

STATE OF UTAH  
DEPARTMENT OF CORRECTIONS

DIVISION OF PRISON OPERATIONS MANUAL

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Chapter: **FD03 INMATE MAIL**

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FD03/01.00 GENERAL PROVISIONS

FD03/01.01 Purpose of Chapter

- A. The purpose of this chapter is to provide DPO's policies, rationale and procedures:
1. for processing mail sent by, or received for, inmates at DPO facilities;
  2. for processing business or other non-inmate mail received in the DPO Mail Unit;
  3. concerning the functions and operations of the DPO Mail Unit; and
  4. relating to interactions between the DPO Mail Unit and other operational components of the UDC.

- B. This chapter is not designed or intended to confer due process rights on inmates or other individuals, revoke official discretion, or limit management flexibility.

FD03/01.02

Cross Reference

AC28 Implementation of GRAMA Requirements  
AG13 Incident Reporting  
FB10 Inmate Record Files  
FD02 Inmate Grievances  
FD12 Inmate Funds  
FD14 Inmate Property  
FD15 Indigent Status  
FD25 Intensive Management-Suicide Prevention-Strip Cell  
FE09 Inmate Computer Access  
UCA 42-1-1; 64-13-41; 76-10-1203; 76-10-1204; 76-10-1207.5

FD03/01.03Policy

It is the policy of the Department that:

- A. inmates shall be permitted to send and receive mail while in custody of DPO;
- B. inmate mail shall comply with the Constitution and Laws of the United States of America and the State of Utah; and
- C. certain types of mail are entitled to constitutionally protected confidentiality (or privilege). This privilege prohibits qualifying correspondence materials from being read without cause by DPO staff.

FD03/01.04Rationale

- A. Mail is an important means for inmates to maintain family and community ties. Mail must be regulated, however, to prevent inmates from misusing mail to compromise the Department's interests of security, safety, order, and treatment; and to prevent unnecessary contraband into the prison system.
- B. Certain constitutional rights held by inmates and the general public may be affected by the regulation of inmate mail. DPO has an interest in balancing its need for security, safety, order, and other legitimate interests with the constitutional rights of inmates and the general public.

FD03/01.05

Definitions

**ADA** Americans with Disabilities Act

**anthropological** pertaining to the scientific study of the origin and physical, social, and cultural development and behavior of humans

**bestiality** sexual acts between humans and an animal

<b>cashier's check</b>	pre-paid check
<b>catalog</b>	a systematized list whose sole purpose is to feature a description of items for sale
<b>censor</b>	to examine in order to suppress or delete anything considered objectionable; cutting or blacking out information or otherwise modifying the text of a letter, publication or other document; rejecting on the basis of content
<b>commercially published information or material</b>	any book, booklet, pamphlet, magazine, periodical newsletter, or similar document, including stationary and greeting cards and video and audio tapes, disks, or other recording, that is distributed or made available through any means or media for a commercial purpose; also includes an extraction, photocopy, clipping, or electronically-created copy made from any of the items listed above
<b>constructive knowledge</b>	if a reasonable inspection or observation under the circumstances would have disclosed the nature of the matter and if a failure to inspect or observe is either for purpose of avoiding disclosure or is criminally negligent
<b>contraband</b>	any material, substance or other item not approved by the DPO Director/designee to be in the possession of inmates; items in excess of the number or amount approved for possession by inmates
<b>CUCF site</b>	Central Utah Correctional Facility, P.O. Box 550, Gunnison, Utah 84634
<b>distribute</b>	to transfer possession of materials whether with or without consideration
<b>DMM</b>	United States Postal Service Domestic Mail Manual
<b>Draper site</b>	Draper Correctional Facility, P.O. Box 250, Draper, UT 84020
<b>electronic audio device</b>	a product designed to produce sound through an electronic appliance, e.g. compact disk, Mp3 player
<b>exhibit</b>	to show

<b>features nudity</b>	the information or material that, in the case of a one-time publication or issue, promotes itself based upon depictions of nudity or sexually-explicit conduct; or that, in the case of information or material other than described above, contains depictions of nudity or sexually explicit conduct on a routine or regular basis, UCA 64-13-41
<b>GRAMA</b>	Government Records Access and Management Act, Chapter 2, Title 63, UCA
<b>ICR</b>	Initial Contact Report
<b>IFAO</b>	Inmate Funds Accounting Office
<b>illegal contraband</b>	contraband which violates criminal statutes
<b>incident report</b>	a report written in accordance with UDC policy AG13
<b>inmate</b>	a person who has been convicted of a crime, is in the custody of, and housed in a facility, or under the jurisdiction of any correctional organization
<b>inspect</b>	open and examine a letter, correspondence or other material with the primary objective to detect false labeling, contraband, currency, or negotiable instruments
<b>inter-department mail</b>	mail sent between departments within the state
<b>intra-department mail</b>	mail sent from office-to-office within a department
<b>intra-facility mail</b>	mail sent between correctional facilities
<b>IPP</b>	Inmate Placement Program
<b>knowingly</b>	an awareness, whether actual or constructive, of the character of material
<b>LEB</b>	Law Enforcement Bureau
<b>mail</b>	written material sent or received by inmates through the United States Postal

Service or other recognizable mail service

**masturbation** sexual self-stimulation

**material** anything printed or written or any picture, or photograph, motion picture, or pictorial representation, or any statue or other figure, or any mechanical, chemical, or electrical reproduction, or anything which is or may be used as a means of communication; includes underdeveloped photographs, molds, printing plates, and other latent representational objects

**money instruments** currency, coin, personal checks, money orders and cashier's or non-personal checks

**negotiable instrument** a legal document, redeemable in cash or equivalent value, capable of being transferred by delivery or endorsement so that the title or ownership passes to the transferee

**nudity** a pictorial depiction where genitalia (male or female) or female breasts are exposed

**nuisance contraband** items that may include but are not limited to; paper fasteners, hair, ribbons, pins, rubber bands, pressed leaves and/or flowers, promotional gimmicks, gum, stickers, computer disks, maps, calendars, balloons, and other such items having no intrinsic value or not approved by UDC to be in the possession of the inmates

**offender** a person who has been convicted of a crime, is in the custody of, and housed in a facility under the jurisdiction of the department or on probation/parole

**package** a completely wrapped parcel that is more than 3/4 inch thick, regardless of other dimensions and other than correspondence

**pedophilia** sexual acts with children or portrayals of children (under the age of 18 years of age) as sex objects

**personal mail** correspondence not subject to confidential treatment

**peruse** to read carefully or thoroughly; to examine in detail; study or scrutinize

**privileged mail** correspondence with an attorney, court, or other qualified person or place that qualifies for special protection from reading

**prurient** having, included to have, or characterized by lascivious or lustful thoughts, desires, etc.

**publisher-only rule** a rule limiting books, catalogs, compact disks, magazines, newspapers, etc., to those sent directly from the publisher, a book or tape club or a licensed book store; publications and tapes shall be new and tapes shall be factory sealed with the return address commercially printed or stamped

**rape** sexual activity without consent and/or by force

**read** to scan correspondence with the intent to reveal escape plots, plans to commit illegal acts, or plans to violate DPO rules or other security concerns

**reasonable cause** information that could prompt a reasonable person to believe or suspect that there is or might be a threat to the safety, security or management of the UDC facility or which could be harmful to persons

**sadomasochism** the derivation of pleasure from the infliction of physical or mental pain either on others or oneself

**scam** deceive, defraud to obtain (as money) by a devious means

**sexual conduct** acts of masturbation, sexual intercourse, or touching of a person's clothed or unclothed genitals, pubic hair, buttocks, or if the person is a female, breasts; whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent or actual sexual stimulation or gratification

**sexually explicit** a pictorial depiction of actual or simulated sexual acts, including but not limited to: sexual intercourse, sodomy, masturbation, bestiality, sadomasochism, rape, pedophilia, or any other depiction published for sexual arousal

**standard** a large mass or volume of mail

**mail** sent at a set rate of postage (for this policy referring to mailings not sent first class)

**state funds** state or local funding provided to the Department, and includes legislative appropriations to the Department, dedicated credits, grants, and monies for jail reimbursement to county correctional facilities under Title 64, Chapter 13 Department of Corrections- State Prison private providers and contractors

**UCA** Utah Code Annotated

**USP** Utah State Prison; the state correctional facility located in the northern part of the state, e.g. Draper site

FD03/01.06

Inmate Mail Matrix Appendix

Appendix A "Inmate Mail and Policy Matrix" (See following page.)

INMATE MAIL MATRIX

	<b>INSPECT</b>	<b>READ</b>	<b>CENSOR</b>	<b>COPY</b>	<b>DENIED</b>	<b>MISC.</b>
<b>INCOMING PERSONAL</b>	Yes, shall, all mail	May, at random	No	May, in furtherance of legitimate Department interest	May, if contents in violation of policy	CDs, books, magazines & newspapers. Publisher-only rule. Sexually explicit material shall be denied
<b>INCOMING PRIVILEGED / LEGAL</b>	Yes, in presence of inmate	Never	Never	Never	May, with reasonable cause; author has right to appeal	Media: No privileged status
<b>INCOMING RELIGIOUS</b>	Yes	May, at random	Never	May, with reasonable cause	May, with reasonable cause	Books, magazines & newspapers Publisher-only rule
<b>OUTGOING PERSONAL</b>	Yes, may at random	May, at random	No	May, in furtherance of legitimate Department interest	May, with reasonable cause	
<b>OUTGOING PRIVILEGED / LEGAL</b>	Yes, in presence of inmate if reasonable cause exists	Never	Never	Never	Yes, with reasonable cause, only in inmate's presence	Media: No privileged status.
<b>OUTGOING RELIGIOUS</b>	Yes	May, at random	Never	May, with reasonable cause	May, with reasonable cause	

Procedure: General Provisions

- A. Nothing in this procedure should be interpreted as creating a greater entitlement for inmates or those with whom they correspond than that currently required by law.
- B. Inmate mail regulations shall:
  - 1. further the legitimate interests of the DPO; while
  - 2. balancing the DPO's interests with those of the general public and inmates.
- C. Mail received for inmates at the USP shall be delivered to the DPO Mail Unit for processing.
- D. There shall not be a limit on the amount of correspondence sent or received by inmates, unless contrary to legitimate penological interests. However, there is a limit on the amount of storage space available to inmates.
- E. Inmates may purchase embossed or metered envelopes from the commissary.
- F. Non-English letters may be delayed for the purposes of translation.
- G. Exceptions to normal mail procedures shall be documented by ICR/IR-1 Reports.
- H. Inmates are responsible for change of address notification upon release.
- I. Standard mail will be refused, except as provided in FD03/02.08.
- J. It is the inmate's responsibility to promptly notify the Mail Unit and the Property Unit in writing of their standard postage publication subscriptions (i.e., magazines, newsletters, etc.) regardless of whether the subscriptions are paid for by the inmate or by any other person.
- K. The Mail Unit shall not accept postage-due mail unless payment is waived by the deliverer.
- L. The Mail Unit shall not accept letters, cards, money instruments, or property items for which there is reasonable cause to believe the items are contaminated, defaced or handled in such a way as to be offensive.
- M. Items received that cannot be searched without destruction or alteration (i.e., electronic greeting cards, padded cards, multi-layered cards, Polaroid

photographs, etc.) shall be denied and returned to the sender.

- N. Inmates are prohibited from receiving currency or personal checks.
- O. Personal staff mail and/or packages should be disallowed unless Department related.
- P. Current employees/volunteers of the Department are prohibited from sending personal correspondence to inmates.
- Q. Former employees/volunteers of the Department are prohibited from sending/receiving correspondence to/from inmates unless one year has elapsed from the date of the employee/volunteer's separation from the Department.
- R. Packages mailed to inmates will be processed by the DPO Property Unit in accordance with FD14.
- S. DPO Mail Unit shall not censor incoming or outgoing inmate mail.
- T. DPO Mail Unit may deny mail when a sticker is affixed to the incoming envelope or its contents.
- U. Mail shall be denied if crayons, markers, or highlighters are used on the incoming envelope or its contents.
- V. Pre-addressed or windowed business envelopes are allowed for retention. Business envelopes shall not be used for personal correspondence.
- W. Incoming and outgoing non-privileged mail may be inspected, read, and/or copied by the DPO Mail Unit, DPO Investigations, and other prison staff designated by the Deputy Warden/designee.
- X. Personal inmate mail, incoming and outgoing, may be read by the Department's legal counsel, the DPO Administration, the UDC Administration, and on a case-by-case basis, others designated as having a legitimate need to know.

FD03/02.02

Procedure: Mail Processing Within the DPO Mail Unit

Inmate mail, incoming or outgoing, shall be processed and handled within the DPO Mail Unit in accordance with U.S. Postal Service regulations and guidelines insofar as they are applicable and do not conflict with safety, security or operational requirements of the DPO, and with applicable DPO policies, procedures and technical manuals.

FD03/02.03

Procedure: Amount of Correspondence

- A. Inmates shall not be limited as to the number of letters they may send or receive, although limits may be imposed on the volume of letters and other materials which may be retained by the inmate in housing units.
- B. Inmates may not receive inmate-to-inmate mail unless authorized by the Facility Warden/designee.

FD03/02.04

Procedure: Possession of Stamps

- A. Postage stamps are contraband in the prison and are not authorized for inmate possession or use unless commissary purchased in conjunction with U.S. Postal Service postage increases and when meeting exceptions identified in FD03/02.05 B., FD03/06.05 B.
- B. Inmates are permitted to purchase embossed/metered envelopes from the commissary and may retain one pre-addressed (with or without postage) envelope from an attorney/court, or other judicial body or Utah State government agency.
- C. When additional postage is required for embossed/metered envelopes, the inmate shall attach a properly signed (should be in ink) and witnessed Money Transfer Form to the envelope.
- D. When postage is required for pre-addressed or windowed business envelopes, the inmate shall attach a properly signed (should be in ink) and witnessed Inmate Money Transfer form to the envelope.

FD03/02.05

Procedure: Non-English Language Mail

- A. Personal mail written in a language other than English may be delayed for purposes of translation.
- B. Mail delayed for purposes of translation should not be unreasonably delayed from date of receipt.
- C. In situations requiring lengthy delays, the inmate shall be notified in writing of the delay and the reason for the delay.

FD03/02.06Procedure: Documentation of Exceptions

An ICR/IR-1/IR-2 report and/or other appropriate forms or log entries should document any exceptions to normal mail procedures.

FD03/02.07

Procedure: Change of Address

It shall be the responsibility of inmates housed in or being paroled from jails or other facilities to arrange for change of address notifications.

FD03/02.08Procedure: Standard Mail

Standard mail will be refused, unless it fits with the following exceptions: legal catalogs, catalogs from or for school (schedules/books), religious catalogs, catalogs from Government Printing Offices, catalogs allowed by the Property Matrix, catalogs sent from Edward R. Hamilton, Bookseller, subscription material as defined under the Publishers-Only Rule (refer to FD03/01.05), and with notice as per FD03/02.01 J. Mail that fits within the exceptions shall be received.

FD03/02.09 Procedure: Staff Requests for Mail Covers

Staff requests for inmate mail covers shall be processed through that staff member's chain of command.

FD03/03.00 INCOMING INMATE MAIL: GENERAL PROCEDURES

FD03/03.01 Procedure: General Provisions

- A. Mail received for inmates at DPO shall be delivered to the DPO Mail Unit for processing.
- B. Detailed maps showing roadways of Utah and bordering states are not allowed for inmate retention, however, all other maps that do not present security and/or safety concerns are allowed when they are a physical part of a publication.
- C. Catalog purchases must be in accordance with the Publishers-Only Rule (see FD03/01.05).
- D. Catalogs (after being reviewed for compliance with policy) shall be accepted when sent First or Second Class.
- E. Unless ordered by a court pursuant to UCA 42-1-1, an inmate is not authorized to petition the DPO for a name change that would reflect a change in the conviction name used on correspondence envelopes sent or received unless done so in accordance with FB10/05, "Inmate Name Change".
- F. Staff-to-inmate and inmate-to-inmate mail shall not be in "inter/intra-department delivery" envelopes.
- G. Personal mail not accepted by an inmate may be returned to the post office at the inmate's expense (postage).
- H. State funds shall not be used in the distribution of sexually-explicit materials to offenders.
- I. Offenders may be subject to disciplinary action or loss of privileges for repeated use of state funds to process the rejection of prohibited information or material.
- J. An inmate is not authorized to establish credit transactions through the mail while confined unless authorized by the Warden of the facility.
- K. Fund raising by inmates for personal gain is prohibited.
- L. Reading inmate mail helps the DPO Mail Unit discover and prevent inmates' use of, or attempt to use, the mail to engage in conduct which violates DPO policy.

FD03/03.02 Procedure: Receiving Mail at the DPO Mail Unit

- A. The DPO Mail Unit shall receive U.S. Postal Service deliveries Monday through Friday unless a state and/or federal holiday occurs on one of these days.
- B. DPO Mail Unit staff shall be designated as the inmates' agents for signing and accepting mail.

- C. Mail requiring a signed receipt that is addressed to an inmate who is no longer under the jurisdiction of the DPO shall not be accepted.
- D. Books, magazines, newspapers, CDs, etc., shall be sent in accordance with the publisher-only rule.
- E. Standard mail will be refused, except as provided in FD03/02.08. Mail that fits within the exceptions shall be received.
- F. Personal or general inmate mail received for inmates at the DPO shall be delivered to the DPO Mail Unit for processing and:
  - 1. shall include the inmate's full commitment name and offender number (mail not providing this information shall be returned to the sender without notice to the inmate);
  - 2. shall be opened and inspected;
  - 3. may be read at the discretion of the Department;
  - 4. may be photocopied when such copying is reasonably related to the furtherance of a legitimate Department interest;
  - 5. may be refused, denied or confiscated where reasonable cause exists to believe the contents may adversely impact the safety, security, order or treatment goals of the Department;
  - 6. may be used as evidence in criminal, civil or administrative trials or hearings;
  - 7. is entitled to no expectation of privacy; and
  - 8. shall be delivered to inmates without unreasonable delay.
- G. All forms of nuisance contraband shall be returned to sender, with the following exception:
  - 1. Nuisance contraband, such as creams, perfume samples, lotions, seeds, shampoo, etc., that is found in magazines, books and other publications, shall be removed and disposed of by the mail room staff. Notification will be given to the recipient of the publication when such items are removed.
- H. Catalog purchases other than through the DPO commissary catalog are not authorized.
- I. Pre-addressed or windowed business reply, non-posted, envelopes are allowed for retention.

- J. Greeting cards that exceed 11.5 X 14 shall be denied and returned to the sender.
- K. Refused mail (unopened) shall be returned to the Post Office and does not require inmate notification, except mail that fits into the exceptions in FD03/02.08. Such mail will require inmate notification pursuant to FD03/03.06.

FD03/03.03 Procedure: Prohibited Mail

A. Sexually Explicit Material

- 1. "State Funds shall not be used to distribute or make available any commercially published information or material to an offender when the state employee, contractor, or private provider who has the authority to expend funds knows that the commercially published information or material is sexually explicit or features nudity." 64-13-41(2) UCA.
- 2. State funds include the following:
  - a. DPO employee wages;
  - b. payment of private provider services;
  - c. payment of contract services; and
  - d. security and supervision of volunteers, visitors, etc.
- 3. DPO employees may not deliver to any offender commercially published information or materials that contain sexually explicit material or features nudity.
- 4. A list of magazines/periodicals that shall not be accepted into the institution or distributed to any offender or staff member will be kept updated by the mailroom staff and published in the inmate reference manual. This list is not intended to be a comprehensive list of all magazines/periodicals that will not be accepted into the institution. Any magazine/publication that is prohibited by this chapter will not be accepted into the institution.
- 5. In addition to those publications on the above referenced list; any commercially published information or material shall be rejected if the:
  - a. subscriber must be 18 years of age or older (because the material depicts sexually-explicit material or features nudity);and
  - b. outside cover indicates that it contains sexually-explicit depictions or features nudity.

6. Material shall be prohibited and denied delivery if it violates Utah State Law.
  - a. In the event material is denied based upon violation of state law, where appropriate the site investigative unit shall refer the material to the appropriate jurisdiction for criminal disposition.
  - b. Utah State Statutes, included within the boundary of this provision are:
    - i. Section 76-10-1203 UCA (Pornographic Material or Performance);
    - ii. Section 76-10-1204 UCA (Distributing Pornographic Material); and
    - iii. Section 64-13-41 (Limitations on Offender Access to Sexually Explicit Material).
7. When there is a question as to whether magazines or other publications that come into the Mail Unit for delivery to inmates are sexually explicit or feature nudity, the publication shall be screened by the warden/designee to determine whether denial is appropriate.

B. Material Which Threatens Security or Safety

1. Material that would constitute a direct and immediate threat to the safety, security or order of DPO shall be prohibited and refused delivery.
2. Material rising to the level of a threat to safety, security or order includes, but is not limited to, material which:
  - a. incites, advocates, aids, abets or provides instruction concerning activities such as:
    - i. illegal drug use;
    - ii. the manufacture, use or conversion of weapons, ammunition, bombs or incendiary devices;
    - iii. escape;
    - iv. threats of death or bodily harm;
    - v. criminal activity;
    - vi. smuggling or other introduction, exporting or manufacture of contraband;

- vii. plans for criminal activity or violating the policies, procedures, or regulations of the DPO;
  - viii. martial arts or self-defense;
  - ix. survival;
  - x. guns and ammo;
  - xi. gang activity;
  - xii. detailed maps of Utah and/or bordering states; and/or
  - xiii. gambling;
- b. instructs, gives exploded views of or provides planning assistance related to:
- i. picking locks;
  - ii. digging tunnels;
  - iii. defeating security materials or systems; or
  - iv. manufacturing of alcohol, drugs, weapons or other contraband;
- c. contains information:
- i. concerning the families, home address/phone numbers, or license numbers/vehicle information for UDC officials/staff or other government officials;
  - ii. concerning transportation schedules;
  - iii. if communicated, would create a clear and present danger of violence and physical harm to any person; or
  - iv. of a photographic nature revealing security information (i.e., correctional facilities and/or inmates); or
- d. is written in code or there is reasonable suspicion that the material is written in code.

C. Inflammatory Material

- 1. It is within the legitimate interests of the DPO to intercept the introduction of materials into a DPO facility that constitutes a direct and present threat to the safety or security of the Prison

because it incites or advocates physical violence against others.

2. Material shall not be considered inflammatory solely on the basis of its appeal to a particular ethnic, racial or religious audience.
3. Criticism of the administration, operation or personnel of DPO, the Board of Pardons, or of any other government official or agency shall not constitute a direct and present threat to the security and safety of the facility, unless that material advocates illegal action.

FD03/03.04 Procedure: Exceptions

- A. This policy does not apply to sexually- explicit material used for the assessment or treatment of an offender. (Refer to Utah Code 76-10-1207.05.)
- B. Sexually-explicit information or material containing nudity that is illustrative of medical, educational or anthropological content may be accepted for distribution on a case-by-case basis, (e.g., National Geographic, Our Bodies, Our Selves, etc.), if the material:
  1. is not primarily for sexual arousal;
  2. is not primarily for prurient reasons (having too much interest with sexual matters);
  3. is not of questionable literary value; and
  4. does not threaten the safety, security, and management of the prison.
- C. Material that is of a news or information type, may be admitted on a case-by-case basis if the material:
  1. is not primarily for sexual arousal;
  2. is not primarily for prurient reasons; and
  3. does not threaten the safety, security, and management of the prison.

FD03/03.05 Procedure: Delivery to Inmates

- A. When a letter has been processed for delivery, it should be sealed with a small strip of cellophane tape or with a staple.
- B. Personal inmate mail designated for delivery to the inmate via inter-facility mail shall be bundled/bagged by housing unit designation, and delivered to the unit mail depository.
- C. The housing unit mail handler shall:

1. upon receipt of mail for inmates assigned to their units, prepare and have conspicuously posted a unit inmate mail list;
  2. not open, read, inspect, censor and/or withhold inmate mail;
  3. ensure that mail is safeguarded until properly delivered or returned to the DPO Mail Unit as undeliverable;
  4. ensure that mail is delivered **directly to the inmate addressee**;
  5. not distribute mail to third parties (staff or inmates) to hold for or deliver to the inmate addressee, except as outlined in policy;
  6. not leave mail in the inmate's assigned living quarters; and
  7. not give inmate mail to housing unit staff and/or fellow officers for purposes of:
    - a. investigation;
    - b. inspection for contraband;
    - c. reading; or
    - d. withholding.
- D. Inmate mail that cannot be delivered because the inmate is not assigned to the unit, or because the inmate has been reassigned to another unit, shall be promptly returned to the DPO Mail Unit staff. **(Do not write on the envelope.)**

FD03/03.06

Procedure: Denial Procedures: General

- A. When incoming inmate mail is determined to be unacceptable, the DPO Mail Unit shall notify :
  1. the inmate on a Notice of Denied Mail Form providing a simple but adequate explanation for denying the mail and informing the inmate of the right to file a grievance; and
  2. the sender on a Notice of Denied Mail Form (pink copy) detailing the reasons for denying the mail and a notice of sender's right to appeal the action to the warden/designee within seven days.
- B. If one item is denied, all items/contents of the letter/package shall be returned to the sender.

- C. The inmate may use the Inmate Grievance System (FD02) to challenge the DPO Mail Unit's decision to deny delivery of incoming mail.
- D. If the sender challenges the denial of the mail:
  - 1. a letter of challenge shall be forwarded to the appropriate warden/designee within seven days;
  - 2. the warden/designee shall inform the sender and the DPO Mail Unit supervisor of the decision to rescind or affirm; and
  - 3. the warden/designee shall
  - 4. respond to the challenging party in writing.

FD03/03.07

Procedure: Staff-to-Inmate Mail

- A. Staff-to-inmate mail shall not be sent in "inter/intra-department delivery" ("shotgun") envelopes.
- B. Staff-to-inmate mail should be sent in business or manila envelopes and shall contain:
  - 1. the name and the department of the staff sender in the upper left corner; and
  - 2. the inmate's complete mailing address to include the inmate's:
    - a. full commitment name and offender number; and
    - b. housing unit.
  - 3. Envelopes not having this information may be returned to the sender for completion of required information.
  - 4. Exception: Special, reusable cell study envelopes may be developed to facilitate sending cell study materials between the inmate(s) and cell study staff.

FD03/04.00 INCOMING INMATE MAIL: SPECIALIZED PROCEDURES

FD03/04.01 Procedure: General Provisions

- A. Inmates are not entitled to receive through the mail:
  - 1. currency;
  - 2. personal checks;
  - 3. inmate-to-inmate mail; nor
  - 4. any item deemed to be contraband.
- B. Inmates are generally permitted to receive:

1. money orders;
  2. cashier's checks; and
  3. certified, insured, registered and special delivery mail.
- C. Inmates may receive non-personal checks based on the policies in this chapter.

FD03/04.02

Procedure: Currency and Personal Checks

- A. Inmates are prohibited from receiving currency, coins, personal checks and/or copies of checks.
- B. When currency, coins, or personal checks are received they shall be returned to the sender.
1. The currency, coins, or personal checks shall be placed in the original sender's envelope along with a completed Notice of Denied Mail Form giving notice of the DPO regulations forbidding receipt of currency or personal checks through the mail. This action shall be witnessed by a second DPO Mail Unit staff.
  2. The envelope shall be re-sealed, stamped "Return to Sender", given new postage and returned to sender.
  3. When the incoming envelope does not have a return address, the DPO Mail Unit staff shall:
    - a. notify the inmate addressee in writing that he has five days from date of notice to provide a return address; and
    - b. if the inmate does not provide the return address within the specified time, the original sender envelope and currency or personal check shall be returned to the U.S. Postal Service.
  4. Any correspondence to the inmate shall also be returned to the sender.
- C. The sender may challenge the non-delivery of the correspondence through the procedure outlined in FD03/03.06.
- D. If the decision to deny delivery of the correspondence is challenged by the inmate, the DPO Mail Unit staff shall refer them to the Inmate Grievance System.
- E. The DPO assumes no responsibility for money/money instruments or personal checks lost in the process of receiving, processing and/or returning them.

FD03/04.03

Procedure: Money Orders, Cashier's Checks or Non-Personal Checks

Revised 6/5/18

PUBLIC

FD03/04.06

- A. Inmates are generally permitted to receive based on the policies of this chapter:
1. money orders;
  2. cashier's checks;
  3. non-personal/business checks.
- B. IFAO shall process money orders, cashier's, business or non-personal checks received from the DPO Mail Unit and credit them to the inmate addressee's account.
- C. Envelopes containing permitted money instruments shall be addressed in the following manner and contain the sender's full name and complete return address:
- Secure Deposits - Utah DOC  
P.O. Box 12486  
St. Louis, MO 63132
- D. All money received for inmates through the incoming mail shall comply with the following conditions:
1. only cashier's checks or U.S. and Canadian/international (if in American dollars) money orders shall be accepted;
  2. no foreign currencies shall be accepted;
  3. all money instruments shall be enclosed in a separate envelope containing no other items and addressed as shown in paragraph C, above; and
  4. the money instruments shall be labeled with the inmate's full name, offender number and shall contain the **sender's full name and address**.
- E. Money instruments/envelopes not labeled correctly shall be denied and returned to the sender.
- F. Exceptions to this chapter shall be allowed for non-personal/business checks (checks receipted in the Mail Unit at Draper), such as:
1. government pensions,
  2. payroll checks from former employers;
  3. refunds from business transactions; and
  4. IRS refund checks without an inmate's offender number.

FD03/04.04

Procedure: Receiving Inmate Money, Non-Illegal/Nuisance Contraband

The receipt of all currency, coin and other contraband (including nuisance contraband) shall be processed according to the following procedures:

- A. all forms of currency and coin are contraband;
- B. non-permitted money instruments detected during the inspection of incoming correspondence shall be denied by the DPO Mail Unit staff and the entire contents returned to the sender; and
- C. any other contraband along with the correspondence shall be returned to the sender.

FD03/04.05

Procedure: Certified, Insured, or Registered

Inmates are allowed to receive certified, insured, registered and special delivery mail.

- A. Certified, insured, registered or special delivery mail received from the U.S. Postal Service shall be processed by the DPO Mail Unit staff as incoming inmate mail (FD03/03.00).
- B. Frequently, certified, insured, registered or special delivery mail will have a return receipt attached. If so, the DPO Mail Unit staff shall:
  - 1. prior to acceptance, ensure that the addressee is at Draper or CUCF; and the envelope includes the inmate's commitment name and offender number;
  - 2. sign as "agent" on the return receipt card completing the information as requested (exception: restricted delivery shall not be accepted);
  - 3. leave the completed receipt with the U.S. Postal Service;
  - 4. not accept the mail if the addressee is not housed at Draper or CUCF.
- C. Unless identified otherwise, the mail shall be considered "personal" and processed accordingly.
- D. Mail identified as "privileged" shall be afforded treatment as described in FD03/08.00 through FD03/10.00.

FD03/04.06 Procedure: Forwarding/Returning Mail

A. Persons No Longer in DPO Custody

- 1. It shall be the responsibility of inmates being released from the DPO custody to submit a change of address card (available from the Inmate Accounting Funds Office) to the DPO Mail Unit, before they are released from the DPO.

2. The DPO Mail Unit shall forward the mail to the address provided for the first 90 days after release.
3. The DPO shall return to the sender mail received for inmates who have been released from custody for more than 90 days. Mail being returned to sender shall include a notification that the addressee is unknown or left no forwarding address.
4. Mail shall be directly forwarded to inmates living in locations listed in a, b, or c below:
  - a. a community corrections center;
  - b. a county jail; or
  - c. some other location under the jurisdiction of DPO if the forwarding address is reasonably available.

B. Insufficient Address

If the envelope is not sufficiently completed, legible, or otherwise understandable, or there is no forwarding address available, the letter shall be returned to sender.

C. Processing

1. Mail to be forwarded or returned should not ordinarily be opened.
2. If received open or inadvertently opened during processing, the correspondence should be resealed and returned or forwarded at DPO expense.

FD03/04.07 Procedure: Undeliverable Mail

- A. Undeliverable letters sent by inmates that are returned to DPO by the Postal Service shall be opened and inspected to ensure that contraband or new written communications have not been added in an attempt to circumvent the mail inspection procedures.
- B. In the case of returned "privileged" correspondence, the envelope shall be opened only in the presence of the inmate and examined to determine whether any contraband has been added.
- C. If everything is in order the returned mail shall be given to the inmate.
- D. If it appears from the contents of a returned letter that an attempt has been made to circumvent the mail inspection procedures, the DPO Mail Unit may:

1. withhold the undeliverable mail for review;
2. file an Incident Report and MD-1 if appropriate;  
and
3. if the sender is unidentifiable, return to the  
U.S. Postal service marked "Dead Letter".

FD03/05.00

OUTGOING INMATE MAIL: GENERAL PROCEDURES

FD03/05.01

Procedure: General Provisions

- A. Outgoing inmate mail and inmate inter/ intra-department mail shall be deposited in the housing units outgoing mail depository, picked up by DPO Mail Unit staff or, delivered to the DPO Mail Unit for processing.
- B. An inmate shall not direct or establish a new business through the mail unless authorized by the Warden of the facility.
- C. An inmate who corresponds concerning a legitimately held business, shall correspond through their attorney or a party holding a power of attorney.
- D. Photocopying outgoing personal inmate mail is authorized when reasonably related to the furtherance of a legitimate Department interest.

FD03/05.02

Procedure: Outgoing Inmate Mail and Inmate-to- Staff Inter/Intra-Department Mail

- A. Outgoing personal inmate mail and inmate-to-staff inter/intra-department mail:
  - 1. should be sealed by the inmate sender;
  - 2. may be inspected by the DPO Mail Unit;
  - 3. may be read at the discretion of the DPO Mail Unit;
  - 4. shall not be censored;
  - 5. may be photocopied when such copying is reasonably related to the furtherance of a legitimate Department interest;
  - 6. may be confiscated for reasonable cause if the contents negatively impact the safety, security, order, or rehabilitation goals of the UDC;
  - 7. shall be clearly identified as having originated from DPO inmates; and
  - 8. shall not be sent in inter-departmental, reusable envelopes.
- B. Inter-department (inmate-to-staff) mail shall be limited to USP and CUCF staff, Utah Board of Pardons, and the Utah Attorney General's Office.
- C. Inmate-to-inmate mail shall follow procedures prescribed in FD03/11.00.
- D. Inmate-to-staff (Oquirrh Captain, Cedar Housing Manager, etc.) envelopes should be regular mailing

envelopes and shall contain the name and department of the addressee. The inmate's return address shall include the inmate's:

1. full commitment name;
2. offender number; and
3. housing unit.

NOTE: Envelopes not having this information shall be opened to determine the sender and verify compliance. The envelope shall be returned to the sender with a problem form for completion of the missing information. (If the sender cannot be identified, envelopes and their contents may be destroyed or forwarded as addressed.)

- E. Inmate-to-staff envelopes marked "privileged" or "legal" shall be processed in accordance with those procedures outlined in FD03/10.00.
- F. Inmate-to-staff envelopes shall only contain a name, address and references. No other comments and/or drawings should be allowed.
- G. Inmate-to-staff mail that displays threatening, negative gestures or comments, extraneous materials, or grossly offensive sexual comments on the envelope or within its contents may:
  1. be referred to the Deputy Warden/designee on an O-track ICR Incident report by staff involved;
  2. after review, the Deputy Warden/designee may notify LEB; and
  3. if disciplinary action results, LEB shall, with the approval of the Executive Director, have all mail from this inmate to staff revoked unless it is sent through the U.S. Postal Service.

FD03/05.03 Procedure: Return Address

- A. Inmate outgoing mail must contain a DPO return address on the outside of the envelope.
- B. The return address shall include the:
  1. sending inmate's full commitment name;
  2. inmate's offender number;
  3. inmate's housing facility, (i.e., Wasatch B, AW, AE, Oquirrh 1, Timp 1, Aspen, Cedar, Birch, etc.); and
  4. the city, state and zip code.

- C. Inmate outgoing mail not containing the required return address information shall be treated as incoming mail and be returned to the inmate with a Mail Problem Form.
- D. If the sender's identity cannot be established, the envelope and the contents may be destroyed.

FD03/05.04Procedure: Inmate Mail Collection

- A. In housing units where inmate mail is picked up by the housing unit officer, and taken to a central pick-up point, the following procedure shall be followed:
  - 1. in housing units where mail is gathered on a **section-by-section** basis:
    - a. the mail may be kept separate in designated mail bags; and
    - b. the section mail bags shall be placed in a larger housing unit bag to be picked up by the DPO Mail Unit.
    - c. When section inmate mail depositories are necessary, the unit manager shall ensure that mail is gathered from the section depositories and placed in the unit's mail depository/ designated area prior to mail pick-up at 0600 hours.
  - 2. In housing units where mail is gathered on a unit basis only, it may be placed in one designated mail bag to be picked up by the DPO Mail Unit.
- B. When housing unit mail bags are picked up by the DPO Mail Unit, replacement bags shall be left in the housing unit for the next day's mail collection.

FD03/05.05Procedure: Mail Collection Schedule

The mail collection schedule shall be Monday through Friday except on Federal/State holidays. DPO Mail staff shall gather inmate mail from designated outgoing mail depositories/areas once daily.

FD03/06.00 OUTGOING INMATE MAIL: SPECIALIZED PROCEDURES

FD03/06.01 Procedure: General Provisions

- A. An inmate may correspond concerning a legitimate business through an attorney or someone holding a power of attorney.
- B. An inmate may not establish credit transactions.
- C. An inmate may not participate in fund-raising activities for personal gain.
- D. An inmate is not authorized to incur the cost of mail for other inmates.

FD03/06.02

Procedure: Business Correspondence

- A. An inmate shall not direct or establish a new business through the mail unless authorized by the Warden of the facility.
- B. An inmate's correspondence concerning a legitimately held business shall be processed through their attorney or a party holding power of attorney:
  - 1. shall not be sealed by the inmate sender;
  - 2. shall not claim privileged status;
  - 3. may be inspected and read by the DPO Mail Unit;
  - 4. shall not be censored;
  - 5. may be photocopied when such copying is reasonably related to the furtherance of a legitimate department interest; and
  - 6. shall be sealed by the DPO Mail Unit at the completion of the outgoing procedures.
- C. See Business Authorization Form at FD03/06.07.
- D. Inmates ordering anything under the publisher-only rule, shall forward payment for the subscription with their orders. No publications shall be received on a trial basis or with payment postponed.
- E. Outgoing publication orders received at the DPO Mail Unit without an appropriate money transfer shall be destroyed without notice or recourse by the inmate.
- F. Outgoing business mail that arrives at the Mail Unit sealed shall be opened for inspection.
- G. Any exception to this section shall be reviewed for approval by the facility Warden/designee on a case-by-case basis.

- H. The Warden/designee shall inform the DPO Mail Unit in writing of exceptions granted.
- I. Business envelopes sent in for return to the sending attorney, court, or business shall not be accepted for personal correspondence.

FD03/06.03 Procedure: Indigent Status

- A. Inmates on indigent status shall receive one first class, one-ounce letter each week for general correspondence.
- B. One first class, one ounce letter generally consists of:
  - 1. one envelope; and
  - 2. five 8-1/2 inch by 11-inch sheets of paper.
- C. Inmates who do not use their weekly postage allocations, **shall not** be allowed to carry it over to the following week or use their indigent status for the purpose of sending out another inmate's mail.
- D. Inmates who have used all their weekly postage shall have their envelopes returned and processed the same as Incoming Mail.
- E. Postage shall be placed on qualifying envelopes at the DPO Mail Unit upon receipt.
- F. An indigent inmate requiring additional postage for privileged correspondence because their weekly quota of indigent postage has been used up shall have an Additional Privileged Mail Postage Request Form, attached to the correspondence containing all requested information
- G. Upon receipt by the DPO Mail Unit:
  - 1. the indigent status shall be verified;
  - 2. the court may be called to verify the case number and attorney of record;
  - 3. if 1, and 2, are verified, postage shall be affixed and correspondence mailed;
  - 4. if either 1, or 2, are not verified, the request shall be refused and the correspondence processed the same as incoming mail and returned to the sender with a copy of the DPO Mail Unit Problem Form showing the reason for the return; or
  - 5. if the inmate fails to provide all the information requested, the request form and the letter(s) or package(s) may be returned for completion.

- H. The original Additional Privileged Mail Postage Request Form shall be filed in the inmate's mail file.
- I. When abuse of the indigent mail procedure is found, an incident report may be submitted along with a disciplinary report.
- J. Indigent inmates sending outgoing mail in embossed/metered envelopes may be required to provide proof of ownership.
- K. Indigent inmates will not be provided postage fees to certify outgoing mail unless the Mail Unit is otherwise directed by the Warden/designee.

FD03/06.04Procedure: Insufficient Postage

- A. Inmates are responsible to ensure that their outgoing correspondence has sufficient postage.
- B. Non-indigent inmates shall use embossed/metered first-class or oversized envelopes (envelopes must not be altered/cut down) obtained from the Commissary only. (Exceptions: one pre-addressed/windowed business envelope or one pre-addressed stamped envelope from an attorney/court or Utah State government agency.)
- C. When an inmate believes that the embossed/metered or oversized envelope has insufficient postage to cover charges, they shall:
  - 1. attach a signed (**should be in ink**) and appropriately witnessed Inmate Money Transfer form, with the "**amount**" section **blank**, to the envelope; and
  - 2. place the envelope and attached Inmate Money Transfer form in the designated Inmate Mail Depository.
  - 3. If no money transfer is attached the letter shall be returned and processed as outlined in FD03/03.00 Incoming Mail.

FD03/06.05Procedure: Certified/Insured/Registered Mail

Inmates who want their outgoing personal mail certified, insured and/or registered shall:

- A. notify Mail Unit staff, in writing, requesting **certified/insured/registered** mail handling with that information placed on the envelope and on the money transfer;
- B. specify full value of the item and the **amount of insurance** coverage desired;
- C. indicate if a **return receipt** is desired;

- D. attach a signed (**should be in ink**) and appropriately witnessed Inmate Money Transfer form (with the **amount** section blank) to the envelope; and
- E. place the envelope and the attached Inmate Money Transfer form in the designated inmate mail depository.

FD03/06.06

Form: Additional Privileged Mail Postage Request Form  
(Indigent-Status Inmates Only)

(See the following pages for this form.)

FD03/06.07

Form: Business Authorization Form

(See the following pages for this form.)

DRAPER  
 CUCF

**UTAH DEPARTMENT OF CORRECTIONS  
DIVISION OF PRISON OPERATIONS  
ADDITIONAL PRIVILEGED MAIL POSTAGE REQUEST FORM**

TO: DPO MAIL UNIT

FROM: \_\_\_\_\_ Offender #: \_\_\_\_\_  
(Inmate's Full Commitment Name)

DATE: \_\_\_\_\_ HOUSING UNIT: \_\_\_\_\_

Additional postage for privileged legal mail shall be granted only to Attorney(s) of record in State Courts, or Federal Courts having jurisdiction in Utah ( i.e., 10th Circuit Court of Appeals, U.S. Supreme Court). Case number(s) must be verifiable (i.e. filed with the court).

**THIS REQUEST IS FOR ADDITIONAL POSTAGE ON PRIVILEGED LEGAL MAIL.  
ONLY INDIGENT STATUS INMATES CAN APPLY.**

(Fill in all requested information completely)

Current Case Number (or reason for no case number): \_\_\_\_\_

Court that Case Number is assigned/recorded in: \_\_\_\_\_

Attorney of Record: \_\_\_\_\_

Court/Attorney envelope is addressed to: \_\_\_\_\_

Provide an explanation as to why additional postage is required to mail the privileged legal document(s):

\_\_\_\_\_  
\_\_\_\_\_

---

**NOTE:** All information must be completed to qualify for additional postage for privileged legal mail. Any area left blank may cause your request to be denied.

- DRAPER
- CUCF

**UTAH DEPARTMENT OF CORRECTIONS  
DIVISION OF PRISON OPERATIONS  
BUSINESS AUTHORIZATION FORM**

Inmate's Name: \_\_\_\_\_ Offender #: \_\_\_\_\_ Date: \_\_\_\_\_

Housing Unit: \_\_\_\_\_ Classification Code: \_\_\_\_\_

- This request is to:
- Conduct a Business
  - Engage in a Business Contract

Nature of Business or Business Contract: (where, with whom, why, and how)

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**DISCLAIMER:** This is an inmate at the Utah State Prison. The State of Utah, the Utah Department of Corrections and the Division of Prison Operations shall not be obligated for any debts incurred by the inmate or any business owned or controlled by the inmate in connection with this approval.

If inmate is granted the privilege to direct or establish a business through the mail, inmate hereby agrees and acknowledges that he or she will not be allowed to claim privileged status for business correspondence and that such correspondence may be inspected, read and/or photocopied by the DPO Mail Unit. Inmate hereby waives any rights he or she may have in the privacy of such correspondence.

APPROVED                      DENIED                     

Warden/Designee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Inmate Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Procedure: Acceptance Criteria

- A. The Publisher-Only Rule shall govern the receipt of all incoming magazines, newspapers, and:
1. any publications not in strict compliance with the publisher-only provisions shall not be accepted by the DPO Mail Unit;
  2. denied publications shall be returned to the sender;
  3. the DPO Mail Unit shall not deny a publication solely because its content is religious, philosophical, political, social or sexual, or because its content is unpopular or repugnant;
  4. the DPO Mail Unit shall deny a publication if it is determined detrimental to the security, order or discipline of DPO or if it might facilitate criminal activity;
  5. publications which shall be denied by the DPO Mail Unit include but are not limited to those that:
    - a. depict or describe procedures for the construction or use of weapons, ammunition, bombs or incendiary devices;
    - b. depict, encourages, or describes methods of escape from correctional facilities, or similar descriptions of prison buildings, security systems, wiring diagrams, or detection devices;
    - c. are written in code;
    - d. encourages or instructs in the commission of criminal activity;
    - e. contain material considered sexually explicit;
    - f. instructs in the use and development of martial arts, survival techniques; or
    - g. are catalogs other than those listed as exceptions.
- B. Acceptable publications shall be characterized by:
1. direct shipment from the publisher, or commercial distributor with a commercially printed or stamped return address;

Note: Address may be handwritten if determined to be from an authorized vendor.

2. the absence of matter which depicts, describes, or encourages activities which may lead to the use of physical violence or group disruption;
3. the absence of sexually explicit material which by its nature or content poses a threat to the safety, security, or order of DPO;
4. availability to the general public at newsstands or by mail subscription;
5. a national or regional circulation among the general public;
6. content of a general character and of general interest to the public, (i.e., news of political, religious, commercial, or social affairs); and
7. publications of legal notices for the community in which it is published or the area to which it is distributed.

C. Publications of questionable content shall be subject to review on an issue-by-issue basis. Offending issues shall be denied.

FD03/07.02 Procedure: Denial Procedure

See FD03/03.06, "Denial Procedure: General".

FD03/08.01 Procedure: Balancing Interests

A. Inmate Interests

Inmates have interests including:

1. communication with:
  - a. their attorneys;
  - b. the courts; and
  - c. certain public officials.
2. privilege in communicating with their attorneys when:
  - a. that communication involves their legal cases; and
  - b. the information is not part of the public domain or is otherwise legally available to DPO officials; and
3. delivery of correspondence without unreasonable delay.

B. DPO Interests

The DPO has interests including:

1. protecting its security, safety, order and other legitimate interests; and
2. operating the mail processing and delivery system in a cost-effective manner by limiting the types and volume of mail requiring processing as privileged only to those legally entitled to the privilege status.

C. Balancing Interests

The DPO's policies and procedures for processing inmates' privileged mail shall:

1. be rationally or reasonably related to its safety, security and other legitimate interests;
2. provide alternatives for inmates which accommodate their constitutionally protected rights; and
3. take into account alternate approaches, if offered by inmates, which fully accommodate the inmates interests at the least cost to the DPO.

FD03/08.02 Procedure: Privileged Correspondence Standards

Certain types of mail are entitled to constitutionally-protected confidentiality (or privilege). Accordingly, this privilege prohibits qualifying correspondence material from being read without cause by DPO officials.

- A. Privilege shall be accorded to mail which meets the requirements of this chapter between an inmate and their attorney or a court, if the correspondence:
  - 1. is enclosed in an envelope from the attorney or court with the sender's name, law firm or legal agency's name (i.e., including but not limited to the American Civil Liberties Union, Legal Center for People with Disabilities, Civil Rights Department of the Department of Justice, etc.) and return address printed or embossed on the envelope;
  - 2. from an attorney, is clearly identifiable as originating from an attorney, law office, or legal agency; and
  - 3. is printed or otherwise affixed to the envelope the legend "privileged", "confidential legal material", or other language which clearly requests confidentiality due to the privileged nature of the enclosed material.
- B. Privilege should also be accorded correspondence from an inmate to:
  - 1. the Executive Director;
  - 2. the legal representative(s) of the Department;
  - 3. the DPO Director; and
  - 4. the facility Warden.
- C. To claim privilege when writing to the officials listed above, the inmate shall:
  - 1. address the envelope to the intended recipient by name, title and agency;
  - 2. write their commitment name, offender number, housing assignment, and prison facility on the envelope; and
  - 3. enter the required legend on the envelope asserting privilege as stated in A,3, above.
- D. Privilege shall not be accorded to mail from or to:
  - 1. law schools;
  - 2. the news media;

3. government agencies or officials unless specifically identified under FD03/08.02, A or B, above;
  4. hospitals, medical centers, medical clinics, or doctors' offices;
  5. private investigators, private security agencies, or private rent-a-cop/rent-a-judge companies;
  6. mail marked "legal" or "privileged" but having no identifiable legal association or relevance;
  7. associations or groups not readily known as legitimate legal assistance providers;
  8. legal publishers (e.g., Codco, Berkley Legal Publications); or
  9. the clergy.
- E. Attorney mail should only be declared to be privileged if it:
1. contains material which is related to the attorney's representation of the inmate; and
  2. is confidential in nature (information not otherwise available to the DPO).
- F. To be processed as privileged, mail shall include only that communication which is related to the official capacity and authorized purposes of that entity and shall:
1. not be extended to money instruments, publications, and/or communications of a personal or social nature; and
  2. be processed in a manner which affords confidentiality.
- G. Paralegals, law clerks, legal assistants, and other persons employed by an attorney:
1. enjoy their legal status only when they are acting at the direction of the attorney relating to a particular legal matter; and
  2. it is required that their correspondence to inmates be signed by the attorney to enjoy privileged status.
- H. Privileged mail not accepted by an inmate may be returned to the post office or placed on disposition and processed by the Property Unit in accordance with FD14, Inmate Property.

- A. Persons asserting privileged mail status misuse the privileged mail system when they:
  - 1. **introduce contraband** into the facility through privileged mail;
  - 2. **introduce illegal contraband** into the facility through privileged mail (may be prosecuted);
  - 3. **include non-legal** mail with privileged mail; or
  - 4. **introduce** falsely labeled non-privileged mail (i.e., personal letters from the attorney or other persons or other non-legal materials);
- B. If the violation is repeated, the persons in violation may face suspension of privileged mail status.
- C. Incoming mail falsely labeled as privileged shall be confiscated and the sender and addressee notified.
- D. Inmates or legal entities who falsely label incoming or outgoing non-privileged mail as privileged shall be subject to disciplinary action and/or suspension of the privileged correspondence.
- E. Any suspension of attorney communication privileges shall be at the direction of the DPO Director following a due process consideration that may be appealed to the Executive Director.

FD03/08.04

Procedure: Denial of Privileged Mail

If a privileged letter written by or addressed to an inmate is denied:

- A. the inmate shall be notified of the reason for the denial;
- B. the sender/inmate shall be given reasonable opportunity to request the Utah State Attorney General's office to review the decision; and
- C. the Utah State Attorney General's Office written decision may be appealed to the Utah Department of Corrections Executive Director/designee.

FD03/08.05

Procedure: Nuisance Contraband

Nuisance contraband shall be removed by staff in the inmate's presence, before the mail is given to the inmate to avoid delays in delivering privileged mail.

FD03/08.06

Procedure: Envelopes

- A. To be identified as incoming privileged mail, the correspondence shall be from an attorney or other sender qualified for privileged correspondence as set

forth under FD03/08.02, A, B, and shall address the envelope in accordance with FD03/08.02,C.

- B. Envelopes containing privileged mail to other authorized addressees:
  - 1. shall include sufficient addressee information to enable the DPO Mail Unit staff to reasonably identify the intended addressee; and
  - 2. a clear designation on the envelope asserting the privilege status.
- C. Inmate-to-staff privileged mail (i.e., Executive Director, Warden, etc.) shall be in regular mailing envelopes and shall be labeled and processed in accordance with the procedures outlined in FD03/05.02,D.
- D. Envelopes marked "privileged" or "legal" that do not contain sufficient information to identify the inmate shall be **inspected** and **examined**, but **not read** and returned to the sender for a correct return address.

FD03/08.07Procedure: Privileged Incoming Packages

To be **identified** as privileged incoming packages shall:

- A. be from one of the entities listed under FD03/08.02,A and/or B;
- B. have on the package the sender's (individual, firm or agency) name, title and business address;
- C. have printed, stamped or written on the package:
  - 1. "privileged";
  - 2. "confidential legal mail"; or
  - 3. a similar word or words which clearly indicates that the package contains privileged legal material.

FD03/09.00PRIVILEGED MAIL: INCOMING PROCEDURES

FD03/09.01Procedure: General Provisions

- A. All incoming privileged mail:
  - 1. shall be identifiable correspondence from an attorney or other sender qualified for privilege correspondence as per FD03/08.02;
  - 2. shall be inspected only in the presence of the inmate addressee;
  - 3. shall not be perused or photocopied; and

4. may be denied only for reasonable cause upon instruction of the DPO Director/designee.

Procedure: Privileged Mail Opened at the DPO Mail Unit

- A. Incoming envelopes shall be inspected to make an initial determination concerning whether the letter qualifies for privileged processing.
  1. Once an envelope is identified as privileged it shall only be opened and inspected in the presence of the inmate.
  2. Inspection of the contents of privileged correspondence may include a brief examination of documents to ensure that they are legal documents or are otherwise entitled to privileged status. However, the documents shall not be read by the inspecting officer.
  3. After privileged mail is opened and inspected in the presence of the inmate, manila envelopes shall be confiscated and a copy of the outside of the envelope copied and given to the inmate.
- B. Mail may be withheld consistent with the procedures set forth in this chapter if:
  1. the mail is falsely labeled as privileged;
  2. the envelope contains, **in addition** to privileged correspondence:
    - a. non-privileged documents (e.g., personal correspondence, etc.);
    - b. any item considered contraband; and/or
    - c. illegal contraband; and/or
  3. there are reasonable grounds to believe that the correspondence includes escape plans, criminal conspiracy plans or other information which would substantially threaten the legitimate safety or security interests of the DPO.
- C. DPO policy requires privileged mail to be opened in the presence of the inmate addressee; however, circumstances may arise which result in the inadvertent opening of an envelope qualifying for privileged handling. When the inadvertent opening of privileged mail occurs:
  1. the letter shall be resealed with tape; and
  2. written notice acknowledging the action shall be provided to the:
    - a. inmate addressee;

- b. sender; and
  - c. Deputy Warden.
- D. After required written notice is prepared, deliver the resealed correspondence to the inmate addressee.
- E. When the inmate is offered the resealed correspondence, if they desire to accept it, they may be required to sign the "receipt" portion of their copy and the file copy. The file copy shall be returned to the DPO Mail Unit.

FD03/09.02 Procedure: Delivery to Inmate

- A. The DPO Mail staff shall give the Privilege Mail Form to the inmate and request the inmate write their name, offender number and date in the appropriate space provided on the form.
- B. The DPO Mail staff shall then take the Privilege Mail Form from the inmate and compare the name and offender number on the form to the name and offender number on the envelope.
- C. Once the DPO Mail staff is convinced the inmate who just signed the form is the same inmate as the inmate listed as the addressee on the envelope he shall proceed with the opening of the Privilege Mail envelope.
- D. After the Privilege Mail envelope has been opened in front of the inmate and the inspection process completed, not finding anything contrary to the provisions of this chapter, the DPO Mail staff shall:
- 1. sign in the space provided on the Privilege Mail Form in the presence of the inmate;
  - 2. give the envelope or a copy of the envelope, correspondence, and the yellow copy of the Privilege Mail form to the inmate; and
  - 3. return the white copy of the Privilege Mail form to the DPO Mail Unit to be filed in the inmate's mail file.

FD03/10.00 PRIVILEGED MAIL: OUTGOING PROCEDURES

FD03/10.01 Procedure: Preparation by Inmates

- A. Outgoing correspondence must be properly designated to be afforded privileged handling.
  - 1. Inmates shall list name, title, agency and claim privilege.
  - 2. Inmates shall seal their outgoing privileged correspondence.
  - 3. Envelopes not properly sealed shall be returned to the inmate sender.
  - 4. Only indigent inmates are entitled to free postage for privileged outgoing mail.
- B. Inmates are prohibited from:
  - 1. falsely labeling correspondence as privileged;
  - 2. sending illegal or other contraband out in privileged correspondence;
  - 3. mailing cash or other negotiable money instruments;
  - 4. other material which presents a clear and present danger to DPO security or safety; or
  - 5. other material which presents a threat to the addressee.
  - 6. Exception to this rule is IFAO checks.
- C. The DPO Mail Unit and other UDC personnel shall handle outgoing privileged mail in a manner which facilitates the confidential processing required.
- D. Inmates shall be responsible to ensure that their outgoing correspondence has sufficient postage.
- E. Non-indigent inmates shall use embossed/metered first-class envelopes or manila envelopes obtained from the commissary.
- F. FD15, "Indigent-Status", provides policy and procedure for indigent status. Infrequently, due to exigent conditions, an inmate may require more postage for privileged mail. When such a circumstance exists, the following procedure shall be carried out.

1. The inmate shall attach to the privileged mail a completed Request for Additional Privileged Mail Postage Form.
  2. Additional postage for privileged legal mail shall be granted only to Attorney(s) of record in the State Courts, or Federal Courts (i.e. 10th Circuit Court of Appeals, U.S. Supreme Court). Case number(s) must be verifiable (i.e. filed with the court).
  3. Request for Additional Privileged Mail Postage Forms shall be available on each housing unit.
  4. Upon receipt of the explanation the DPO Mail Unit shall process the requests for eligible inmates.
  5. If an inmate fails to provide a case number, the reason for no case number, the reason why there is no court or attorney's name, and/or the reason why additional postage is required, the request shall be returned for completion.
  6. If the DPO Mail Unit has reason to suspect inappropriate use of this process the Deputy Warden shall review the request.
  7. Misuse or abuse of this process shall subject the inmate to disciplinary action.
- G. Outgoing privileged mail shall be identified as "privileged" or "legal" in writing by the inmate on the outside of the envelope.
- H. The inmate shall seal the envelope before placing the envelope into the housing unit mail depository.  
(FD03/10.01 A,2)

FD03/10.02

Procedure: Insufficient Postage

When an inmate has reason to believe that the postage on the envelope is insufficient to cover postage costs, the inmate shall:

- A. attach a signed (should be in ink) and appropriately witnessed Inmate Money Transfer form with, the "amount" section blank, to the envelope; and
- B. place the envelope and the attached Inmate Money Transfer form in the designated inmate mail depository.

FD03/10.03

Procedure: Inmate-to-Staff Mail

Inmate-to-Staff privileged mail shall be processed in accordance with the procedures outlined in FD03/08.06,C.

FD03/10.04

Procedure: Processing at the DPO Mail Unit

- A. DPO Mail staff shall exercise reasonable precautions to protect the confidentiality of outgoing privileged mail.
- B. Legitimate outgoing privileged mail received at the DPO Mail Unit shall be processed in an expedient manner.
- C. Outgoing privileged mail:
  - 1. shall be inspected only upon reasonable cause to believe that the correspondence:
    - a. contains material which would significantly endanger the security or safety of the facility; or
    - b. is misrepresented as legal material;
  - 2. shall only be inspected in the presence of the inmate sender;
  - 3. shall not be perused;
  - 4. shall not be photocopied; and
  - 5. from an inmate who cannot be identified shall be forwarded to the Deputy Warden/designee, who will make a determination of the disposition.
- D. Denied outgoing privileged mail received at the DPO Mail Unit shall be accompanied by complete and accurate documentation on a ICR/IR-1 Report and a Disciplinary Report.
- E. Outgoing privileged mail use may be suspended following a due process hearing.

FD03/11.00 INMATE-TO-INMATE MAIL

FD03/11.01 Procedure: General Provisions

Inmate-to-inmate correspondence shall not be permitted unless done so in accordance with the provisions of this policy.

FD03/11.02 Procedure: Inmate Requests

- A. Inmate-to-inmate correspondence shall not be permitted, unless:
  - 1. there is a compelling justification for an exception;
  - 2. there is no alternate means of accomplishing that compelling need; and
  - 3. the inmate presents a minimal risk to security, safety and/or order.

Note: Inmate-to-inmate correspondence between parents, siblings, and spouses shall be allowed unless a legitimate justification for a restriction is present and is documented.

- B. Inmate-to-inmate mail for the purpose of this chapter refers to any mail between inmates under the jurisdiction of the DPO and:
  - 1. other inmates under the jurisdiction of the UDC;
  - 2. inmates in other state or federal prison systems;
  - 3. inmates in the county jails of Utah or other states; or
  - 4. persons under supervision of UDC on probation and/or parole.
- C. Inmates have no entitlement to inmate-to-inmate correspondence created by the constitutions of the United States or the State of Utah.
- D. Inmate-to-inmate correspondence places the legitimate interests of UDC at risk in that:
  - 1. inmates could use inmate-to-inmate mail to:
    - a. notify other inmates of UDC activities and intended actions;
    - b. notify other inmates of information which would jeopardize the safety of other inmates requiring protection status;
    - c. coordinate contraband smuggling, escape activities and/or inmate disorders;
    - d. coordinate criminal conspiracies/conduct; and/or
    - e. continue relationships with other inmates which would frustrate treatment efforts;
  - 2. inmates may transmit coded messages; and
  - 3. the special handling requirements of inmate-to-inmate mail requires a greater expenditure of staff time than ordinary mail.
- E. Before permission for inmate-to-inmate correspondence can be considered, the inmate shall:
  - 1. make a written request to the facility administrator/designee;
  - 2. explain on an Inmate-to-Inmate Correspondence Request Form:
    - a. why the correspondence is necessary; and

- b. why alternate means of communication are not capable of accomplishing the purpose of the communication.
- F. The inmate shall bear the burden--a heavy burden--to overcome the prohibition against inmate-to-inmate communication and obtain a limited exception to the rule.
- G. Exceptions to the inmate-to-inmate prohibition must have the concurrence of each participating inmate's facility administrator.
- H. If the correspondence involves out-of-state prisons or jails, the permission of the administrator of that facility shall also be required.
- I. Correspondence involving offenders on probation/parole shall require the authorization of the offender's AP&P agent.

FD03/11.03

Procedure: Granting Exceptions

- A. If a compelling necessity is deemed to exist and all permission has been obtained, the inmate may be granted an exception on a **limited** basis.
- B. Permission to correspond shall include:
  - 1. the restricted purpose of the correspondence;
  - 2. the limits on the number of letters permitted;
  - 3. any special handling requirements; and
  - 4. the date of expiration of the permission.
- C. Permission to correspond shall be limited to members of the inmate's **immediate** family, including:
  - 1. parents;
  - 2. siblings;
  - 3. spouse; and
  - 4. if adopted, such adoption shall have occurred during childhood (before age 18) and prior to being first incarcerated in prison.
- D. Permission to correspond shall generally be approved for one exchange of letters. If broader permission is granted:
  - 1. no more than **two** letters per month may be sent by any one inmate; and
  - 2. justification for the broader authorization must be documented by the facility administrator.

- E. Each inmate-to-inmate request shall be assigned a file number by the DPO Mail Unit.
1. All requests, authorizations, denials and letters sent/received shall be documented under that number.
  2. The Mail Unit shall notify the inmate of the assigned file number.
  3. The file (approval) number shall be written on the front lower left corner of the envelope (incoming and outgoing correspondence).
  4. Each letter shall consist of no more than five sheets of no longer than 8½ X 14 inch writing paper.
  5. The inmate making the request shall be responsible to notify the other inmate with whom he is corresponding of the requirements to include the assigned file number and its location on the envelope.
  6. Outgoing letters must be sent out in a posted envelope.
- F. An expiration date for the approval to correspond shall be affixed at the time of approval by the approving authority. The approval shall expire when the special need has been satisfied, the number of allowed letters have been exchanged, one of the inmates move to a new facility, or the expiration date has passed, whichever comes first.

FD03/11.04 Procedure: Privacy of Inmate-to-Inmate Mail

Because of the special risks it represents to the interests of UDC, inmate-to-inmate mail, when permitted, **shall** be read by DPO staff.

FD03/11.05 Procedure: Violating Agreement

If the terms of the inmate-to-inmate correspondence agreement or DPO policy are violated:

- A. the inmate may be subject to disciplinary action;
- B. the correspondence may be denied delivery;
- C. the inmate-to-inmate correspondence exception may be revoked; and/or
- D. if criminal, prosecution may be pursued.

FD03/11.06 Procedure: Inmate-to-Inmate Correspondence Request Form

See the next 3 pages

**DEPARTMENT OF CORRECTIONS  
DIVISION OF PRISON OPERATIONS  
INMATE-TO-INMATE CORRESPONDENCE REQUEST FORM**

( Page One )

- Utah State Prison, Draper, P.O. Box 250, Draper, Utah 84020, (801) 576-7000
- Central Utah Correctional Facility, P.O. Box 898, Gunnison, Utah 84634, (801) 528-6400

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

RE: Intra/Inter- Facility Inmate- to- Inmate Correspondence Request

Inmate \_\_\_\_\_, # \_\_\_\_\_, presently committed to the jurisdiction of the Utah Department of Corrections, has requested authorization to correspond with \_\_\_\_\_  
\_\_\_\_\_, # \_\_\_\_\_, who is reportedly assigned to your custody.

Utah Department of Corrections Mail Policy (FD03) states that inmate- to- inmate correspondence shall not be permitted unless:

- 1.) there is compelling justification for an exception to the policy;
- 2.) there is no alternate means of accomplishing that compelling need; and
- 3.) the inmate presents a minimal risk to security, order, and/or safety.

If permission to correspond is granted, it shall be limited to members of the inmate's immediate family consisting of parents, siblings, spouse or, if adopted, such adoption occurring before age eighteen.

Permission to correspond shall generally be approved for one exchange of letters. If broader permission is granted, any inmate may send no more than two letters per month.

Justification for the broader authorization must be documented by both facility administrators involved and the Housing Unit Captain. Letters must be sent in posted envelopes and shall consist of no more than five sheets of no longer than 8 ½ X 14 inch writing paper.

An expiration date to correspond shall be fixed at the time of approval. The approval shall expire when the special need has been satisfied, the number of approved letters have been exchanged, if the inmate moves to a new facility or the expiration date has elapsed, whichever comes first.

Please advise your inmate of the DPO Mail Policy and indicate on page three whether or not this request meets your approval.

**INMATE-TO-INMATE CORRESPONDENCE REQUEST FORM**

( Page Two )

( Must be completed by the inmate )

Inmate's Name: \_\_\_\_\_ The name of the person I request to correspond with is: \_\_\_\_\_

Offender #: \_\_\_\_\_ Date: \_\_\_\_\_

# \_\_\_\_\_

Housing Assignment: \_\_\_\_\_ Relationship: \_\_\_\_\_

Board of Pardons Status: \_\_\_\_\_ Address: \_\_\_\_\_

Classification Code: \_\_\_\_\_

It is the policy of the Utah State Department of Corrections that inmate- to- inmate correspondence shall not be permitted unless the following conditions are met:

- 1.) there is a compelling justification to grant a policy exception;
- 2.) there is no alternate means of accomplishing this compelling need; and
- 3.) the granted policy exception would present a minimal risk to security, safety and management of the Institution.

The heavy burden to justify an exception to the policy will fall upon the inmate. Before the exception can be considered, the following must be completed by the inmate:

- 1.) I believe that I should be granted an exception to the policy because of the following compelling need:

\_\_\_\_\_

- 2.) Other alternate means of communication are not possible of accomplishing this need because:

\_\_\_\_\_

- 3.) Corresponding with this individual does not present a risk to security, safety or management of the Institution because:

**NOTE: Pages 1 and 3 of the Inmate Correspondence Request Form must be completed before forwarding to the Mail Unit.** If granted permission to correspond, I understand that, if the terms of the inmate- to- inmate correspondence agreement are violated, I will be subject to disciplinary action, the correspondence shall be denied delivery, the inmate- to- inmate correspondence exception shall be revoked, and criminal prosecution may be pursued.

\_\_\_\_\_  
Verification of Relationship and  
Approval by OMR

\_\_\_\_\_  
Inmate's Signature

\_\_\_\_\_  
Date



FD03/11.07 Procedure: Transfer of Privileged Legal Materials Between Inmates

- A. Inmates having a legitimate interest to exchange legal materials and information are directed to forward such to the contract attorneys.
- B. Exchanges shall be initiated by the inmate placing his legal correspondence in a pre-printed envelope entitled "Attorney Request" checking the space on the envelope "transfer of legal material only," completing the envelope sections for name, offender number, and location, seal and deposit it into the unit mail depository.

NOTE: It is essential that the full commitment name and offender number of the inmate designated to receive the legal materials is legibly and prominently indicated.

- C. Upon receiving the envelope in the Mail Unit, staff shall then **forward the envelope without opening it** to the site warden's office.
- D. Designated staff in the site Warden's Office shall log receipt (without opening) and submit to contract attorney representatives.
- E. Upon receipt the attorney representative should **screen contents to ensure it contains "appropriate legal material."**
- F. If the attorney representative discovers that the contents are not "appropriate legal material" it shall be so noted on the outside of the envelope, signed and dated. The envelope and contents shall then be delivered to the facility warden's office.
- G. When such abuse is discovered, appropriate disciplinary action shall be initiated by the site warden.
- H. If the attorney representative determines that the transfer request is appropriate the legal materials shall be promptly forwarded to the inmate addressee.

FD03/12.00 INMATE MAIL: IPP/UMC/WORK RELEASE/BOARD OF PARDONS/SPECIAL PROJECTS

FD03/12.01 Procedure: General Provisions

Personal, privileged mail, and Board of Pardon's Disclosure File information for inmates:

- A. transferred to county jails or other facilities away from a DPO facility shall be subject to the rules of the Institution to which they are assigned;
- B. transferred to the UMC shall be subject to the provisions contained in this procedure; and
- C. under the jurisdiction of DPO shall be subject to the provisions of this procedure;.

FD03/12.02 Procedure: County Jails/Other Facilities

- A. When an inmate is transferred to a facility beyond the operational jurisdiction of the DPO, the DPO Mail Unit shall determine the location of each inmate by referring to the daily roster/O-Track database.
- B. The DPO Mail Unit shall use all means available to coordinate the delivery or forwarding of mail to an inmate.
- C. Inmates are responsible for informing their correspondents of an address change as soon as possible.

FD03/12.04 Procedure: University Medical Center (UMC)

When an inmate is transferred to the UMC, the DPO Mail Unit shall:

- A. prepare and forward all privileged mail (including a partially completed Privileged Mail Form, see TMF 08/09.06) via the Transportation Officer;
- B. retain a copy of the Privileged Mail Form;
- C. direct the Transportation Officer to acknowledge receipt of the privileged mail by signing and dating the Privileged Mail Form in the comment section;
- D. the Transportation Officer shall deliver the privileged mail or direct the UMC Officer to conduct the privileged mail procedure as provided in this chapter (see FD03/09.03-4); and
- E. inform the Transportation Officer to return the completed Privileged Mail Form to the DPO Mail Unit upon return to the DPO facility.

FD03/12.05 Procedure: Board of Pardons and Parole Disclosure Files

- A. Initial receipt of Board of Pardon's Disclosure Files by the Draper site Mail Unit shall be documented on the Board's Disclosure File Memo with the original memo being returned to the Board of Pardons and a copy maintained on file at the unit.
- B. Upon receipt of Disclosure Files, the USP Mail Unit shall distribute these files to, including but not limited to, the following locations:
  - 1. CUCF;
  - 2. county jails; and
  - 3. out-of-state facilities where DPO inmates are housed.
- C. USP and CUCF Mail Unit staff shall ensure site Disclosure File deliveries are completed.
- D. Refused Disclosure Files shall be returned to the Board of Pardons along with the Disclosure File Acknowledgment Form.