Rhode Island Department of Corrections
POLICY UNIT

TO: RIDOC Employees

VIA: Ellen Evans Alexander, Assistant Director
Administration

FROM: Ann J. Fortin, Chief/Program Development
Administration

DATE: August 16, 2004

SUBJECT: **24.01-4 DOC; INMATE MAIL;**

The enclosed policy revision was subject to public hearing on November 20, 2003. It **repeals policy #24.01-3 DOC** and contains editorial and the following substantive revisions.

All references and procedures related to the Literary Advisory Board were removed, and the responsibilities for reviewing objectionable/questionable publications are now that of the Chief Investigator of the Special Investigations Unit (SIU).

Inmates will be permitted uninterrupted correspondence and/or publications as long as the correspondence/publications pose no threat to the safety and security of the institution, public officials, or the general public, do not hinder the rehabilitation of an inmate, ~~and~~ are not being used to further illegal activities, and meet all other specifications contains in this policy (III.A.1.a.). (Underscore = new text)

When contraband is found which is not otherwise illegal, a notice is sent to the inmate, and the contraband is returned to the sender at the inmate's expense [III.A.2.i.(2)]. (Underscore = new text)

Inmates should now submit written requests for reviews of disallowed publications to the Assistant Director of Institutions and Operations within fourteen (14) days of receipt of notification that a publication is disallowed [III.A.2.j.(1)(b)(1)]. Previously, inmates requested reviews consistent with policy 13.10 DOC, Inmate Grievance Procedure.

Item III.A.2.i.(4)(a) no longer includes an exception for ISC – i.e., whenever cash, checks, personal notes, money orders, or drafts are found in incoming mail, they are seized and forwarded to Inmate Accounts for deposit. Receipts are given to inmate addressees, and copies are placed in inmates' files in all facilities.

Item III.A.2.j.(1)(b)(2) (new) states that when a publication is disallowed, the publisher may request a review of this action by writing to the Assistant Director of Institutions and Operations within fourteen (14) days of receipt of notification.

Inmate senders must list their names, RIDOC inmate identification numbers, facilities, housing units, and bunk assignments (previously, names and box numbers) in the top left-hand corners of envelopes (III.A.3.c.)

III.A.3.f. Grandchildren are now included in the definition of immediate family members, as it relates to inter- and intra-Departmental mail between inmates.

III.B.3.a. now specifies that RIDOC staff are prohibited from reading outgoing privileged mail.

Item III.C.2.b.(1) was revised as follows:

> Only paperback books (i.e., no hard covers), newspapers, and periodicals sent from publishers will be accepted. A publisher is defined as a business, organization, or firm which issues and makes available to the general public books and other publications for sale and wide distribution. For the purposes of this definition, a "publisher" does not include local bookstores or distributors within a 50-mile radius of the (ACI). (Underscore = new text)

RIDOC reserves the right to disallow previously approved publications on an issue-by-issue basis [III.C.2.c.(2)NOTE - new].

The definition of "sexually explicit material" was revised: a pictorial depiction of ~~actual or simulated~~ sexual acts including sexual intercourse, oral sex, and/or masturbation. (strikethrough = deleted text) III.C.2.(d)7. NOTE

Item III.C.2.c.(2)(d)10. was revised to specify that publications, the effect of which is to glorify or promote gang activities or racial, religious, or ethnic discord are prohibited. (Underscore = new text)

Items III.C.2.c.(2)(e) through (j) outline procedures for inmates who wish to request reviews of disallowed publications.

- The Chief Investigator of the Special Investigations Unit renders a decision regarding the objectionable/questionable publication.
- If the publication is disallowed by the Chief Investigator, the inmate and/or the publisher may request a review by the Assistant Director of Institutions and Operations, consistent with item III.A.2.j.(1)(b).

- Mail officers hold all objectionable/questionable publications until the Assistant Director's review is complete.
- The Assistant Director notifies Wardens/designees (e.g., mail officers) of his/her decision regarding the objectionable/questionable publication.
- If the Assistant Director upholds the Chief Investigator's decision, mail officers notify the affected inmates in writing.
  - Inmates may submit money transfer forms to the mail officer with instructions as to whom the publication should be sent.
  - If the inmate does not submit a money transfer form, the publication is destroyed.
- If the Assistant Director overturns the Chief Investigator's decision (i.e., the publication is approved for delivery to inmates), mail officers notify Wardens and deliver the publications.

The following statement, which applies to privileged mail, was removed from item III.C.3.: ~~Outgoing non-privileged mail may only be opened and read in the presence of the inmate.~~

Sample forms (Attachments A-D) and the following clarifications have been included in this memo to assist Wardens and/or designees in implementing this policy, and in determining which information is required when sending notification for disapproval of incoming correspondence.

Attachment A – Copies are no longer sent to the Shift Commander in affected facilities.

Attachment D – **Non-publisher notification** of disapproval of incoming inmate correspondence (i.e., letters, photographs, etc.) is sent to the sender (non-publishers) along with the disapproved correspondence. Copies are sent to the inmate and Facility File.

Persons responsible for implementing the provisions of this policy are also responsible for ensuring adequate supplies of attachments are available for use by staff.

Unless otherwise specified, unit/program/facility managers are responsible for ensuring subordinate staff are adequately trained in the contents of this policy.

This policy IS approved for inmate/public access.

KGF/KJL
Enclosure

REQUEST FOR INMATE-TO-INMATE CORRESPONDENCE

Date: _____

To: _____ Facility: _____
Warden or designee

From: _____ Facility: _____
Warden or designee

RE: _____ ID#: _____
Our inmate

_____ ID#: _____
Your inmate

I have approved our inmate's request dated _____ to correspond with an inmate at your facility for the following reason, and I am forwarding this request to you for your consideration.

_____ Immediate Family Member (Circle applicable relationship):

Husband, Wife, Mother, Father, Grandmother, Grandfather, Grandson, Granddaughter, Sister, Brother, Son, Daughter, validated Common-Law Marriage.

_____ Pro Se Legal Action (inmates are co-plaintiffs or co-defendants in legal action in which both inmates are representing themselves; verified by RIDOC Legal Counsel).
Court and case # _____

TO BE COMPLETED BY RECEIVING FACILITY WARDEN/DEPUTY WARDEN

_____ Request approved
_____ Request denied for the following reason(s):

_____

_____

_____

_____ _____
Warden/Deputy Warden Date Facility

IMPORTANT

Please note that if either inmate is transferred to another facility within the Rhode Island Department of Corrections, the inmate is required to resubmit his/her request to the Warden of the new (receiving) facility.

A copy of this form shall be placed in the institutional record of both inmates, and copies are provided to the Shift Commanders in each affected facility.

RHODE ISLAND DEPARTMENT OF CORRECTIONS

CHAIN OF CUSTODY

Item(s) Removed from Incoming Inmate Correspondence

Consistent with RIDOC policy # 24.01-4 DOC, Inmate Mail, section III.A.2.i., items may be removed from incoming inmate mail when it is deemed necessary. A written record is required whenever such removal occurs.

When contraband is found which is not otherwise illegal, a notice is sent to the inmate, and the contraband is returned to sender. (If there is no return address, contraband that is not otherwise illegal is destroyed.)

When illegal contraband is seized, procedures outlined in policy # 9.14-2 DOC (Procedures for Detecting and Controlling Contraband on or in the Possession of Inmates), or a successive policy prevail.

Cash, checks, postal notes, money orders, and drafts found in incoming mail are seized and forwarded to RIDOC's Inmate Accounts Office to be deposited in inmate addressee's account according to policy # 2.09 DOC (Accountability of Inmate Money/Checks), or a successive policy.

FACILITY (Circle): ISC HSC MAX MORAN MED PRICE MED MIN/WR
DIX GM

INMATE'S NAME:_____ ID#:_____
Last First MI

ITEM(S) REMOVED BY:_____
Staff Person's Printed Name and Title

_____
Staff Person's Signature

ITEM(S) REMOVED ON:_____ At:_____ AM PM
Date Time Circle

ITEM(S) DESCRIPTION(S) AND JUSTIFICATION FOR REMOVAL (include name and address of sender, if known, or name of person who signed letter, and date mailed):_____

DISPOSITION OF REMOVED ITEM(S):
- ☐ Inmate Accounts
- ☐ Inmate's Traps
- ☐ Class 2 Contraband
- ☐ Held for Evidence
- ☐ Returned to Sender
- ☐ Other:_____

original: Facility File (exception: the Intake Service Center)
cc: Inmate

A COPY OF THIS FORM AND ANY RECEIPTS [SEE POLICY SECTION III.A.2.i.(4)(a)] MUST BE GIVEN TO THE INMATE ADDRESSEE.

RHODE ISLAND DEPARTMENT OF CORRECTIONS

Part 1: To be completed by facility's Mailroom Officer.

TO: _____
Chief Investigator

FACILITY: ☐ ISC ☐ HSC ☐ MAX ☐ MORAN MED ☐ PRICE MED
☐ MIN/WR ☐ DIX ☐ GM

Inmate's Name:_____ ID #:_____

Room/Cell #_____

FROM: _____
Mail Officer's Printed Name

DATE: _____

SUBJECT: **DISAPPROVAL OF INCOMING INMATE PUBLICATIONS/ CORRESPONDENCE**

Consistent with policy # 24.01-4 DOC, sections III.A.2.i. and III.A.2.j., the incoming publication/correspondence (or portion thereof) described below was received at the institution and is being forwarded to you for review and a determination of its appropriateness.

Item description(s) (to include name and address of sender, if known, or name of person who signed letter, and date mailed):

_____

_____

_____

Reason(s) for non-delivery:

_____

_____

_____

Part 2: To be completed by Chief Investigator/SIU.

TO: _____
Mail Officer's Printed Name

FACILITY: ☐ ISC ☐ HSC ☐ MAX ☐ MORAN MED ☐ PRICE MED
☐ MIN/WR ☐ DIX ☐ GM

Inmate's Name:_____ ID #:_____

Room/Cell #_____

FROM: _____
Chief Investigator/SIU

DATE: _____

SUBJECT: **DISAPPROVAL OF INCOMING INMATE PUBLICATIONS/ CORRESPONDENCE**

The publication/correspondence described above is

☐ Approved ☐ Denied

for delivery to the above-named inmate.

Part 3: To be completed by facility's Mailroom Officer.

TO: _____ _____
Inmate's Name Inmate's ID #

FACILITY: ☐ ISC ☐ HSC ☐ MAX ☐ MORAN MED ☐ PRICE MED
☐ MIN/WR ☐ DIX ☐ GM

Room/Cell # _____

FROM: _____
Mail Officer

DATE: _____

SUBJECT: **DISAPPROVAL OF INCOMING INMATE PUBLICATIONS/CORRESPONDENCE**

Following a review of the following incoming publications/correspondence (or portion thereof), RIDOC's Chief Investigator/SIU determined it is inappropriate for delivery to you.

Item description(s):

_____

_____

_____

You may submit a written request for review to the Assistant Director of Institutions and Operations within fourteen (14) days of receipt of this notification.

☐ The sender has been notified in writing.

☐ The sender's identity and/or address are unknown; s/he cannot be notified.

NOTE TO PUBLISHER
(if applicable)

Written requests for review may be submitted to the Assistant Director of Institutions and Operations (39 Howard Avenue, Cranston, RI 02920) within fourteen (14) days of receipt of this notification.

Copies: Mail Officers
Inmate
Sender
Facility File

Publisher: _____
Name

_____
Address

_____

RHODE ISLAND DEPARTMENT OF CORRECTIONS

TO: _____
Name

_____
Street Address

_____ _____ _____
City State Zip Code

FROM: _____
Staff Person's Printed Name and Title

FACILITY: ☐ ISC ☐ HSC ☐ MAX ☐ MORAN MED ☐ PRICE MED
☐ MIN/WR ☐ DIX ☐ GM

DATE: _____

SUBJECT: **DISAPPROVAL OF INCOMING INMATE CORRESPONDENCE**

Consistent with policy # 24.01-4 DOC, section III.A.2.j., this memo serves to notify you the enclosed correspondence is being returned to you:

Item description(s):

_____
_____
_____

Inmate Addressee's Name: _____

Reason(s) for Return:

_____
_____
_____
_____

_____ _____
Staff Person's Signature Date

Distribution:
Original: Sender
Copies: Inmate
Facility File

RHODE ISLAND DEPARTMENT OF CORRECTIONS
POLICY AND PROCEDURE

	POLICY NUMBER: 24.01-4 DOC	EFFECTIVE DATE: 08/16/04	PAGE 1 OF 19
	REPEALS: 24.01-3 DOC	DIRECTOR: Please use BLUE ink.	

SECTION: MAIL, TELEPHONE, VISITING	SUBJECT: INMATE MAIL

AUTHORITY: Rhode Island General Laws (RIGL) § 42-56-10(22), Powers of the director; § 42-56-1, Declaration of Policy

REFERENCES: ACA standard #'s 3-4429 (inmate corresp.); 3-4430 (when inmate bears costs, limits related to security); 3-4431 (indigent inmates' postage allowance); 3-4432 (inmate access to publications); 3-4433 (inspection for contraband); 3-4434 (sealed letters to specified classes); 3-4435 (inspection to intercept cash, etc.); 3-4436 (contraband - inspection, disposition); 3-4437 (incoming and outgoing letters and packages - limit on # of hours held); 3-4438 (forwarding mail following an inmate's release); RIDOC policy #'s 2.09 DOC, Accountability of Inmate Money/Checks; 2.17-3 DOC, Inmate Accounts; 2.25-2 DOC, Indigent Inmates; 9.14-2 DOC, Proc. for Detecting and Controlling Contraband on or in the Poss. of an Inmate; 13.10 DOC, Inmate Grievance Procedure; 20.07 DOC, Notifying Offenders of Their Duty to Register with Law Enforcement Agencies and Procedures for Community Notification; 24.03-2 DOC, Visits (common-law relationship defined); Amatel v. Reno, 156 F.3d 192 (D.C. Cir. 1998); Mauro v. Arpaio, 188 F.3d 1054 (9th Cir. 1999); RIGL § 11-37.1-1 et seq., Sexual Offender Registration and Community Notification

INMATE ACCESS THROUGH LAW LIBRARY?	X YES
AVAILABLE IN SPANISH?	X YES

I. PURPOSE:

To promulgate rules and guidelines governing inmate correspondence via postal service for all facilities at the Adult Correctional Institutions (ACI).

Public Notice: 10/12/2003	Public Hearing: 11/20/2003

RECEIVED
JUL 07 2004
RI SECRETARY OF STATE
ADMINISTRATIVE RECORDS

II. POLICY:

An expeditious mail procedure is established and maintained to assist inmates in social, legal, business, and other correspondence deemed appropriate. The following procedures govern the management, collection, and/or distribution of inmate mail at all ACI facilities.

III. PROCEDURES:

A. General Information

1. Miscellaneous

a. Inmates will be permitted uninterrupted correspondence and/or publications (e.g., letters, memos, greeting cards, books, magazines, etc.) as long as the correspondence/publications pose no threat to the safety and security of the institution, public officials, or the general public, do not hinder rehabilitation of an inmate, are not being used to further illegal activities, and meet all other specifications contained within this policy.

b. When the inmate bears the mailing cost, there is no limit on the volume of letters the inmate can send or receive or on the length, language, content, or source of mail, or publications except when there is reasonable belief that limitation is necessary to protect public safety or institutional order and security, assist the rehabilitation of an inmate, and/or prevent the furthering of illegal activities.

c. All facility mailrooms are **"OUT OF BOUNDS"** to all inmates and unauthorized staff.

d. Mail returned to the Rhode Island Department of Corrections (RIDOC) via the U.S. Postal Service (i.e., "Return to Sender") will be handled in the following manner:

(1) Mail originally sent from an inmate as privileged mail [i.e., addressed to an attorney or any other individual/agency listed in item III.B.1.b.(1)-(17)] is considered privileged mail upon its return to the facility and is subject to the procedures outlined in item III.B.2., Incoming Privileged Mail.

(2) Mail originally sent from an inmate as non-privileged mail [i.e., addressed to someone other than an attorney or any other individual/agency listed in item III.B.1.b.(1)-(17)] is considered non-privileged mail upon its return to the facility and is subject to the procedures outlined in item III.C.2., Incoming Non-Privileged Mail.

2. Incoming Mail – General Information

a. Incoming mail is distributed to inmates within 24 hours of receipt from the Post Office whenever possible, excluding weekends, holidays and emergency situations.

b. Incoming mail may be opened, inspected for contraband and read by authorized institutional staff within the guidelines set forth in this policy.

c. All First Class mail (letters and packages) is forwarded to inmates who have been transferred to other facilities or institutions or released provided that a forwarding address is available.

(1) If forwarding addresses are not available, First Class letters and packages are returned to senders.

(2) First Class letters and packages sent to inmates who have been transferred to out-of-state or federal facilities are forwarded to the inmates, in care of the Wardens of the receiving facilities.

d. Mail received with postage due is returned to the sender.

(1) If the sender is unknown, the postage due mail is returned to the Post Office.

e. Publications and/or packages containing commodities authorized for inmate possession are not accepted on a C.O.D. basis.

f. All authorized items purchased through the U.S. Postal Service are accepted on a prepaid (in full) basis only.

g. Mail from inmates incarcerated at federal, county, municipal, and other state correctional facilities, and from inmates on Home

Confinement addressed to inmates at the ACI is returned to the sender, except in cases where the correspondence is between immediate family members as defined in section III.A.3.f.

h. All mail (letters, packages, etc.) is only accepted when arriving through the U.S. Postal Service. Packages arriving from UPS, Federal Express, etc., are not accepted.

i. Removal of Items from Incoming Mail

(1) In each case where it is deemed necessary to remove any item(s) from incoming mail, a written record is made of such action. The record includes:

(a) Inmate's name and I.D. number;

(b) Description of mail in question, to include a description of the item;

(c) Description of action taken and reason(s) for such action;

(d) Disposition of item(s) removed;

(e) Signature of the officer; and

(f) A copy of the record is given to the affected inmate.

(2) When contraband is found which is not otherwise illegal, a notice is sent to the inmate, and the contraband is returned to the sender at the inmate's expense.

(a) If there is no return address, contraband that is not otherwise illegal is destroyed.

(b) In the event that items are removed from mail, the inmate may appeal the action taken through the formalized inmate grievance procedure, consistent with policy 13.10 DOC, Inmate Grievance Procedure, or a successive policy.

(3) When illegal contraband is seized, procedures outlined in RIDOC policy 9.14-2 DOC, Procedures for Detecting and Controlling Contraband on or in the Possession of Inmates, or a successive policy, prevail.

(4) Any cash, checks, postal notes, money orders, or drafts found in incoming mail are seized and forwarded to the Inmate Accounts Office to be deposited in the inmate's account, according to RIDOC policy 2.09 DOC, Accountability of Inmate Money/Checks or a successive policy.

(a) A receipt of the transaction is given to the addressee, and a copy is placed in the inmate's file.

j. Documentation/Notification Requirements for Disapproval of Incoming Publications

(1) When any publication (e.g., copywritten books, magazines, etc.), or portion thereof, addressed to an inmate is received at the institution but is not deliverable to the inmate for any reason set forth in section III.C.2.c.(2)(d), the inmate and the sender, when identifiable, are promptly notified, in writing, of the following:

(a) The reason(s) for refusing to deliver the publication or a portion thereof to an inmate;

(b) The fact that:

(1) When the inmate is notified, the inmate may submit a written request for review to the Assistant Director of Institutions and Operations within fourteen (14) days of receipt of notification.

(2) When the publisher is notified via copy of the inmate's notice, the publisher may request a review of this action by writing to the Assistant Director of Institutions and Operations within fourteen (14) days of receipt of notification.

(2) Where criminal activity is suspected, in addition to the procedures set forth in this policy, the matter is referred to the appropriate law enforcement agency (e.g., U.S. Postal Service, FBI, Attorney General) by the Director or designee [the Office of Inspections or the Special Investigations Unit (SIU)].

k. Unclaimed Mail

(1) When the personal property ("trap") of an inmate has been mailed out and returned as undeliverable, and where the inmate has already been released, mailroom staff within the facility where the inmate resided date and secure the package.

(a) If the package remains unclaimed for six (6) months, it is sent to the central mailroom and secured at that location for another six (6) months.

(b) If the package remains yet unclaimed [after a total of one (1) year], the package is opened by the central mailroom officer in the presence of his/her supervisor or designee. Items with no value are discarded. Property with value is forwarded to the General Treasurer with the name of the owner and the date on which the property was first logged.

(2) Incoming mail for a released inmate for which a valid forwarding address is not available and for which there is no return address is returned to the RIDOC central mailroom where it is held for fourteen (14) days, after which time it is returned to the Garden City Post Office for disposition.

l. Certified Mail

(1) The mail officer maintains a logbook for incoming Certified Mail. This logbook includes the date Certified Mail was received and the date it was delivered to the inmate addressee.

(a) Inmates receiving Certified Mail must sign the receipts (i.e., green cards).

(b) Once the inmate signs the receipt, the mail officer sends the receipt back to the sender via U.S. mail, and makes the appropriate notations in the logbook.

3. Outgoing Mail – General Information

a. Outgoing mail receptacles are available to inmates in each facility.

b. Outgoing mail shall be transmitted to the Post Office within a 24-hour period, excluding weekends, holidays, and emergency situations.

c. The inmate sender must list his/her name, RIDOC inmate identification number, facility, housing unit, and bunk assignment in the top left-hand corner of the envelope.

d. Proper postage must be affixed.

e. Mail addressed to Departmental personnel may be sent through the intra-Departmental mail system (requiring no postage) or via the U.S. mail system (requiring proper postage paid by the inmate).

f. Inter- and intra-Departmental mail between inmates is not authorized except in cases where the correspondence is between immediate family members to be defined as parent, grandparent, spouse (including common-law), brother or sister, son or daughter, grandson or granddaughter, or when an inmate is a party to or a witness in an active legal action in which both inmates are involved, e.g., co-defendants and they are both pro se (verified by RIDOC's Office of Legal Counsel). Inmates wishing to correspond with other inmates should submit requests to the facility Warden or designee.

NOTE: In order to prove the existence and validity of a common-law marriage, the Rhode Island Department of Corrections (Warden or designee) considers the definition of a "domestic partner", consistent with RIGL § 36-12-1, as follows:

- Partners are at least eighteen (18) years of age and are mentally competent to contract.

- Partners are not married to anyone.
- Partners are not related by blood to a degree which would prohibit marriage in the State of Rhode Island.
- Partners reside together and have resided together for at least one (1) year.
- Partners are financially interdependent as evidenced by **at least two (2)** of the following:
  - Domestic partner agreement relationship contract by a lawyer.
  - Joint mortgage or joint ownership of primary residence.
  - Two (2) of the following:
    - Joint ownership of motor vehicles
    - Joint checking account
    - Joint credit account
    - Joint lease; and/or
  - The domestic partner has been designated as a beneficiary for the inmate's will, retirement contract or life insurance.

g. All outgoing inmate mail must contain the following statement in letters at least 1/8" high:

"ATTENTION! THIS IS R.I. DEPT. OF CORRECTIONS INMATE CORRESPONDENCE. The contents have not been censored. The Sender is not authorized to enter into credit contracts."

(1) Each facility's mail officer is responsible for stamping this message on all appropriate mail if said mail does not include this message pre-printed on the envelopes.

h. Outgoing mail may be opened, inspected for contraband, and read by authorized institutional staff within the guidelines set forth in this policy.

i. All postage costs for outgoing mail will be paid by the inmate (with the exception of indigent inmates).

j. Indigent Inmates

The Department of Corrections will pay First Class postage for up to three (3) outgoing personal letters per week as well as First Class postage for all outgoing privileged correspondence of indigent inmates.

(1) RIDOC policy 2.25-2 DOC, or its successive policy, defines an indigent inmate as one who is involuntarily unemployed, has less than $10.00 in his/her active account, and has had no deposits of $10.00 or more in the previous two (2) months.

(2) Procedures for indigent inmate outgoing mail at the Intake Services Center (ISC) are as follows:

(a) Inmate places mail unstamped in the central mail depository.

(b) Both the Intake Service Center and the central mailroom officers conduct periodic, random name checks only on unstamped mail to ensure the sender is an indigent inmate. Mail not meeting that criteria is returned to the inmate.

(c) The Department does not pay for Certified or other specific mailing categories for indigent inmates.

(3) Procedures for indigent inmate mail at all other facilities are as follows. The inmate:

(a) Completes money transfer form, to include name and I.D. number;

(b) Checks off postage;

(c) Writes "Indigent" in section "Reason for Transferring Money";

(d) Signs the form; and

(e) Attaches the form to the mail and gives said form to area supervisor or places in receptacle designated for this purpose.

k. Stamp books are available for inmate purchase at the inmate commissary.

(1) Stamps are not accepted through visits or mail.

(2) Inmates are allowed to have no more than two (2) books of twenty (20) stamps in their possession.

(3) All stamps must be attached in booklets. No loose stamps are allowed.

l. Documentation/Notification Requirements for Disapproval of Outgoing Mail

(1) When any mail, or a portion thereof, is not mailed for any of the reasons set forth in this policy, the inmate shall be promptly notified in writing of the following:

(a) The reason for refusal to send the mail, or a portion thereof; and

(b) The fact the inmate may submit a written appeal through formalized inmate grievance procedure.

(2) Where criminal activity is suspected, in addition to the procedures set forth in this policy, the matter shall be referred to the appropriate law enforcement agency (e.g., U.S. Postal Service, FBI, Attorney General) by the Director or designee [the Office of Inspections or the Special Investigations Unit (SIU)].

B. Privileged Mail

1. General Guidelines

a. Privileged mail, whether it is incoming or outgoing, cannot be read by RIDOC staff.

b. Inmates shall be permitted to mail to and receive letters from the following persons:

(1) Any official of a court of the United States or the State of Rhode Island (judge, attorney, clerk, probation or parole officers);

(2) The President of the United States;

(3) The Governor of the State of Rhode Island;

(4) Any member of the Congress of the United States;

(5) Any member of the Legislature of the State of Rhode Island;

(6) The Attorney General of the United States;

(7) The Attorney General of the State of Rhode Island;

(8) The Director or any agent of the Federal Bureau of Investigation (FBI);

(9) The Superintendent of State Police;

(10) The Director of the Rhode Island Department of Corrections;

(11) Any member of the Parole Board;

(12) RIDOC Inmate Grievance Coordinator;

(13) Any public official or agency, where the mail appears on its face to relate to legal matters;

(14) The American Civil Liberties Union (ACLU), its affiliates and sections, i.e., The National Prison Project;

(15) Public Defender;

(16) Attorney;

(17) Legal Aid Society.

c. Inmates and other persons with whom inmates may correspond as provided above shall not use or permit others to use authorized privileged mail for:

(1) personal, non-legal, and/or non-official correspondence;

(2) the transmission of contraband; and/or

(3) the transmittal of communications to be given or forwarded to persons not specified above.

Anyone receiving mail that, according to the above-listed criteria, is considered prohibited should submit such communications or materials to the Warden of the institution in which the inmate is confined.

2. Incoming Privileged Mail

a. Incoming privileged mail may be opened and inspected only in the presence of the inmate addressee if there is a reasonable belief that said mail contains contraband. RIDOC staff are prohibited from reading privileged incoming mail.

(1) Incoming privileged mail will be treated as privileged only if the name and official status of the sender appear clearly on the envelope.

3. Outgoing Privileged Mail

a. Outgoing privileged mail may only be inspected for contraband in the presence of the inmate if a reasonable belief exists that the

security of the institution is at risk. RIDOC staff are prohibited from reading outgoing privileged mail.

C. Non-Privileged Mail

1. General Guidelines

a. Non-privileged mail, both incoming and outgoing, may be opened and inspected for contraband.

b. It is the policy of the Rhode Island Department of Corrections not to read or censor incoming or outgoing mail, except for reasons of safety or security.

c. Non-privileged mail may be read, and disallowed, provided there is a reasonable belief that reading the mail is necessary to preserve institutional order and security or to protect the public safety.

(1) Inmates are notified when incoming or outgoing mail is withheld in part or in full.

d. Inspection of non-privileged mail may be undertaken only by authorized staff in accordance with the procedures outlined in this document and in established post orders.

e. Only the following RIDOC staff may read non-privileged mail:

(1) Director;

(2) Assistant Directors;

(3) Wardens;

(4) Deputy Wardens;

(5) Shift Commanders;

(6) Inspectors;

(7) Investigators (SIU);

(8) Staff member designated by the Warden for such purpose.

f. Any facility-based authorized staff member reading inmate mail pursuant to this policy records such action in a logbook maintained by the Mailroom Officer for such purpose.

2. Incoming Non-Privileged Mail

a. In addition to the General Guidelines specified above, the Director may authorize the reading of incoming non-privileged mail when in his/her opinion such action is necessary to prevent entry of materials and/or information prohibited under this policy.

b. Incoming Printed (Non-Privileged) Material

(1) Only paperback books (i.e., no hard covers), newspapers, and periodicals sent from publishers will be accepted. A publisher is defined as a business, organization, or firm which issues and makes available to the general public books and other publications for sale and wide distribution. For the purposes of this definition, a "publisher" does not include local bookstores or distributors within a 50-mile radius of the ACI.

NOTE: Items received in the mail (e.g., pictures from magazines) cannot be posted in inmates' cells.

(2) As a general rule, any printed material, to include newspapers, drawings, magazines, pamphlets, books, or photographs may be excluded if it is determined to be detrimental to the security, good order, or discipline of the institution, and/or if the effect of which might hinder rehabilitation of an inmate, facilitate criminal activity, or contribute to a hostile work environment.

NOTE: A publication may not be rejected solely because its content is religious, philosophical, social, or sexual, or because its content is unpopular or repugnant.

c. Disapproval of Incoming Non-Privileged Mail

(1) Incoming non-privileged mail is disapproved only to prevent interference with institutional goals of security, order, discipline, rehabilitation, if it might facilitate, encourage, or instruct in criminal activity, or contribute to a hostile work environment. Disapproval is not based upon an employee's personal views of the merit of such mail.

(2) RIDOC reserves the right to disallow previously approved publications on an issue-by-issue review.

(a) Facility Wardens or designees (e.g., mail officers) review books, newspapers, and periodicals sent from publishers to determine their appropriateness. If a publication is objectionable or questionable, the Warden/designee forwards the publication to the Chief Investigator of the SIU for review and a decision regarding its appropriateness. The Warden/designee also submits a brief written summary of specific sections of the publication s/he feels are objectionable and states the basis for the objection.

(b) Whenever the Chief Investigator receives a publication(s) and request for review from any facility Warden/designee, the Chief Investigator notifies all other facility Wardens/designees to hold all issues of the objectionable/questionable publication(s) (i.e., do not deliver them to the inmate addressees) until a final decision relative to appropriateness is made.

(c) The Chief Investigator reviews those publications that the facility Wardens/designees found to be objectionable/questionable. The Chief Investigator may reject any publication that s/he determines to be detrimental to security, good order, or discipline of the institution, the effect of which might hinder rehabilitation of an inmate, that might facilitate criminal activity, and/or contribute to a hostile work environment.

(d) The contents of prohibited publications may fall, as a whole or in part, into any one of the following categories, including but not limited to, those publications that:

1. Depict or describe procedures for the construction or use of weapons, ammunition, bombs, or incendiary devices;

2. Depict, describe, or encourage methods of escape from correctional facilities, or contain blueprints, drawings, or similar descriptions of any correctional institution within the State of Rhode Island;

3. Depict or describe procedures for the brewing of alcoholic beverages or the manufacture of drugs, drug paraphernalia and/or poisons;

4. Are written in code;

5. Depict, describe, or encourage activities that may lead to the use of physical violence or group disruption;

6. Encourage, facilitate, or instruct in the commission of criminal activity;

7. Are sexually explicit;

NOTE: "Sexually explicit material", means a pictorial depiction of sexual acts including sexual intercourse, oral sex, and/or masturbation.

8. Inmates who are serving sentences that would require them upon release to register as "sexual offenders" pursuant to RIGL § 11-37.1-1 et seq. and policy 20.07 DOC, Notifying Offenders of their Duty to Register with Law Enforcement Agencies and Procedures for Community Notification, or a successive

policy, for specific offenses delineated therein are also prohibited from receiving materials that feature nudity.

NOTE: "Nudity", means a pictorial depiction where male or female genitalia or buttocks and/or female breasts are exposed; "features" means that the publication contains depictions of nudity or sexually explicit conduct on a routine basis or promotes itself based upon such depictions in the case of 1-time issues.

- In addition, offenders whose crimes involved minors may be further restricted with respect to printed materials/publications. Child sexual abusers are additionally prohibited from ordering child- and family-oriented publications.

- If facility Wardens/designees are uncertain of the nature of an inmate's crime or of the appropriateness of a specific publication, they consult the Assistant Director of Institutions and Operations/designee, who makes case-by-case determinations, in consultation with the Director of RIDOC's Sex Offender Treatment Program.

9. The effect of which is to glorify or promote violence against men/women/children;

10. The effect of which is to glorify or promote gang activities or racial, religious, or ethnic discord;

11. Are not acceptable for regular mailing in the United States because they are "non-mailable material" under Federal law, military

regulations, or United States Postal Service regulations.

(e) The Chief Investigator renders a decision regarding the objectionable/questionable publication and notifies the facility Warden/designee (e.g., mail officer), who in turn either delivers the publication (if approved for dissemination to inmates by the Chief Investigator) or notifies the inmate in writing that the publication is disallowed by the Chief Investigator, with a copy being submitted to the publisher.

(f) If the publication is disallowed by the Chief Investigator, the inmate and/or the publisher may request a review by the Assistant Director of Institutions and Operations, consistent with item III.A.2.j.(1)(b).

(1) If the inmate chooses not to request a review, s/he may submit a money transfer form to the mail officer with instructions as to whom the publication should be sent.

(2) If the inmate does not send a money transfer form, the publication is destroyed.

(g) If a request for review of the Chief Investigator's decision is submitted, mail officers hold all objectionable/questionable publications until the Assistant Director's review is complete.

(h) The Assistant Director of Institutions and Operations notifies Wardens/designees (e.g., mail officers) of his/her decision regarding the questionable/objectionable publication.

(i) If the Assistant Director upholds the Chief Investigator's decision (i.e., the publication is disallowed), mail officers notify the affected inmates in writing of the Assistant Director's decision.

(1) Inmates may submit money transfer forms to the mail officer with instructions as to whom the publications should be sent.

(2) If the inmate does not submit a money transfer form, the publication is destroyed.

(j) If the Assistant Director overturns the Chief Investigator's decision (i.e., the publication is approved for delivery to inmates), mail officers notify Wardens and deliver the publication.

3. Outgoing Non-Privileged Mail

a. In addition to the General Guidelines specified above, the Director or designee may authorize the reading of outgoing non-privileged mail only when s/he has received specific information (reasonable suspicion) that a particular inmate's mail contains information which is prohibited under this policy.

b. Where outgoing mail is read pursuant to this section, and prohibited information is found, the mail or relevant portion thereof may be confiscated.

RECEIVED
JUL 07 2004
RI SECRETARY OF STATE
ADMINISTRATIVE RECORDS

RHODE ISLAND DEPARTMENT OF CORRECTIONS

REQUEST FOR INMATE-TO-INMATE CORRESPONDENCE

TO: _____
Warden or designee / Facility

FROM: _____
Warden or designee / Facility

DATE: _____

RE: _____
Our Inmate / RIDOC ID #

_____
Your Inmate / RIDOC ID #

I have approved our inmate's request dated _____ to correspond with an inmate at your facility for the following reason, and I am forwarding this request to you for your consideration.

☐ Immediate Family Member (Circle applicable relationship):

Husband, Wife, Mother, Father, Sister, Brother, Son, Daughter, Grandson Granddaughter validated Common-Law Marriage.

☐ Pro Se Legal Action (inmates are co-plaintiffs or co-defendants in legal action in which both inmates are representing themselves; verified by RIDOC Legal Counsel).
Court and case #: _____

TO BE COMPLETED BY RECEIVING FACILITY WARDEN/DEPUTY WARDEN

☐ Request approved
☐ Request denied for the following reason(s):

_____
_____
_____

_____ _____ _____
Warden / Deputy Warden Date Facility

IMPORTANT

Please note that if either inmate is transferred to another facility within the Rhode Island Department of Corrections, the inmate is required to resubmit his/her request to the Warden of the new (receiving facility).

A copy of this form shall be placed in the institutional record of both inmates, and copies are provided to the Shift Commanders in each affected facility.

RECEIVED
JUL 07 2004
RI SECRETARY OF STATE
ADMINISTRATIVE RECORDS