policy and administrative procedure or that the mail contains materials that could jeopardize the health and safety of others or is in violation of this policy and administrative procedure. Each facility shall ensure that its Facility Directive contains a process where an incarcerated individual would have regular access to staff that have the authority to inspect the incarcerated individual's legal mail and seal the legal mail in the presence of the incarcerated individual.

Each facility shall ensure that the incarcerated population is informed as to the correct process to submit legal mail so that it will be inspected and sealed in the incarcerated individual's presence. Additionally, the facilities shall ensure that the

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incarcerated individuals are advised that if legal mail is submitted with general correspondence in the manner authorized for processing general correspondence, the legal mail will be considered the same as general correspondence for the purpose of reviewing and inspection. For example, if general correspondence is placed in a mail collection box in the facility and is then inspected, any legal mail placed in this mail collection box will be treated the same as the general correspondence placed in the box, including the inspection and reading of this correspondence.

The facility shall ensure that alternative staff persons are designated to conduct these inspections when the primary staff person is not available so that there is only a minimal delay in the delivery of the legal mail to the incarcerated individual.

Payment for legal documents (copies, postage, etc.) is detailed in Policy and Administrative Procedure 00-01-102, "Access to the Courts for Incarcerated Individuals."

VIII. OPENING OF CORRESPONDENCE:

An incarcerated individual may choose to mail original photographs, photobooks, or art back to the sender, at their own cost, instead of having the facility destroy the originals.

Incarcerated individuals shall not receive damaged or altered publications. Used books shall be inspected for modifications or alterations prior to the incarcerated individual receiving the item. If a used publication contains writing, pictures, or is otherwise altered or annotated, the item shall be rejected and returned to sender.

Incarcerated individuals may not receive packages from a third party fulfillment services. Any item received by the mailroom with a return label belonging to a third party fulfillment service shall be rejected and returned to sender.

Facility mail room staff shall adhere to the following guidelines for general correspondence:

- A. The Department shall be required to adhere to the forty-eight (48) hour time limit (twenty-four [24] hour time limit for DYS facilities), excluding weekends, holidays, and facility emergencies, to distribute copied general correspondence to incarcerated individuals.
- B. Incoming general correspondence shall be physically maintained on-site for a minimum of fourteen (14) days. The fourteen (14) day count begins on the day the general correspondence is distributed to the incarcerated individual. The fourteen (14) days allows an incarcerated individual to

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properly access the grievance process (Policy and Administrative Procedure 00-02-301 [adult] or 03-02-105 [youth]) if they wish to challenge the destruction of the general correspondence.

- C. If general correspondence is suspected of contamination, mail room staff shall complete State Form 11984, “Notice and Report of Action Taken on Correspondence,” or a written notice of destruction that the general correspondence has been destroyed and forward a copy to the incarcerated individual within two (2) business days, unless the general correspondence is part of an on-going investigation.
- D. The Department shall not destroy mail that is the subject of a grievance. The incarcerated individual retains the right to challenge the adequacy of the copy.
- E. The timeline for a grievance begins on the day the incarcerated individual receives their copied mail.
- F. The timeline for a grievance on a non-delivered piece of mail begins on the day the notice is given to the incarcerated individual. If a grievance is filed, the Department shall not destroy the correspondence until the grievance has been resolved.

Facilities/mailrooms shall adhere to the following guidelines and Return to Sender procedure.

If the item is **not** legal mail or privileged correspondence, the general correspondence shall be processed as described in steps A through F, above.

- A. Facilities shall inspect the envelope, open the mail, copy the contents and the envelope, and deliver the copy to the incarcerated individual. If the contents appear suspicious, staff shall properly confiscate, and document the contents in accordance with Procedure XIII of this policy and administrative procedure and place into evidence with the Office of Investigations and Intelligence in the manner described in Policy and Administrative Procedure 00-01-103, “Investigations and Intelligence.”
- B. If a grievance regarding the general correspondence is received in a timely manner, the general correspondence is to be removed from the destruction protocol and maintained on-site until all litigation surrounding the general correspondence has been resolved.

Incoming correspondence is not to be censored, withheld, disclosed to another person, or otherwise interfered with in regard to its prompt delivery unless:

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- A. The Department has reasonable grounds to believe that the correspondence:
 - 1. Poses an immediate danger to the safety of an individual or a serious threat to the security of the facility or program; or,
 - 2. Is restricted correspondence as defined under Procedure V;
- B. The correspondence contains contraband or prohibited property;
- C. The incarcerated individual has been:
 - 1. Convicted of a crime that involved the use of correspondence to engage in an illegal activity; or,
 - 2. Found guilty in a disciplinary hearing of using correspondence to commit a violation of the disciplinary code; or,
- D. The Department receives a written request from a supervising authority of any Federal, State law, or local law enforcement agency stating that the agency has reasonable grounds to believe that a crime is being committed or has been committed by the incarcerated individual and requesting the department monitor the incarcerated individual's correspondence.

Each facility shall notify the incarcerated population that incoming correspondence may be monitored based upon the above-cited grounds. The facilities shall ensure that this information is posted in all housing units and included in the new admission and orientation program.

IX. INSPECTION OF OUTGOING CORRESPONDENCE (See Facility Directive):

Correspondence sent from an incarcerated individual shall be submitted unsealed to allow staff to monitor and inspect for prohibited property or contraband.

If staff of the facility has reason to believe that outgoing legal or privileged correspondence contains contraband or prohibited property, staff may open the outgoing legal or privileged correspondence in the presence of the incarcerated individual for inspection. Once this correspondence is inspected, it shall be resealed and placed in the mail. Once inspected, this correspondence shall not be returned to the incarcerated individual.

During the inspection of outgoing correspondence, staff shall inspect the envelope to determine whether contraband or prohibited property is present. All outgoing general correspondence shall be read by staff designated by the Warden within

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twenty-four (24) hours, excluding weekends and holidays, of the mailroom's receipt of the outgoing general correspondence. Those staff persons shall be authorized to remove the correspondence from the envelope, inspect for prohibited property or contraband and review the correspondence to ensure that there is nothing in the correspondence that may present a threat to the safety and security of the facility, staff, other incarcerated individuals, or the public. Staff designated to read and inspect shall take all necessary precautions to ensure that an incarcerated individual's correspondence is not lost or damaged during the inspection process. Staff shall not disclose to another person the contents of any correspondence which is read unless:

- A. There are reasonable grounds to believe that the correspondence:
 - 1. Poses an immediate danger to the safety of an individual or a serious threat to the security of the facility or program; or,
 - 2. Is prohibited under Procedure V above;
- B. The correspondence contains contraband or prohibited property;
- C. The confined person has been:
 - 1. Convicted of a crime that involved the use of correspondence to engage in an illegal activity; or,
 - 2. Found guilty after a hearing conducted by the Department of using correspondence to commit misconduct;
- D. The Department or facility receives a written request from a supervising authority of any Federal or State law enforcement agency stating that the agency has reasonable grounds to believe that a crime is being committed or has been committed by the confined person and that the Department should monitor the confined person's correspondence; or,
- E. The Department or facility has reasonable grounds to believe that the correspondence may pose a threat to national security.

Outgoing mail that is read in accordance with this policy and administrative procedure shall not require that a State Form 11984, "Notice and Report of Action Taken on Correspondence," be completed unless other action is taken in regards to the correspondence.

Mail that has been submitted by an incarcerated individual shall not be returned to the incarcerated individual for sealing after it has been inspected and monitored.

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Designated facility staff shall seal all outgoing correspondence after it has been inspected and reviewed and prior to it being delivered to the designated mail carrier. Each facility shall ensure that the incarcerated population is advised that correspondence shall be inspected and monitored. Each facility shall develop a Facility Directive that indicates the manner in which outgoing general correspondence is submitted, inspected, and reviewed by staff.

It is the responsibility of the Warden or designee to authorize correspondence to be censored, copied, or otherwise interfered with, based upon the guidelines presented in this procedure.

In cases where correspondence is delayed, censored, withheld, or otherwise interfered with, State Form 11984, "Notice and Report of Action Taken on Correspondence," shall be completed and a copy given to the affected incarcerated individual pursuant to Procedure XII. In cases where correspondence is delayed, censored, or withheld pursuant to Procedure VIII, D or Procedure IX, D, State Form 11984 shall be completed; however, the incarcerated individual shall not be notified of this action. The staff person taking this action shall ensure that the reason for the action is indicated on the State Form 11984. The facility's and the incarcerated individual's copy of this action shall be filed in the "Confidential" section of the facility packet. The incarcerated individual shall be given their copy of State Form 11984 when it is determined that the need to withhold this information from the incarcerated individual no longer exists.

The facility shall develop a Facility Directive to ensure that the delaying, reading, censoring, or withholding of any correspondence is in accordance with this policy and administrative procedure. Additionally, the Facility Directive shall ensure that the contents of any monitored correspondence shall be shared only as indicated above, or in the case where there is reason to believe that the correspondence contains evidence of criminal activity or a possible threat to national security, it is shared with the appropriate state or federal law enforcement officials. The Facility Directive shall specify the manner in which the facility shall notify the appropriate federal or state law enforcement agency and the staff person responsible for ensuring that this notification is completed in accordance with this policy and administrative procedure.

X. RETURN ADDRESS AND MARKING OUTGOING CORRESPONDENCE:

Incarcerated individuals are responsible for ensuring that all outgoing correspondence bears the following information in the upper left-hand corner of the envelope:

- A. Indiana Department of Correction;
- B. Title of facility or program;

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- C. Address of facility or program; and,
- D. Name, identification number, and housing assignment of the individual sending the correspondence.

Incarcerated individuals shall not use a mail forwarding service, other individuals to forward their mail, or other third party mailings in an attempt to circumvent the requirements of incoming and outgoing correspondence. Correspondence sent via mail forwarding services shall be intercepted by staff and shall be returned to the incarcerated individual or shall be submitted as evidence with a conduct report. State Form 11984 shall be completed and a copy given to the incarcerated individual explaining the reason for the return of the correspondence.

Incarcerated individuals who fail to use a return address on outgoing correspondence or who attempt to use a mail forwarding service or a third party shall be subject to discipline in accordance with Policy and Administrative Procedure 02-04-101, "The Disciplinary Code for Adult Offenders," or, Policy and Administrative Procedure 03-02-101, "The Code of Conduct for Youth."

Additionally, each facility or program shall ensure that all outgoing correspondence is identified in a conspicuous manner indicating that the correspondence is being sent by an incarcerated individual in a correctional facility or program.

This identification shall include the name and address of the facility or program sending the correspondence. Additionally, this identification shall include the following disclaimer or equivalent language:

"This stamp identifies this correspondence as having been mailed by an offender incarcerated at the above correctional facility.
WARNING: Not responsible for contents. Any enclosed money orders should be referred to your local Postmaster before cashing."

XI. INMATE TRUST FUND:

Incarcerated individuals may receive or request to mail funds from their Inmate Trust Fund outside the facility. The receiving or sending of funds from the Inmate Trust Fund shall be in accordance with the administrative procedures for Policy 04-01-104, "Inmate Trust Fund."

XII. DISPOSITION OF INCOMING CORRESPONDENCE:

Incoming correspondence shall be delivered to incarcerated individuals without unnecessary delay. With the exception of weekends, holidays and emergencies declared by the Warden in accordance with Policy 02-03-102, "Emergency Response Operations," incoming and outgoing correspondence is to be held no

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more than 48 hours at adult facilities / 24 hours at DYS facilities for letters and 72 hours for publications or packages. Once correspondence has been given to an incarcerated individual, the correspondence becomes personal property subject to Policy and Administrative Procedure 02-01-101, "Offender Personal Property." Postage due mail shall not be accepted.

In order to ensure the prompt delivery of correspondence, the facilities shall advise the incarcerated population that incoming correspondence should have the incarcerated individual's name, as it appears on the commitment and the incarcerated individual's identification number, as well as the facility's name and address, as a part of the address. Incarcerated individuals are to be encouraged to request that persons sending them correspondence include the housing assignment; however, correspondence shall not be delayed in its delivery simply because the housing unit is not included in the address. It shall be the incarcerated individual's responsibility to ensure that all persons writing to them include this information in the address of all incoming correspondence. If the incarcerated individual's name, identification number, or housing unit is not included in the address on incoming correspondence, the facility shall make a reasonable attempt to deliver the correspondence in as timely a manner as possible. However, the incarcerated individual shall be made aware that in such cases there will most likely be a delay in the delivery of the correspondence and, if the facility cannot adequately determine the identity of the incarcerated individual, the correspondence shall be returned to the sender. In those cases where the delivery of an identified incarcerated individual's correspondence is delayed, State Form 11984 shall be completed and a copy given to the incarcerated individual in accordance with Procedure XIII.

Any incoming correspondence that is received that appears suspicious (e.g., no return address, incomplete address/identification of the intended recipient, excessive taping, etc.) or which does not identify the intended recipient sufficiently to allow staff to identify the incarcerated individual may not be delivered. Staff shall return any such correspondence that cannot be delivered to the incarcerated individual to the sender, if known. If the sender and the recipient cannot be identified, staff shall return the correspondence to the Post Office as undeliverable.

If staff has a reason to believe that the correspondence is suspicious for reasons other than due to an incomplete address, the employee shall attempt to isolate the correspondence and contact the immediate supervisor. If it appears that the correspondence poses a potential threat to the safety, security or health of the public, staff, or incarcerated individuals, the staff person or supervisor shall contact the Warden or designee to determine whether an outside law enforcement agency is to be notified. Staff shall take the utmost caution to ensure the health and safety of themselves, other staff, and incarcerated individuals. If the incarcerated individual who is the intended recipient of the correspondence is known, staff shall provide

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the incarcerated individual with a State Form 11984 delay or action taken regarding the correspondence.

Unsolicited correspondence that does not name a specific incarcerated individual recipient shall be rejected by the mail room. All unsolicited correspondence shall be returned to sender. No report of action taken on correspondence shall be generated.

XIII. REPORT OF ACTION TAKEN ON CORRESPONDENCE (See Facility Directive):

Whenever a decision is made to delay, censor, or withhold any correspondence, the incarcerated individual is to be informed within two (2) working days of the action, except as indicated in Procedure VIII, D or Procedure IX, D, State Form 11984, "Notice and Report of Action Taken on Correspondence," shall be used for this purpose. The employee completing this form shall ensure that the following information is contained in the notice:

- A. A complete description of the article being withheld;
- B. The specific reason for the action, including a citation of the policy violated;
- C. The name of the sender;
- D. The date of any postmark;
- E. The date the correspondence was received or deposited at the facility or program;
- F. The proposed disposition to be made of the correspondence;
- G. The name of the person who made the decision; and,
- H. The fact that the action may be challenged through the grievance procedure.

If a determination is made that the correspondence shall not be given to the incarcerated individual, the facility or program shall ensure that State Form 21682, "Disposition of Offender Personal Property / Correspondence," is completed prior to the final disposition being made. The incarcerated individual shall be given the opportunity to designate the desired disposition in accordance with Policy and Administrative Procedure 02-01-101, "Offender Personal Property," and Procedure XX below.

Correspondence sent to an incarcerated individual in an envelope or package that is made of or contains materials that are considered to be a potential threat to the safety, security, or orderly operation of the facility (e.g., plastic "bubble wrap" or "peanuts", plastic wrap, insulation, cardboard boxes, hard cardboard envelopes or Priority or Express Mail envelopes), may be withheld from the incarcerated individual. If the packaging or packing materials are determined to be a security threat, the facility shall remove the packaging or packing materials and place or replace the correspondence or items in a suitable envelope or container. The facility

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shall ensure that the incarcerated individual is notified as to the name and address of the sender, the postmark and the date the correspondence was received at the facility. This notification may be by use of State Form 11984 or other suitable means. The employee taking this action shall sign indicating the action taken. The facility shall ensure that the population is aware of the types of prohibited envelopes/packages and the procedures for processing these types of correspondence. Packaging or packing materials withheld pursuant to these procedures may be disposed of as soon as the incarcerated individual receives the contents of the correspondence and the notification. A Facility Directive shall be developed indicating the appropriate procedures for notifying the incarcerated individual of any action taken on correspondence and that the correspondence shall not be delayed any more than absolutely necessary.

XIV. INTERFERENCE WITH CORRESPONDENCE:

An incarcerated individual's correspondence may not be censored, delayed, or disallowed for delivery solely on the basis of the sender's or receiver's apparent moral, political, ethical, ethnic, or religious values or attitudes, veracity, or choice of words. Correspondence in direct violation of Security Threat Group rules or the safety and security of the facility shall be censored, with approval from Central Office Legal Staff and the Office of Investigations and Intelligence.

XV. STATIONERY, ENVELOPES AND POSTAGE (See Facility Directive):

Each facility shall ensure that postage stamps, stationery, and envelopes are sold through the facility's commissary or through another means if the facility does not operate a commissary. Incarcerated individuals shall be permitted to purchase sufficient postage stamps, stationery, and envelopes to meet their correspondence needs. Facilities may limit the amount of postage stamps purchased at one time in order to reduce the use of postage stamps as currency in the facilities; however, incarcerated individuals shall be permitted to purchase up to five (5) books of first class stamps (total of 50 stamps) each week (Five [5] books per commissary order if the incarcerated individuals can order commissary weekly or ten [10] books per commissary order if commissary is ordered every two [2] weeks). Incarcerated individuals shall be allowed to possess up to ten (10) books of stamps at any one time, unless the incarcerated individual is found to be using the postage stamps inappropriately. Additionally, with the approval of the Warden, incarcerated individuals may be permitted to request additional postage stamps or postage by using a "Request for Remittance" or similar form. Incarcerated individuals may be required to justify the need for additional postage beyond what is available weekly from the commissary. The purchase of postage stamps from the commissary shall not interfere with an incarcerated individual's ability to purchase hygiene or over-the-counter medications.

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If possible, facilities are to sell various denominations of postage stamps through the commissary so that incarcerated individuals will be able to place the correct postage on their correspondence. If the facility determines that it is feasible, the facility may allow the incarcerated individuals to submit outgoing correspondence along with a “Request for Remittance” or similar form so that the correct postage may be affixed to the correspondence by the facility. If the facility does not allow this procedure, the facility shall provide the incarcerated individuals access to a postage scale so that the correct amount of postage may be determined and placed on the correspondence.

Facilities, other than Community Re-Entry Centers/Work Release Centers, shall make available free postage, stationery (two [2] sheets per request) and an envelope for two (2) letters per month to all incarcerated individuals. The postage provided shall be the equivalent of that necessary to send a first class letter. Incarcerated individuals shall be required to submit a request for these free items to the designated staff in accordance with Facility Directives. Failure of an incarcerated individual to request these free items each month in accordance with the Facility Directive shall not require the facilities to provide these items at a later date. The facilities shall ensure that a procedure is in place to allow incarcerated individuals who cannot request these items in the designated manner due to the incarcerated individual being away from the facility or for other legitimate reasons to be able to request the items at an alternative time. Incarcerated individuals may use these free pieces of correspondence to send privileged correspondence. Paper provided either as free materials or sold through the commissary shall be 8 ½” x 11”.

Due to the incarcerated individual's access to the community, Community Re-Entry Centers/Work Release Centers shall ensure that adequate stationery, envelopes, and postage, equivalent to the current first class postage rate, for the transmission of one (1) piece of correspondence per month is available to all incarcerated individuals at no cost. The Center’s Warden shall ensure that a notice is posted prominently advising incarcerated individuals that these items are available upon request.

The envelopes provided for the above purpose shall be # 10 business envelopes or its equivalent. These envelopes may or may not be pre-stamped. The facilities shall ensure that the following information is contained in the return address:

- Individual’s Name
- Individual’s DOC Number
- Individual’s housing location
- Name and address of the facility

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Additionally, the disclaimer indicated in Procedure X shall be printed on the envelope directly below the return address. Envelopes sold on commissary shall be of a similar size and include the same information.

This procedure shall not be applicable to incarcerated individuals who are not housed in a Department facility, unless specifically authorized in an agreement between the Department and the non-departmental facility.

XVI. CERTIFIED/INSURED CORRESPONDENCE (See Facility Directive):

An incarcerated individual shall be permitted to send mail either certified or insured. The additional cost for these services shall be the responsibility of the incarcerated individual. The facilities shall ensure that the incarcerated individuals are made aware of the availability of these services.

Incarcerated individuals shall be permitted to receive certified mail. In cases where certified mail is received at a facility for an incarcerated individual housed at the facility, the facility shall sign for the mail. The facility shall maintain a log for all certified mail received. This log shall include the name of the employee who signed for the mail, the date the mail was received, the name of the incarcerated individual, the date the mail was processed and disposition of the mail (i.e., whether it was delivered to the incarcerated individual, forwarded to the incarcerated individual at another address or returned to sender). An incarcerated individual cannot refuse to accept certified mail.

A Facility Directive shall be developed to process requests for sending mail certified or insured and for the delivery of certified/insured mail received at the facility.

XVII. FORWARDING OF CORRESPONDENCE FOLLOWING RELEASE:

Correspondence received for an incarcerated individual who has been transferred or released shall be forwarded to the incarcerated individual's last known address. Such correspondence shall be forwarded to the incarcerated individual in the most cost effective and expeditious manner. When possible and appropriate, the correspondence shall be forwarded using the same carrier by which it was delivered. A reasonable delay may exist between the time the correspondence is received and its subsequent forwarding to an incarcerated individual who is in the legal custody of the Department but is housed at a different location or who has been released. When forwarding correspondence, staff shall follow the standards of the carrier delivering the correspondence. Staff shall not place correspondence being forwarded in another envelope or box or attach additional postage for forwarding, unless it has already been opened for inspection purposes, or unless such is required by the carrier delivering the item.

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In those cases where an incarcerated individual has been transferred to another Department facility, the facility previously holding the incarcerated individual may hold correspondence and transfer it with staff going to or from the facility currently holding the incarcerated individual. This method of forwarding correspondence may be used only if there are routine trips between the facilities. In such cases, the forwarding of the correspondence should not be delayed any longer than would be necessary if the correspondence was forwarded using a mail carrier.

Facilities shall not be required to forward types of mail sent to incarcerated individuals that would not routinely be accepted for forwarding by the selected carrier. For example, it is not necessary for a facility or program to forward bulk rate mail sent to an incarcerated individual who has been transferred or released. The facility shall mark these items "Moved, Return to sender" and then return the item to the appropriate carrier. Additionally, certain third class mail (i.e. advertisements and flyers) may be disposed of rather than forwarded.

If an incarcerated individual's forwarding address is not known, any incoming correspondence shall be returned to the sender as quickly as possible. There shall be no unreasonable delay.

XVIII. SOLICITATION:

An incarcerated individual shall not use the mail service to attempt to solicit funds or other items of value. Incarcerated individuals shall not use correspondence privileges to solicit or otherwise commercially advertise for money, goods, or services. For the purpose of this policy and administrative procedure, this prohibition includes advertising for pen-pals. Incarcerated individuals shall not be prohibited from corresponding with pen-pals; however, they shall not place advertisements soliciting pen-pals. Incarcerated individuals are prohibited from receiving correspondence or materials from persons or groups marketing advertising services or from subscribing to advertising services. Incarcerated individuals who post advertisements or have advertisements posted with the assistance of another person shall be subject to disciplinary action. These prohibitions do not prohibit an incarcerated individual from requesting funds from immediate family members (as defined in Policy 04-01-104, "Inmate Trust Funds") or friends on the incarcerated individual's visitor list. However, these requests may be prohibited if the incarcerated individual is engaging or attempting to engage in illegal or prohibited acts in connection with these requests for funds.

A Warden who suspects that an incarcerated individual is soliciting funds or contributions may delay and inspect or read the incarcerated individual's correspondence to determine whether the incarcerated individual is soliciting. If a

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decision is made to delay, censor, or copy an incarcerated individual's correspondence, the facility shall follow the procedures indicated in Procedure XII.

If an incarcerated individual receives large amounts of funds or receives funds frequently from a person not approved or if the facility has other reasons to believe that an incarcerated individual is soliciting funds, the Warden may authorize the delay of the incarcerated individual's correspondence, incoming and outgoing, to inspect for evidence of solicitation. The Warden must authorize in writing whenever an incarcerated individual's mail is delayed and/or copied. If evidence is present that an incarcerated individual is soliciting or attempting to solicit, the correspondence may be copied as evidence for a conduct report. In all cases where an incarcerated individual's mail is delayed and/or copied, the incarcerated individual shall be given a completed State Form 11984, "Notice and Report of Action Taken on Correspondence." The original correspondence shall be given to the incarcerated individual after the appropriate action has been taken.

An incarcerated individual suspected of soliciting may be charged with a violation the Disciplinary Code (Adult) or Code of Conduct (Juvenile). The alleged violation shall depend upon the perceived severity of the violation and/or whether disciplinary action for this type of violation has been taken previously. Use of the most serious Code violation will be reserved for the most serious instances of solicitation, such as those where a criminal intent can readily be established. If found guilty, the sanctions imposed shall be in accordance with the appropriate disciplinary procedure.

The Department is authorized to disclose to, or receive from, information to/from a person who is or may be the victim of inmate fraud in order to determine whether the incarcerated individual has committed "Inmate Fraud."

Any funds that are received and are suspected to be improperly solicited or received as part of an "Inmate Fraud" shall be held until a determination of the Disciplinary Hearing Board. If the incarcerated individual is found guilty, the funds shall be returned to the sender. If the sender is unknown, the funds shall be placed in the Inmate Recreation Fund as confiscated monies. Funds in the incarcerated individual's Inmate Trust Fund account shall not be frozen or confiscated. The only exception to this condition is if a suspected victim contacts the facility and indicates that they have been a victim of the incarcerated individual and requests restitution. In such cases, the alleged victim must provide sufficient evidence that the incarcerated individual has been soliciting to allow a Conduct Report to be written. The Disciplinary Hearing Body may order the incarcerated individual to pay restitution upon a finding of guilt. If restitution is ordered and the incarcerated individual does not have sufficient funds in the Inmate Trust Fund, the Disciplinary Hearing Body may authorize the Business Office to place a hold on the incarcerated individual's account until the solicited funds are repaid to the victim. Only court

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orders, previously imposed sanctions of restitution, medical co-payments, and commissary purchases of basic hygiene/over-the-counter medications shall take precedence over this restitution.

XIX. PRINTED MATTER/PUBLICATIONS:

An incarcerated individual may acquire or possess printed matter on any subject. However, printed matter shall be inspected and may be excluded if the matter is contraband or prohibited property. An incarcerated individual must receive printed matter mailed directly from the publisher, the distributor, non-profit ministry, or an accredited institution of higher learning, unless the incarcerated individual or the sender receives prior approval from the Warden to receive the printed matter from another source. Facilities **MAY NOT** censor specific publishers or identifiable vendors. All publishers or identifiable vendors are eligible to send incarcerated individual printed matter. All printed matter **MUST** adhere to Department policy and cannot impede the safety and security of the facility.

Incarcerated individuals may not receive packages from unknown vendors or third party fulfillment centers. Any item received by the mailroom with a return label belonging to a third party fulfillment center shall be rejected and returned to sender.

Incarcerated individuals shall not receive damaged or altered publications. Used books shall be inspected for modifications or alterations prior to the incarcerated individual receiving the item. If a used publication contains writing, pictures, or is otherwise altered or annotated, the item shall be rejected and returned to sender.

If a publication is censored, the censoring facility mail room shall include the reason for censorship with the item and return both to the sender. The facility shall include information on how the publication can appeal the censorship decision.

If a publication is censored, the censoring facility mail room shall give written notice to the publisher within ten (10) business days of withholding the mail. The written notice shall be mailed through USPS. The notice shall include the name and address of the publisher as well as the name(s) of the intended recipient(s), a description of the refused item of mail, a citation to the objectionable portion of the publication or correspondence, and a citation to Department policy that has been violated.

The notice shall inform the publisher of its right to appeal the decision directly to Central Office Operation and Legal Services. If a publisher chooses to appeal a censorship decision, the publisher shall have thirty (30) days from receipt of the censorship decision to contact Central Office. A copy of the publication must be provided to Central Office with the appeal request.

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The intended recipient of the censored publication shall be notified per this policy and administrative procedure via State Form 11984, “Notice and Report of Action Taken on Correspondence.”

The censored item(s) shall be retained until all appeals decisions or grievance decisions have been completed.

Printed matter which threatens the security of the public, facility, or program, contains multiple copies, or has an invoice indicating an amount due shall be considered prohibited property. Examples of the types of materials that are considered prohibited property and shall be excluded include, but are not limited to, those:

- A. Depicting or describing procedures for the construction or use of weapons, ammunition, bombs or incendiary devices (this does not include simple images of weapons);
- B. Depicting, describing, or encouraging methods of escape from correctional facilities; or contains blueprints, drawings, or similar descriptions of correctional facilities;
- C. Depicting or describing procedures for the brewing of alcoholic beverages or the manufacture of drugs;
- D. Depictions of violence against persons or animals;
- E. Written in code;
- F. Depicting, describing, or encouraging activities which may lead to the use of physical violence or group disruption (this includes the depiction of gang signs);
- G. Encouraging or instructing in the commission of criminal activity; or,
- H. Any printed matter that features nudity or any other material depicting nudity, including artwork or other digital depictions.

The term “nudity” means a pictorial depiction where genitalia or female breasts are exposed.

The term “features” means the printed matter contains depictions of nudity or sexually explicit conduct on a routine or regular basis or promotes itself based upon such depictions in the case of individual one-time issues. The following are examples of commercial printed matter which, based on

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current practices of the publisher, and may be distributed to incarcerated individual even though they may contain nudity because the printed matter does not feature nudity as defined above:

- National Geographic
- Our Body, Our Selves
- Sports magazine swimsuit issues
- Lingerie catalogues

Any printed matter may change a single issue or its general policies and practices at any time which would make it acceptable or unacceptable for distribution. The above examples are guidelines only and are subject to change.

For purposes of this section, written text in the printed matter does not qualify the printed matter as containing nudity.

This prohibition includes personal photographs of nude persons, as well as photographs of nude persons taken from books, magazines, electronic media, or other sources, that are sent to incarcerated individuals in or with letters or other mailings. Printed materials that contain nudity for educational, medical, or anthropological purposes are not included in this prohibition; however, they shall be reviewed on a case by case basis to ensure they are in compliance with this policy and administrative procedure.

Printed matter containing sexually explicit material which by its nature or content poses a threat to the security, good order, or discipline of the facility or facilitates criminal activity shall be prohibited. The term “sexually explicit” means a pictorial depiction of actual or simulated sex acts including sexual intercourse, oral sex, or masturbation.

For purposes of this section, written text in the printed matter does not qualify the printed matter as sexually explicit. However, printed matter with a sexual content shall be reviewed on a case-by-case basis and is subject to exclusion if it poses a threat to the security or good order of the facility or facilitate criminal activity. Such printed matter may include those that contain printed or written descriptions of:

- Deviate sexual conduct (as defined in IC 35-42-4-2);
- Exhibition of the uncovered genitals in the context of masturbation of other sexual activity;
- Exhibition of the uncovered genitals of a person who appears to be under sixteen (16) years of age;

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- Sado-masochistic abuse (as defined in IC 35-49-1-8); or,
- Sexual intercourse or deviate sexual conduct with an animal;
- Sexual conduct or sexual acts that are in violation of state or federal statutes (e.g. rape, child molesting or exploitation, vicarious sexual gratification, sexual battery, incest).

Printed matter that has been edited by the publisher, distributor, or another person in an attempt to circumvent the prohibition of sexually explicit materials may not meet the requirements of this policy and administrative procedure. If the edited printed material still depicts sexual conduct that is not approved by this policy and administrative procedure, the printed matter shall be withheld from the incarcerated individual.

Any printed matter that is in violation of United States Copyright Laws shall be prohibited.

Printed matter may not be excluded from an adult facility solely on the grounds that it is obscene or pornographic, unless it is obscene under Indiana law.

Printed matter that does not meet the Department’s standards may be excluded only on an issue by issue basis. Printed matter obtained at a cost for an incarcerated individual must be pre-paid.

If it is determined that a portion of the printed matter is to be excluded from a facility in accordance with the previous procedure, the entire printed matter shall be excluded. Staff shall not attempt to remove the offending portions of the printed matter and give the remainder to the incarcerated individual. The incarcerated individual shall be advised that the printed matter is to be excluded. The incarcerated individual shall be provided with a State Form 21682 and allowed to determine a disposition for the excluded printed matter.

Printed matter that is received at a facility that contains unsolicited items that are considered prohibited property (such as computer disks, stickers, music compact disks, etc.) or unsolicited advertisements that are not appropriate shall be confiscated and not delivered to the incarcerated individual. Staff shall notify the incarcerated individual of the inappropriate items. If the item can be removed from the printed matter without damaging or destroying the printed matter, the incarcerated individual shall be given the option to accept the printed matter without the objectionable item or sending the entire printed matter out of the facility. If the incarcerated individual decides to accept the printed matter without

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the objectionable item, the incarcerated individual shall be required to authorize the facility to dispose of the item in the most appropriate manner.

An incarcerated individual may file a grievance regarding the exclusion of printed matter. If the incarcerated individual files a grievance, the facility shall hold the confiscated printed matter pending the resolution of the grievance. If the incarcerated individual grieves to the Department Grievance Manager, the facility shall ensure that an adequate description of the printed matter is forwarded to the reviewing authority so that a decision may be rendered. If the reviewing authority does not believe that the description is adequate to make a decision, the reviewing authority may request that the confiscated printed matter be forwarded to Central Office for review. If the decision of the Department Grievance Manager is to uphold the decision of the facility, in addition to notifying the incarcerated individual and facility in accordance with the Grievance Process, the Deputy Commissioner of Operations, if not the person making the decision, shall be notified. Upon notification, the Deputy Commissioner or designee shall notify all facilities that the printed matter has been excluded so that there will be consistency in regard to the printed matter that is permitted in the facilities.

XX. DISPOSITION OF EXCLUDED OR CONFISCATED CORRESPONDENCE
(See Facility Directive):

The disposition of excluded or confiscated correspondence may be challenged by an incarcerated individual in accordance with Policy and Administrative Procedure 00-02-301, "The Grievance Process," unless otherwise directed by an order of a court.

Correspondence that is excluded or confiscated shall be retained pending exhaustion of the grievance process. If the correspondence is found to be legitimately confiscated or excluded, it shall be disposed of in accordance with:

- A. Safety and security of the public, facility, or program;
- B. Any applicable statute or promulgated rule; and,
- C. Convenience of the Department.

Prior to the disposition of the correspondence, or property that has been removed from correspondence, the facility shall ensure the incarcerated individual has the opportunity to indicate the preferred disposition. State Form 21682, Disposition of Offender Personal Property / Correspondence," shall be completed and signed by the incarcerated individual, in the presence of staff, prior to the disposition. In those cases where the incarcerated individual refuses to complete State Form 21682, staff shall indicate this refusal on the form. The completed State Form 21682 shall be filed in the facility packet. Should the confiscated or excluded property be

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determined to be contraband, the facility shall not be required to follow this procedure.

If it is determined that the correspondence shall not be permitted, the facility staff shall contact the incarcerated individual and request that they advise as to what arrangements are to be made concerning the disposition of the correspondence. Any costs for forwarding correspondence shall be the responsibility of the incarcerated individual.

Confiscated or excluded correspondence shall be disposed of within 15 days from the date of the final decision. If the incarcerated individual does not provide the necessary information to dispose of the correspondence within the 15 days' time period, the facility may dispose of the correspondence in an appropriate manner.

A Facility Directive shall be developed to indicate how censored, excluded, or confiscated correspondence or property will be handled.

XXI. KIOSK EMAIL/VIDEOGRAMS (See Facility Directive):

Facilities that provide email and videogram services for incarcerated individual through a contracted vendor shall provide incarcerated individuals with the information and rules governing the use of the kiosk and fee schedule during facility orientation. This electronic messaging system is only available for non-privileged correspondence.

- A. Incarcerated individuals using kiosk email shall be subject to the same rules and procedures as regular correspondence as outlined in this policy and administrative procedure. Incarcerated individuals that violate or abuse the rules governing kiosk email may have their email privileges temporarily or permanently suspended. Suspension resulting from an administrative action shall be initiated by the Warden or Deputy Warden based upon a staff member's recommendation and justification indicating reasonable knowledge, or information that kiosk email suspension is appropriate. Suspensions resulting from a disciplinary action may be initiated by a Hearing Officer, or designated staff. Temporary suspension shall be for a determinant length of time.

Suspensions for incarcerated individuals housed in adult facilities shall be:

1. First Offense: Three (3) month suspension of kiosk email;
2. Second Offense: Six (6) month suspension of kiosk email; and,
3. Third Offense: Permanent suspension of kiosk email.

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Suspensions for incarcerated individual housed in the Division of Youth Services facilities shall be:

1. First Offense: Thirty (30) days suspension of kiosk email;
2. Second Offense: Sixty (60) days suspension of kiosk email; and,
3. Third Offense: Permanent suspension of kiosk email.

Incarcerated individuals receiving suspension from kiosk email shall receive documentation noting the suspension, the length of the suspension, and the reason(s) for the suspension.

- B. Incarcerated individuals receiving videograms or pictures shall be informed that the videogram's or picture's content is subject to the same rules and procedure as outlined in this policy and administrative procedure. Individuals appearing in videograms or pictures shall comply with dress and behavior standards as outlined in Policy and Administrative 02-01-102, "Offender Visitation."
- C. Tablet and/or Kiosk email, pictures, and videograms shall be monitored by staff in a manner consistent with this policy and administrative procedure. A poster near the kiosk shall notify incarcerated individuals that kiosk emails, pictures, and videograms will be monitored. Due to the complete monitoring, incarcerated individuals are required to use the out-going mail service for Legal and Privileged mail. The Warden shall determine the staff member(s) granted access to review kiosk emails.

Facilities providing kiosk email and videogram resources shall develop a Facility Directive to implement the principles of this policy and administrative procedure.

XXII. APPLICABILITY:

This policy and administrative procedure is applicable to all Department facilities and to all individuals committed or sentenced to the Department.

signature on file
Robert E. Carter, Jr.
Commissioner

Date