EFFECTIVE DATE:

This policy will have a future effective date of 12/13/2018.

POLICY:

I. It is the policy of the Department of Corrections (DOC) that prisoners may correspond with anyone except those persons and businesses limited by this policy. To that end it is the policy of the Department to have in place uniform procedures for the handling of prisoner mail and packages.

II. It is the policy of the Department that each institution shall make an effort to ensure conscientious handling of prisoner’s mail to prevent theft, tampering, delay, or other interference. However, the Department is not liable for mail, which the U.S. Postal Service (USPS) or any other officially recognized mail or package courier system mishandles or loses.

III. It is the policy of the Department that prisoners may receive packages and publications except as limited in this policy.

APPLICATION:

This policy and procedure will apply to all Department employees and prisoners.

DEFINITIONS:

As used in this policy, the following definitions shall apply:

Mail Staff:
Department employees identified by the Superintendent or designee to handle incoming and outgoing mail
within an institution.

**Mail Received:**
Mail is not considered to be in a received status until after security has made an examination for contraband not to exceed 72 hours excluding holidays and weekends.

**Sexually Explicit Material:**
Sexually explicit material shall be defined as material that shows the frontal nudity of either gender, including the fully exposed female breast(s) and/or the genitalia of either gender.

**PROCEDURES:**

I. Superintendent’s Duties:

A. Standard Operating Procedures (SOP):
   Each Superintendent shall develop SOP to carry out this policy within their institution. The Superintendent shall review the SOP annually and update them when necessary. The SOP must cover the following:

   1. Prisoner’s receipt of mail;

   2. Accepting, handling, and distributing packages in an institution (including procedures for general mail in section II, and procedures for processing package contents in section IX of this policy);

   3. Removing cashier’s checks and money orders from incoming mail in accordance with DOC P&P 302.12, Prisoner Accounts; and

   4. Forwarding prisoner mail (including instructions in section VII of this policy).

   5. Procedures for staff to follow in the event that an unidentified substance is encountered when opening/handling mail, in-line with DOC P&P 1208.16, Institutional Emergency Plan.

B. Mail Staff Assignment:

   1. Assigned mail staff shall be responsible for reviewing prisoner’s mail and for carrying out the procedures described in this policy.

   2. Due to the risk of exposure to drugs and other contraband, staff involved in opening and inspecting incoming mail shall be provided with personal protective equipment that can cover the eyes, mucus membranes and skin to include:

      a. A disposable respirator;
      b. Powder-free nitrile gloves; and
      c. Wrist/arm protection that reduces the risk of any uncovered skin contact with unknown
substances.

3. Assigned mail staff shall also be trained in procedures for opening mail as well as response procedures in case an unidentified substance is encountered when opening / handling mail. Staff shall not be assigned to mail duties until such training has been completed. Some training resources for this topic can be found in the Correctional Officer Field Training Program.

II. General Information:

A. The Department divides mail into three (3) categories:

1. Privileged Mail:

a. This category is defined as incoming and outgoing correspondence with the person(s) or organizations listed below as privileged, if the individuals are acting in their official capacities and the mail is properly marked “Privileged”:

   i. The Alaska Human Rights Commission;
   ii. Any Alaska legislators;
   iii. Any attorney licensed to practice in the United States;
   iv. Any court in Alaska or of the United States;
   v. The Attorney General of Alaska;
   vi. The Chairman, Alaska Board of Parole;
   vii. The Commissioner, Department of Corrections;
   viii. Division of Occupational Licensing, Department of Commerce, Community and Economic Development;
   ix. Division of Elections, Office of the Governor;
   x. The Grievance and Facility Standards Administrator, Department of Corrections;
   xi. The Governor of Alaska;
   xii. Members of the U.S. Congress for Alaska;
   xiii. The Ombudsman for the State of Alaska;
   xiv. The physician of record for the prisoner;
   xv. The State of Alaska Americans with Disabilities Act (ADA) Coordinator (Division of Rehabilitation, Department of Labor); and
   xvi. Any organization, such as the American Civil Liberties Union, National Prison Law Project, or Alaska Legal Services Corporation, that assists persons in the exercise of their legal rights.

b. If there is substantial doubt as to whether or not mail is in fact privileged, such as mail received from an unknown but official-sounding organization, the mail may only be opened in the presence of the prisoner and only to search for contraband, unless at that time it is determined not to be privileged mail.

c. Mail marked as “Privileged” but found to be “general” mail during the verification process
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described above will be treated as general mail and shall be subject to inspection and the
general mail rules as described below.

2. Prisoner-to-Prisoner Mail:
   Prisoner-to-prisoner includes all mail between prisoners.

3. General Mail:
   General mail includes all mail other than privileged or prisoner-to-prisoner mail.

B. Mail received at an institution that does not have a return address identifying the sender poses a safety
   and security risk, and will be destroyed.

C. Envelopes which cannot be effectively searched may provide a means of introducing controlled
   substances (for example Suboxone or Fentanyl) into an institution, posing a threat to the safety of
   individuals. Unless received directly from an approved vendor or publisher, or marked as “Privileged”
   mail the following envelopes will not be accepted by mail staff and shall be returned, unopened, to the
   sender:

   1. Any non-white envelopes.

   2. An envelope which is not commercially produced.

   3. An envelope made of cardboard, padded, corrugated, or tear-resistant material.

   4. An envelope constructed of heavy weight paper (i.e. greater than 24 Pound) or with security
      screening features.

   5. Envelopes to which address labels, stickers, stamps, glitter or other items are affixed with an
      adhesive. Labels and stickers affixed to an envelope by the U. S. Postal Service are excluded, but
      should be removed from the envelope before being delivered to the prisoner.

   6. Envelopes with drawings on them unless the drawing is in blue or black ink or graphite pencil.

D. The following types of mail item may also be rejected when the mail cannot be effectively searched and
   as such is deemed to pose a risk to the safety and security of the institution or individuals. Unless
   received directly from an approved vendor or publisher, or marked as “Privileged” mail the following
   mail items will not be accepted by mail staff and shall be returned, unopened, to the sender:

   1. Mail that is taped, pasted, or otherwise joined to another item.

   2. Mail which includes drawings or written content in a medium other than blue or black ink or graphite
      pencil.

   3. Photographs that have been physically altered in any way, or that are not printed on plain white or

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photographic paper.

4. Mail written on a non-white, heavy weight (i.e. greater than 24 Pound), or construction paper. This does not include white lined paper.

5. Mail with stamps, stickers, or anything affixed to the paper with an adhesive.

6. Non-commercially produced or multi-fold greeting cards, greeting cards made of non-standard card stock paper, greeting cards which have embellishments or greeting cards which exceed 6” X 8” in size.

7. Mail containing lipstick or a foreign or unknown substance, including unusual stains, body fluids, perfumes or oils. If the substance is suspected of being a controlled substance, the mail may be turned over to law enforcement officials for further investigation.

E. Upon receipt of any certified or privileged mail, mail staff shall log the mail in the mailroom log before delivering it to the prisoner so that a record of the mail’s arrival at the institution is made.

F. A prisoner may send or receive any amount of first, second, or third class mail, except that limitations may be placed on the mail to conduct or operate a business. Prisoners do not need the Superintendent’s approval to receive or send mail to a particular individual.

G. Informational fourth class mail, such as mail from a public agency, and subscription fourth class mail shall be delivered to prisoners, but fourth class mail sent by private entities for the purpose of merchandising need not be delivered to prisoners and may instead be discarded.

H. Packages are not accepted from outside sources other than from approved vendors through the commissary. Family or friends of prisoners may place money in a prisoner’s account but may not send gifts to an institution. Deposits may not exceed $500 in a single month. (Per DOC P&P 302.12, Prisoner Accounts.)

I. Mail staff shall distribute and deliver prisoners’ incoming mail (except packages and printed media) within 24 hours from the time the institution receives it; and staff shall pick up prisoners’ outgoing mail within 24 hours (excluding weekends and holidays).

J. Mail staff must distribute packages to prisoners within five (5) business days of receipt after examination for contraband (excluding weekends and holidays).

K. Mail staff must distribute printed media mail (books, newspapers, magazines, etc.) to prisoners within five (5) business days of receipt after examination for content (excluding weekends and holidays).

L. Mail shall be delivered to prisoners in such a manner as to ensure it is received by the intended recipient only. A prisoner must never distribute mail or be allowed to look through mail to find his or her mail.
M. Prisoners may not enter into credit agreements, installment purchase arrangements, or other contracts without the approval of the Superintendent or designee. The Superintendent has the discretion to approve of special transactions such as selling property, college loans, etc.

N. Prisoners may not represent any business firms or conduct any type of business operation without the proper approval in accordance with DOC P&P 815.05, Prisoner Businesses.

O. A prisoner must obtain the Superintendent’s or designee’s approval before ordering or buying any item (other than publications in section VIII, below) from a commercial vendor or supplier for delivery to an institution:

1. Only the Superintendent may approve items not on the approved prisoner property list. (Attachment A to DOC P&P 811.05, Prisoner Personal Property And Release Clothing.)

2. If the Superintendent has not pre-approved the item, mail staff shall return the unopened item to the sender, or, if opened, return the item at the prisoner’s expense.

P. A prisoner may purchase or receive electronic equipment only through the commissary.

Q. Mail that is deemed to provide a safety or security risk to the institution may be photocopied before being disposed of.

III. Outgoing Mail:

A. Collection:
   Prisoners shall have access to secured mailboxes. Mail staff shall collect outgoing mail at least once each day, Monday through Friday, excluding holidays.

B. Return Address:
   Prisoners must use the return address format below or mail staff shall return the mail to the prisoner along with the Prisoner Mail Action Form (Attachment A) in order for them to put a proper return address on the mail item:

   Prisoner’s Name
   Name of institution (spelled out in full)
   Address of institution
   City, State, and Zip Code

C. Postage:

1. If funds are available, prisoners shall pay for their outgoing mail.

2. The Superintendent shall make postage available for prisoners to purchase.
3. Indigent prisoners may mail, at the Department’s expense, up to five (5) pieces of mail per week, legal or otherwise, weighing up to two (2) pounds each. This policy does not apply to shipping excess personal property. See DOC P&P 811.05, Prisoner Personal Property And Release Clothing.

4. In special circumstances a prisoner may be permitted to mail more than five (5) pieces of legal mail at the Department’s expense as approved by the Superintendent. The Attorney General’s office may be consulted to verify that the prisoner has pending litigation which justifies the increase in mail.

5. Certified or registered mail shall be provided at the discretion of the Superintendent and only when necessary such as for purposes of service of the summons and complaint in a legal proceeding. The Superintendent may confer with legal counsel to determine if certified or registered mail is necessary.

IV. Inspection / Reading Of Mail:

A. Privileged Mail:
   The Department may not restrict or censor a prisoner’s legal correspondence. All legal mail to or from a prisoner is privileged mail. Prisoners (except indigent prisoners) shall pay all postage costs. If there is doubt as to whether or not mail is in fact privileged, such as mail received from an unknown organization, the mail may only be opened in the presence of the prisoner and only inspected for contraband. If at that time it is determined not to be privileged mail it may be treated as general mail.

1. Outgoing Privileged Mail:
   Mail staff may not read or search outgoing privileged mail for contraband. However, mail staff may verify, in the prisoner’s presence, that the intended recipient of the mail is the same person as the privileged addressee.

2. Incoming Privileged Mail:
   Mail staff shall search incoming privileged mail for contraband only in the presence of the prisoner. Mail staff may not read privileged mail, unless, after opening it, staff discovers that it is in fact not privileged.

B. General Mail (excluding packages):
   Mail staff may inspect general mail for contraband outside of the prisoner’s presence. Mail staff may also read the mail if they have reasonable grounds to believe that the content of the mail falls in to one of the categories prohibited in this policy. In that case:

1. The Superintendent or designee shall give the prisoner written notice within two (2) working days reflecting that the prisoner’s mail was read and stating the specific reason(s) why the mail was read. Mail staff may use the Prisoner Mail Action Form (Attachment A) for notification purposes.

2. The Superintendent or designee may delay giving the prisoner notice if he or she has reason to believe that the notice will hamper an investigation of criminal activity referred to in the mail. In that case, the Superintendent or designee may delay providing the notice until the investigation is completed, so long as an adequate written record is made of the reason for delaying notice. Once the
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investigation is complete, the prisoner must be notified via the Prisoner Mail Action Form (Attachment A).

C. Prisoner-to-Prisoner Mail:

1. The Department may not restrict mail between prisoners unless an individual’s safety (e.g., victim of a prisoner) or the security of an institution requires a restriction.

2. The Superintendent may restrict prisoner-to-prisoner mail only on a case-by-case basis. The restriction must be no broader than necessary to address the safety or security concerns.

3. Mail received by a prisoner from another prisoner who is not a family member may be read by the Department prior to delivery. In the first instance when a prisoner’s mail to another prisoner is read, the Department shall provide the receiving prisoner with a written notice stating that the prisoner’s mail was read due to its status as prisoner-to-prisoner mail, and that future reading of that prisoner-to-prisoner mail may occur without notice. The Prisoner Mail Action Form (Attachment A) can be used for this purpose. This initial written notice must be provided to the prisoner recipient within two (2) working days, subject to any delay required by an investigation of criminal or prohibited activity.

V. Prohibited Mail:

The Department shall prohibit any mail that:

A. Contains plans or threats of physical harm against a person or other criminal activity;

B. Contains contraband, plans for sending contraband in to or out of the institution, or indicates other activities prohibited under 22 AAC 05.400, Prohibited Conduct For Prisoners;

C. Is written in a code that the reader does not understand;

D. Shows frontal nudity. Frontal nudity includes either the exposed (including visible through clothing) female breast(s), nipple(s), areola(s) and / or the genitalia of either gender;

E. Shows sexually explicit images that depict frontal nudity in the form of personal photographs, drawings, magazines, or another pictorial format:

a. The following sexually explicit material shall be allowed:

i. Departmentally purchased or acquired educational, medical / scientific, or artistic materials, such as books or guides purchased by the department for inclusion in institution libraries and / or educational areas; or

ii. Educational, medical / scientific, or artistic materials, including, but not limited to, anatomy medical reference books, general practitioner reference books and / or guides, National Geographic, or artistic reference material depicting historical, modern, and / or postmodern era art, purchased or possessed by inmates and approved by the institution.
head or their designee on a case-by-case basis.

F. Solicits gifts, money, credit, or contractual purchases without the approval of the Superintendent or designee;

G. Contains information that, if communicated, would create a risk of mental or physical harm to a person;

H. Contains material that could reasonably be expected to aid an escape, or incite or encourage any form of violence;

I. Contains audio or video recordings;

J. Is in violation of a Court order; or

K. Has been banned for good reason following an individualized determination by the Department, (e.g., the intended recipient is a victim who has requested no contact with the prisoner or is a minor whose guardian has requested no contact with the prisoner).

Note: The Department also may restrict certain publications, media (DVDs, CDs, etc.) or electronic games. See Procedures section VIII below.

VI. Disposition Of Prohibited Material:

A. Prisoner’s Case File:
   A prisoner may be subject to disciplinary proceedings for attempting to mail prohibited material. Mail staff shall place a reproduction of the prohibited material from outgoing mail into a prisoner’s case file and give the prisoner written notice of this within two (2) working days. Mail staff may check the appropriate box on the Prisoner Mail Action Form (Attachment A), in order to indicate that a copy of the prohibited material was placed in the prisoner’s file.

B. Contraband:
   Mail staff shall dispose of contraband in accordance with DOC P&P 1208.08, Searches Of Prisoners And Institutional Areas.

C. Non-Delivery of Mail:
   If mail staff opens mail and decides that it is prohibited, staff shall give notice to the affected persons as described below (except as specified in sections IV, C. 1. and C. 3. above). The Department may delay notice if notice interferes with an investigation of criminal activity. See section IV, C. 2. above.

1. Non-Delivery of Incoming Mail:
   Mail staff shall send the prisoner written notice within two (2) working days after receiving the prohibited mail, that states the specific reason(s) why the mail was not delivered to the prisoner. The Prisoner Mail Action Form (Attachment A) may be used to notify the prisoner of the prohibited mail. The Superintendent or designee must sign the notice.
2. Non-Delivery of Outgoing Mail:
   Mail staff shall send the prisoner a written notice within two (2) working days of receipt by the institutional mailroom, which states why the institution did not send the mail. The Prisoner Mail Action Form may be used for this purpose and the Superintendent or designee must sign the notice.

VII. Forwarding Mail:
   The Department shall keep a record of the last known addresses for each prisoner for one (1) year after the prisoner is transferred or released from the institution in the DOC offender management system. The institution shall forward prisoner’s mail as follows:

   A. First Class Mail:
      The institution shall forward first class mail for one (1) year from the time of address change.

   B. Second Class Mail:
      The institution shall forward second-class mail for 60 days from the time of an address change. All newspapers and magazines are considered second-class mail unless otherwise stated on the article. After 60 days, the institution shall return articles to the post office, with an explanation that the person has been at a new address for more than 60 days.

   C. Third Class Mail:
      The institution shall forward third-class mail for 60 days if it is stamped “Forwarding and Return Postage Guaranteed.” The institution shall return mail stamped “Returned Postage Guaranteed” to the sender unless it is a publication or package.

   D. Publication or Package:
      The institution shall forward a publication or package at the Department’s expense or by inter-institution transportation for 60 days (if forwarding is not guaranteed, and if the item is second-class mail, third-class mail, or parcel post).

   E. Fourth Class Mail:
      Fourth-class mail is normally considered bulk mail. The institution shall discard fourth-class mail if the person is not at the address written on the article.

VIII. Publications:

   A. All publications, including magazines, comics, graphic novels, books or newspapers, must be ordered and received directly from an approved vendor. Prisoners must have sufficient funds to pay for any order in advance. Family or friends may order publications for delivery to a prisoner directly from the approved vendor. The Superintendent shall maintain a list of vendors approved by the Director of Institutions or their designee.

   B. The Superintendent shall designate staff to review all incoming publications addressed to prisoners. Superintendents may not establish an excluded list of publications. Staff must review an individual
publication to determine if it is approved for delivery to a prisoner. Rejection of several issues of a publication is not sufficient reason to reject the publication in its entirety.

C. Staff shall reject a publication, in whole or part if it:

1. Contains material that could reasonably be expected to aid in escape, incite violence, theft, or destruction of property in the facility;

2. Contains instructions or illustrations on how to construct or use weapons, ammunitions, bombs, explosives, incendiary devices, handguns, or rifles;

3. Depicts or describes procedures for brewing alcoholic beverages or making or cultivating drugs or poisons;

4. Contains obscene material:
   a. Contains words, gestures, language, books, newspapers, periodicals, or other written or pictorial materials that the average person, applying contemporary community standards, would find depicts or describes, in a patently offensive way, ultimate sexual acts, masturbation; excretory functions, lewd exhibition of the genitals, or sexual sadomasochistic activity;
   b. The work, taken as a whole, appeals to the prurient interest; and
   c. The work, taken as a whole, lacks serious literary, artistic, political, or scientific value;

5. Shows frontal nudity. Frontal nudity includes either the exposed (including visible through clothing) female breast(s), nipple(s), areola(s) and / or the genitalia of either gender;

6. Shows rear nudity. Rear nudity includes the exposed buttock(s) and / or anus of either gender;

7. Is written in code that the reader does not understand;

8. Depicts, describes, or encourages activities that could reasonably be expected to lead to the use of physical violence or group disruption; or

9. Specifically prohibited are musical media that have an affixed parental advisory label indicating “Explicit Content”, and electronic games rated “Adults Only”, “Mature” or otherwise labeled with descriptors indicating the inclusion of content that is unacceptable as defined above. Musical media or electronic games withheld under these restrictions are to be handled under section VIII, D below.

Note: Prisoners are already prohibited by statute from viewing video media rated “X”, “R”, or “NC-17”.

D. Withholding a publication:
1. Mail staff shall give the prisoner written notice within 30 days when withholding a publication from a prisoner. The *Prisoner Mail Action Form* (Attachment A) may be used for this purpose. The notice must include:
   a. The reason for withholding the publication; and
   b. A statement that the prisoner may challenge the decision by filing a grievance within 15 days.

2. If the prisoner does not file a grievance, the prisoner may request, at his or her option, that the institution dispose of the publication in one of the following ways within 15 days:
   a. Mail the publication to a party specified by the prisoner;
   b. Return the publication to the publisher for a refund; or
   c. Discard the publication.

3. The prisoner must pay the postage for any publication that he or she chooses to return to the publisher or send to another party.

4. If the prisoner files a grievance, the institution must keep a copy of the rejected publication as evidence for two (2) years.

5. Non-acceptable and grieved publications should be logged and stored in a separate secure area in order to avoid these publications being lost or inadvertently issued to the prisoner.

**IX. Packages:**

The Superintendent’s Standard Operating Procedures shall include the following instructions for processing packages in the institution:

A. Delivery:
   Mail staff shall deliver packages to prisoners within 48 hours of receipt, excluding weekends and holidays.

B. Search and Inventory:
   Prior to delivery, mail staff shall:
   1. Search the contents of the package for contraband (mail staff need not open packages in the prisoner’s presence unless it is privileged); and
   2. Inventory the contents, other than correspondence, and give the prisoner a receipt, or place the package in the prisoner’s stored personal property. See DOC P&P 811.05, Prisoner Personal Property And Release Clothing. Staff shall process any contraband in accordance with Procedures section VI, above.

C. Unacceptable Items:
   Mail staff shall return the package to the sender (providing it has a return address) if the package
contains unacceptable items. Mail staff also shall send a written explanation to the prisoner via the *Prisoner Mail Action Form* (Attachment A) of why the items were rejected.

D. Forwarding:

1. If the institution receives a package for a prisoner who was transferred to another institution within the Department, the institution shall:
   
   a. Forward the package to the new institution within three (3) working days of receipt;
   b. Keep a record to show when the institution forwarded the package and where they sent it to.

2. If the institution receives a package for a prisoner who has been released, the package may be returned to the return address on the package.

3. If the package does not have a return address, staff shall send a letter to the prisoner requesting an address to forward the package to. Postal Service charges for forwarding will be billed to the prisoner. Mail staff shall dispose of the package if the prisoner does not respond within 30 days.

X. Filing A Grievance:

A prisoner may file a grievance regarding any action that the Department takes concerning this policy. Prisoners must follow the procedures described in DOC P&P 808.03, Prisoner Grievances, except for the shortened time period for publications in section VIII, D, 1, (b.) above.