

	ARIZONA DEPARTMENT OF CORRECTIONS INMATE NOTIFICATION	Notification Number: 07 – 12
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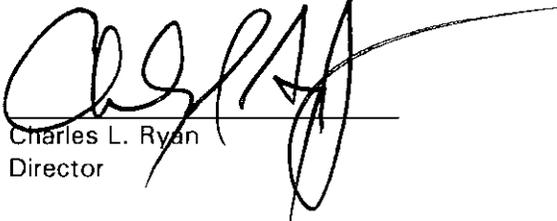
POSTING NOTIFICATION

This information is to be posted for a **minimum of 30** days in areas accessible to inmates and shall be made available to inmates who do not have access to posted copies. This notification contains changes that are related to inmate issues/concerns only. Attached with this Inmate Notification is a copy of the revised Department Order for review purposes only.

TO ALL INMATES

Department Order 914, Inmate Mail, has been revised and will be effective 30 days from the issue date of this Inmate Notification. The significant revisions include:

- Requiring domestic mail be sent by pre-stamped envelope only, unless otherwise indicated. Moreover, domestic postage stamps will not be sold in inmate stores, only stamps for international mail (i.e. Mexico, Canada) or airmail will be available in the commissary.
- Clarifying indigent inmates shall be provided with pre-stamped envelopes, or applicable postage for Mexico or Canada, for five one-ounce pieces of first class mail per month.


Charles L. Ryan
Director

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

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

PROCEDURES

914.01 MAIL GENERAL

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

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

914.02 INCOMING MAIL

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

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

914.09 PUBLICATION REVIEW PROCESS

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

914.10 THE OFFICE OF PUBLICATION REVIEW

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

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

IMPLEMENTATION

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

- Each Warden shall provide direction for Inmate Mail addressing, at a minimum:
 - Outgoing and incoming mail.
 - Inter-relational mail.
 - Mail Room operations.
 - Mail contraband control.

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

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

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

DEFINITIONS

ALTERING - To change or make different; modify.

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

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

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

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

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

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

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

CUNNILINGUS - Oral stimulation of the clitoris or vulva.

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

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

FELLATIO - Oral stimulation of the penis.

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