



Office of Legislative Corrections Ombudsman

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PRISONER MAIL

The following information is based on the Michigan Department of Corrections Policy Directive 05.03.118 'Prisoner Mail'.

Mail and electronic messages received through the department's approved vendor, to and from prisoners in a Correctional Facilities Administration (CFA) or Field Operations Administration (FOA) shall be processed according to policy.

Mail is any written, typed, or printed communication of information, including magazines, catalogs, books, and photographs. Stamps, stickers, and similar items do not communicate information and thus are not considered mail.

GENERAL INFORMATION:

1. Prisoners shall be permitted to send and receive uncensored mail to or from any person or organization unless the mail violates MDOC policy or Administrative Rule 791.6603. Mail will not be prohibited solely because it contains religious, philosophical, political, social, sexual, unpopular, or repugnant. However, mail is prohibited if it is a threat to the security, good order, or discipline of the facility, may facilitate or encourage criminal activity, may interfere with the rehabilitation of the prisoner, or violates Law or MDOC Policy.
2. Prisoners cannot send mail if the addressee has objected to receiving mail from the prisoner. This only applies after the prisoner has been notified of the objection.
3. Prisoners are not allowed to send or receive mail for the purpose of operating a business enterprise while within the facility.
4. Prior to rejecting mail for violation of MDOC policy, the prisoner is entitled to a fact-finding hearing conducted pursuant to Administrative Rule 791.3310.
5. A prisoner who disagrees with the outcome of a hearing may file a grievance.

WRITING MATERIALS AND POSTAGE:

CFA facilities will provide a reasonable quantity of free writing utensils and paper for use by prisoners. Paper provided free to a prisoner does not need to be lined or of typing quality. Additional writing materials, including typing paper for legal work, carbon paper, and metered envelopes, are available for prisoner's to purchase in CFA facilities.

A prisoner on indigent status pursuant to Policy Directive 04.02.120 "Indigent Prisoners" shall be loaned funds for postage as set forth in that policy.

1. Funds for additional first class postage will be loaned to prisoners who lack sufficient funds to send mail to a court, an attorney, or a party to a lawsuit due to pending litigation, or to mail a grievance to another facility if there is not an interdepartmental mail run.
2. Funds for additional postage shall also be loaned to prisoners who lack sufficient funds to mail a grievance to another facility or a Step III grievance or Request for Rehearing to Central Office.
3. The cost of any postage or envelopes loaned to the prisoner is borne by the PBF and treated as an institutional debt. Funds collected to repay a loan from PBF will be returned to that PBF.

OUTGOING MAIL:

1. Outgoing mail must contain the prisoner's first and last name and identification number, and the name and address of the facility at which the prisoner is housed as the return address, on the envelope. Mail which does not contain at least the prisoner's name and identification number may be destroyed.
2. Each facility will offer prisoners outgoing mail service through the U. S. Postal Service.
 - a. Including outgoing mail service for oversize or overweight mail, including packages, through a legitimate alternate carrier. Prisoners are required to pay the cost of postage for any mail service used.
 - b. A prisoner is permitted to send air, certified and foreign mail, and mail that weighs more than two ounces, via disbursement. Mail that a prisoner is sending via disbursement that is clearly identified as being to a court, an attorney, or a party to a lawsuit due to pending litigation, including the initial filing and service of a lawsuit, must be processed as soon as possible.
3. Prisoners may use DMB interdepartmental mail runs in facilities where such service is available.
4. There is no limit on the amount of outgoing mail a prisoner may send, except that prisoners are allowed to purchase 20 metered envelopes every two weeks and possess 30 metered envelopes at any given time.
5. General population prisoners, including prisoners in Field Operations Administration (FOA) facilities, and prisoners in protective segregation are permitted to send sealed mail, subject to MDOC regulations. Outgoing mail of prisoners in any form of segregation other than protective segregation cannot be sealed and shall be inspected by staff prior to mailing.

6. Outgoing mail of any prisoner may be opened and inspected if it is determined by the facility head or designee that there are reasonable grounds to believe the mail is being sent in violation of MDOC policy.
7. Whenever mail addressed to a prisoner is believed to be in violation of policy, a Notice of Package/Mail Rejection shall be completed and promptly sent to the prisoner. The Notice shall identify the specific item believed to be in violation and why. A copy of the Notice shall also be sent to the person or entity who sent the mail, if a return address is identified. A Hearing shall follow unless the prisoner waives his/her right to a hearing in writing.
8. If a prisoner's outgoing mail cannot be processed due to insufficient postage, failure of the prisoner to sign a disbursement authorization, or other reason unrelated to the content of the mail, the mail will be searched in the same manner as incoming mail prior to its return to the prisoner.
9. Prisoners may be required to present mail unsealed to staff to verify that it qualifies for expedited or special handling. In such cases, staff may read only those sections of the mail that are necessary to make this determination; the mail shall not be read in its entirety.
10. Mail addressed to a licensed attorney, including the Attorney General, assistant attorney general, a prosecuting attorney, and an attorney of a legitimate legal service organization; State Appellate Defender office, Civil Liberties Union, courts and or public officials; the MDOC Director's office or any other Central Office staff; staff at the institution in which the prisoner is segregated; and representatives of the news media is considered "**Legal Mail**" and cannot be opened or otherwise inspected by staff prior to mailing.

INCOMING MAIL:

1. Staff may only accept mail that has been delivered from a legitimate commercial carrier (e.g., U. S. Postal Service, United Parcel Service) or through DMB interdepartmental mail runs. Staff shall not accept mail for prisoners left at the facility by members of the public, including family members and visitors. Attorneys may be permitted to deliver legal mail to prisoners pursuant to standards issued by the CFA Deputy Director.
2. All incoming mail for prisoners must be clearly identified with the recipient's name and prisoner identification number to ensure proper delivery.
3. Prisoners are not permitted to receive mail identified as being sent "bulk rate" or "pre-sorted standard," unless it was sent from a federal or state agency or a court, from the publisher or an authorized vendor or is approved correspondence course material.
4. If mail is received in an envelope that is padded, uneven, or otherwise cannot be effectively searched, the envelope may be discarded after a copy of the envelope is made showing the name and address of the sender and postmark. The copy shall be delivered to the prisoner instead of the original envelope, along with an explanation of why the copy was provided.

5. Mail not received by a legitimate commercial carrier may be transmitted by staff, if it is clear from the mail that it conveys emergency information (e.g., imminent death of family member).
6. All physical contraband will be confiscated prior to delivery of the mail to the prisoner. The mail's written content also will be skimmed and, if it appears from skimming the content that the mail may violate this policy, the item will be read to determine if it is allowed.
7. If any written material, picture, or photograph contained within a publication is believed to be in violation of this policy, the entire publication will be rejected. However, if the written material, picture or photograph is in a section of a newspaper that is not stapled or otherwise affixed to the rest of the newspaper, only that section of the newspaper will be rejected and the rest of the newspaper will be delivered to the prisoner.
8. Incoming legal mail will be scanned for contraband but the content of the mail cannot be read or skimmed.

PROHIBITED MAIL:

Prisoners are prohibited from receiving mail that may pose a threat to the security, good order, or discipline of the facility, may encourage criminal activity, or may interfere with the rehabilitation of the prisoner, as defined in the Policy Directive 05.03.118 "Prisoner Mail", and shall be rejected.

DISPOSITION OF REJECTED MAIL:

1. Prior to disposal, rejected mail must be retained at the facility for at least 15 business days after the date of issuance of the Notice of Package/Mail Rejection or hearing, whichever is later.
2. If a publication was referred to the CFA Deputy Director, it must be retained at the facility until a final decision is made by the CFA Deputy Director. If the CFA Deputy Director determines that the publication violates this policy, the publication shall be retained at the facility until the prisoner has exhausted the grievance process. If the sender appeals the rejection, the mail shall not be disposed of until after a response to the appeal is sent.
3. If the mail violates state or federal law, it shall be turned over to appropriate law enforcement and only a copy retained.
4. After retention for the period outlined above, rejected mail shall be disposed of as determined by the hearing officer or as indicated by the prisoner on the Notice of Package/Mail Rejection.
 - a. Prisoner may choose to return rejected mail to the sender or to a person designated by the prisoner, both at the prisoner's expense. Rejected mail cannot be sent to another prisoner, a court, an identified public official, or a Department employee unless that employee or public official is related by

blood or marriage to the prisoner. Funds shall not be loaned for these purposes. If the prisoner does not have sufficient funds to pay the required postage, the mail may be destroyed no sooner than ten business days after the prisoner is notified in writing of this intent.

- b. If the item is a photograph, book, or magazine, it is retained and stored by the facility for up to 15 business days for pick-up by a person designated by the prisoner. If the mail is not picked up within 15 business days, it may be destroyed no sooner than ten business days after the prisoner is notified in writing of this intent; the mail may be picked-up during this ten day period.
- c. If the item is the prisoner's birth certificate, Social Security card, GED certificate or other official document that the prisoner may need upon release, it is retained in the prisoner's Record Office file until the prisoner paroled or discharges, at which time the documents will be given to the prisoner.

PROCESSING OF MAIL:

1. Facilities will attempt to process all incoming and outgoing mail within one business day after receipt. Mail received by any form of express mail or special delivery is not required to be expedited. Mail sent or received over holidays or weekends, and mail requiring special handling, may require additional time in processing.
2. Mail received for a prisoner who has transferred to another MDOC facility will be returned unopened to the postal carrier that delivered the item. The new mailing address of the prisoner will be provided to the carrier for at least two months after the transfer to allow for forwarding of the mail, when possible.
3. Upon notification of parole or discharge, a prisoner must inform the mailroom supervisor in writing of his/her new address if the prisoner wants the mail forwarded. If a prisoner does not request that his/her mail be forwarded, any mail received for the prisoner will be returned to the carrier for return to the sender or, if the carrier will not return the mail, for disposition in accordance with the carrier's regulations.