

State of Vermont Agency of Human Services Department of Corrections	Title: Inmate Mail, Publications, and Audio/Video Regulations		Page 1 of 18
Chapter Security and Supervision	# 409.05	Supersedes #408.01, dated 10/16/95, #409.05 dated 1/16/03, #409.06 dated 1/16/03, and Interim Revision Memo <i>Inmate Mail</i>, dated 12/13/07.	
Attachments: <ol style="list-style-type: none"> 1. Request for Inmate-to-Inmate Correspondence 2. Notice of Rejection/Disposition of Mail 3. Recommendation for Disapproved Publication 4. Notice of Disapproved Publication 5. Receipt and Disbursement Form F1 61 			
Local Procedure(s) Required: Yes Applicability: All staff (including volunteers and contractors) Security Level: "B"- Anyone may have access to this document.			
Approved:			
<hr/> Andrew A. Pallito, Commissioner	<u>November 22, 2010</u> Date Signed	<u>December 6, 2010</u> Date Effective	

PURPOSE

The purpose of this Department of Corrections administrative directive is to establish the guidelines governing inmate mail privileges, incoming publications to a facility, and inmate access to audio/video material.

POLICY

It is the policy of the Vermont Department of Corrections to permit inmates to correspond with family, friends, officials, and other significant community contacts; to receive publications; and to view audio/visual materials, consistent with the security needs and institutional order of a correctional facility.

AUTHORITY

28 V.S.A. § 802; *APA Rule #10-029 Inmate Possession of Printed Materials, August 2010*.
American Correctional Association Standards for Adult Correctional Institutions, 4th Edition, January 2003, Standards 4-4487, 4-4488, 4-4489, 4-4490, 4-4491, 4-4492, 4-4493, 4-4494, 4-4495, and 4-4496.

REFERENCE

Department Administrative Directives #320.01 *Offender Grievance System for Field and Facilities*, #321.01 *Offender/Inmate Property*, #327.01 *Inmate Visits*, #380.01 *Religious Observance*, # 410.01 *Inmate Discipline*, #410.03 *Placement on Administrative Segregation*, #410.05 *Protective Custody*, #410.06 *Restrictive Housing Status, Conditions of Confinement*, and the directive on *contraband*

and searches. Pregent v. Vermont Department of Corrections, et al., No. 80-56 (D.Vt. 1981) (Consent Decree). Federal Prison Rape Elimination Act (PREA), 2003.

DEFINITIONS

Bank Check: A check drawn from a bank, but not from an individual's account at the bank. The money is guaranteed by the bank; e.g., cashier's check, official bank check, demand draft.

Chain of Custody: A process to control and document the security and handling of contraband and physical evidence, including, but not limited to, evidence that may be used in a criminal proceeding.

Commercially Published Information or Material: Any book, booklet, pamphlet, magazine, periodical, newsletter, photograph or other pictorial depiction, or similar document, including stationery and greeting cards, published by any individual, organization, company, or corporation, which is distributed or made available through any means or media for a commercial purpose. This definition includes any portion extracted, photocopied, or clipped from such items.

Confiscate: To remove and/or seize an item or that portion of an item which violates the rules outlined in this directive.

Contraband: An item used by an inmate in an unauthorized or prohibited manner or altered in any way; property in excess of allowable property limits; any item that an inmate, staff person, volunteer, or contractor is not specifically authorized to have in their possession in a correctional facility; and/or anything that can pose a danger or risk to the safety and security of staff, the facility, or public.

Evidence: Any item or substance required to substantiate or challenge any criminal or administrative charge that will be presented at a due process hearing.

Features:

- 1) In the case of an individually produced drawing or picture, the material contains depictions of nudity or sexually explicit conduct as a primary element; or
- 2) In the case of a commercial publication, the material contains depictions of nudity or sexually explicit conduct on a routine or regular basis, or promotes itself based upon such depictions in the case of individual one-time issues. Printed materials containing nudity illustrative of medical, educational, or anthropological content may be excluded from this definition.

Immediate Family Member: Refers to parents, grandparents, step-parents, adoptive parents, legal guardian, brother, step- or half-brother, sister, step- or half-sister, spouse, civil union partner, son, daughter, or grandchildren.

Indigent Inmate: An inmate will be deemed indigent if the combined balances of their facility account and any other accessible accounts are \$10 or less at all times during the thirty (30) days preceding the date on which the inmate submits a request for writing materials, postage, or any State-issued property to the Facility Business Manager or designee. Any inmate who refuses available work for which they would be paid, although they are physically able and are permitted to work by virtue of their housing status, is not indigent for the purpose of this directive.

Inflammatory Material: Material, if present in the facility, the Department deems to constitute a direct and immediate threat to the security, safety, health, order, or discipline of the facility because

it incites or advocates physical violence against others. No publication will be considered inflammatory solely based on its appeal to a particular ethnic, racial, or religious audience. No material will be considered inflammatory solely because it criticizes the operation, programs, or personnel of the Department of Corrections, the State Parole Board, and/or any other government agency.

Inmate Trust Lockbox: A banking service provided to the Department for the receipt of bank checks/money orders intended for deposit into an inmate's trust account. Under the service, funds are directed to a special post office box, rather than going directly to the Department. The bank retrieves the funds, processes them, and deposits the funds directly into the Department inmate trust account.

Intradepartmental Mail System: A system of delivering mail among work sites within the Department of Corrections.

Negative Contact List: A list of individuals that an inmate may not correspond with through the mail as defined by statute 28 V.S.A. § 802 (d).

Nudity: A pictorial depiction where buttocks, genitalia, or female breasts are exposed.

Pre-sorted Standard Mail: Mail that usually consists of sales flyers, form letters, or other printed pieces that are generally identical in content but do not meet the criteria of a publication. This mail is specifically identified with a United States Postal Service Pre-sorted Standard Mail stamp.

Printed Materials: Written materials containing words and/or pictorial representations, regardless of the medium on which the information is recorded or how the information is recorded, whether manually or mechanically.

Privileged Correspondence: Correspondence concerning a legal matter or official government business involving an inmate, between that inmate and any of the following persons or entities at their official business address, or received from such persons.

Government/Public Official: Any elected or appointed American federal, state, or local government official, department or agency, or any Native American tribe having federal recognition; any official of a nation of which the inmate is a citizen.

Legal Mail: In a correctional facility for an inmate, incoming or outgoing mail to or from an attorney; approved legal representative; representative employed or supervised by an attorney; any legal services organization such as American Civil Liberties Union (ACLU), Human Rights Commission (HRC), Prisoners Rights Office (PRO), Vermont Disability Rights, and Disability Law Project.; any officer of a court (Judge and Clerks of Court).

Publication: A book, booklet, pamphlet, or similar document, or a single issue of a magazine, periodical, newsletter, newspaper, plus such other materials addressed to a specific inmate such as advertising brochures, flyers, and catalogs.

Reasonable Suspicion: Information, consisting of articulable objective facts and inferences drawn from objective data, which would cause a reasonable and experienced correctional staff person to conclude that an individual is in the possession of contraband, or in violation of this directive.

Security Threat Group (STG): A group of inmates specifically designated by the Commissioner or designee which poses a threat to the safety of staff, the facility, the public, or other inmates; (e.g., “Aryan Brotherhood”, “Latin Kings”).

Security Threat Group Paraphernalia: Any material, document(s), or items evidencing security threat group involvement or activities; (e.g., rosters, constitutions, structures, codes, pictures, training material, clothing, communications, publications, or other security threat group-related contraband).

Sexually Explicit: A pictorial depiction of actual or simulated sexual acts, including sexual intercourse, oral sex, or masturbation.

Undeliverable Mail: Mail that cannot be identified for delivery due to an incomplete or incorrect address(es.)

PROCEDURAL GUIDELINES

The sending of mail to an inmate and the receiving of mail by an inmate, and an inmate’s access to publications and audio/visual materials, will be restricted only to the extent necessary to prevent a threat to the safety, security, and order of the facility; or the safety or well being of any person; and to prevent unsolicited and unwanted mail. Mail will be opened outside of the inmate’s presence if the identity of the sender or receiver cannot be ascertained.

Guidelines for Sending and Receiving Mail

1. Outgoing Mail

Each Superintendent will ensure that outgoing mail is removed from each living unit at least once (1x) each business day, excluding holidays, and processed according to the following guidelines:

- a. No restrictions will be placed on an inmate’s mail for disciplinary reasons unless the inmate specifically abuses the use of mail, in which case restrictions are imposed through due process.
- b. There will be no limitation on the number of letters an inmate may send when they bear the cost of such mailings, except where prohibited.
- c. It is the responsibility of each inmate to print or type their institutional return address on the front upper left-hand corner of each outgoing envelope. An inmate will use their full legal name. Outgoing mail that has no means to identify the sender and/or no return address will be opened as contraband. Any mail that contains a return address that does not match the facility in which an offender is currently housed will not be sent.
- d. An inmate may not use an official Department of Corrections envelope to mail correspondence.
- e. All outgoing inmate mail will be stamped with a notice or disclaimer that the mail is coming from a correctional facility.
- f. Mail from inmates in Vermont facilities regarding departmental business to other work sites of the Vermont Department of Corrections will be placed in the Intradepartmental mail system and distributed with other internal mail.
- g. Legal mail and privileged correspondence will be processed as specified in Section 4, *Privileged Correspondence*.

- h. The envelopes of outgoing mail will not contain drawings that are sexually explicit or related to any security threat group. Envelopes should not contain any codes or be written in code.

2. Incoming Mail

- a. Incoming mail will be checked to ensure that the inmate to whom it is addressed can be accurately identified and is currently at the facility. If the inmate cannot be identified, the mail should be stamped "Return to Sender." If the inmate is no longer at the facility, the mail will be forwarded as outlined in Section 6, *Forwarding Inmate Mail*.
- b. Mail with no return address or an incomplete name and return address will be refused, stamped "Return to Sender", and returned to the Delivery Provider. This includes general mail from a business.
- c. If there is more than one (1) inmate with the same first and last names at the receiving facility, the mail will be opened in the presence of both inmates in order to determine to whom it belongs, unless the facility is able to identify the intended recipient through a means within the guidelines of this directive.
- d. Mail that is sent out by an inmate and returned marked "Return to Sender" will be opened and inspected. The facility will treat the letter as contraband and take precautions to ensure that the letter is not an attempt to bypass the Department's prohibition of inmate-to-inmate mail procedures.
- e. There will be no limit on the amount of incoming mail an inmate is allowed, provided that the mail does not exceed the allowable property limits as established by the applicable Department directive on property (#321.01.)
- f. The facility will not accept any mail that has postage due.
- g. Incoming mail will have all stamps and special sticker-type seals removed from the envelope prior to its delivery to the recipient, unless the mail is to be returned to sender. When the facility has reasonable suspicion involving the attempted introduction of contraband utilizing the envelope of incoming mail, the Security and Operations Supervisor may elect to withhold the envelope and provide the inmate with a photocopy of any writing, return addresses, and artistic representations on the envelope. Prior documentary evidence may be used to support reasonable suspicion.

3. Inspection of Mail

- a. Incoming Mail
 - i. With the exception of inmate-to-inmate mail, incoming mail will not be read except where there is a reasonable suspicion to indicate that the contents may pose a threat to the safety and security of the facility, its staff, inmates, or the public.
 - ii. All incoming mail will be opened outside the view of an inmate, except for privileged correspondence (section 4). Mail will be inspected for enclosures, including contraband, cash money, checks, money orders, and prohibited sexual materials.
 - Items contained in incoming mail (e.g., Internet pages, photocopies, news clippings from a publication with a copyright, etc.) will be deemed to have come from an original source. As such, these items will be reviewed before allowing an inmate to take possession of them.
- b. Outgoing Mail - With the exception of inmate-to-inmate mail, outgoing mail will not be inspected or read except if the Superintendent or designee has reasonable suspicion to believe that the mail may pose a threat to the safety and security of the facility, its staff, inmates, or the public, or that the mail may contain contraband.
- c. Correspondence written in a foreign language that staff would otherwise read based on reasonable suspicion and the limitations of this administrative directive will be retained for

translation prior to it being delivered to the inmate, not to exceed three (3) business days. In the case of federal inmates, the appropriate federal agency will be requested to bear the cost of translation.

- d. If it is determined, that outgoing mail is to be opened outside the presence of the inmate, the following will occur.
 - i. Outgoing mail will not be opened or read, except for inmate-to-inmate mail, without the express written authorization of the facility Superintendent or designee. Such authorization will be based upon reasonable belief that the provisions of this or any directive have been violated, that any applicable State or federal law has been violated, or that such mail threatens the safety, security, or order of a facility, or the safety or well being of any person. Written authorization by the Superintendent or designee will set forth specific facts forming the basis for the action. This authorization will be kept by the Security and Operations Supervisor.
 - ii. If after inspecting the contents of mail, it is determined that there was no violation of any applicable administrative directive or law, the inspected mail will be processed and distributed. In no case will the delivery of mail be impeded.
 - iii. If, after inspecting the contents of the mail, it is determined that the provisions of this or any directive have been violated, an applicable State or federal law has been violated, or such mail threatens the safety, security, or order of a facility, or safety or well being of any person, the mail may be confiscated. In the case of incoming mail, the contents may be returned to the sender with notice of the reason(s) for return, with a copy of the notice going to the inmate. In the case of outgoing mail, the mail will be returned to the inmate along with notice of the reason for its return, unless a return threatens the safety and security of the correctional facility or impedes an ongoing investigation. If there is evidence that the mail is related to criminal activity, the appropriate law enforcement authority and/or the Department of Human Resources Investigations Unit (DHRIU) will be contacted regarding the disposition of the mail.
 - iv. If the contents of mail contained contraband, it will be confiscated and handled in accordance with procedures outlined in the administrative directive regarding contraband and searches. The inmate will receive a *Notice of Rejection/Disposition of Mail* form (*Attachment 2*) and a disciplinary report.

4. Privileged Correspondence

a. Outgoing Privileged Correspondence

- i. Outgoing privileged correspondence will meet the same requirements as outgoing general mail except that the words "Privileged Mail" or "Legal Mail" will be written by the inmate on the front of the envelope.
- ii. An inmate may not use an official Department of Corrections envelope to mail privileged correspondence.
- iii. Staff will handle outgoing privileged correspondence in the same manner as outgoing general mail, except that it may not be opened without the inmate being present unless it is necessary to open the correspondence for the sole purpose of determining the identity of the inmate who sent it.
- iv. Outgoing privileged correspondence may be opened and inspected in the presence of the inmate when the Superintendent or designee has reasonable suspicion that the mail contains contraband or is otherwise in violation of this directive.
- v. When in the course of inspection, material is found that does not appear to be privileged, all of the contents will be forwarded directly to the Shift Supervisor without further inspection. A report from the person opening and inspecting the correspondence will be

submitted to the Shift Supervisor, who will consult with the Superintendent regarding the ultimate disposition of the mail.

- vi. An inmate who is indigent may request to send legal mail or privileged correspondence to a court or their attorney using the procedures outlined in section 10, *Writing Materials and Postage*, of this directive.
- b. Incoming Privileged Correspondence
 - i. Incoming correspondence will be treated as privileged only if it is in an official envelope, with a verifiable return address and from an individual, agency, or organization covered by definition as “privileged” in this directive.
 - ii. Incoming privileged correspondence will be handled in the same manner as incoming general mail, and will not be opened outside the presence of the inmate to whom it is addressed.
 - iii. When in the course of inspection, material is found that does not appear to be privileged, all of the contents will be forwarded directly to the Shift Supervisor without further inspection. A report from the person opening and inspecting the correspondence will be submitted to the Shift Supervisor, who will consult with the Superintendent regarding the ultimate disposition of the mail.
 - iv. Privileged correspondence originally sent out of the facility by an inmate, but subsequently returned to the inmate sender by the postal service, will be processed as incoming privileged correspondence and opened in the presence of the inmate to determine the legitimacy of the sender.
 - v. If the inmate to whom privileged correspondence is addressed is not currently housed at the facility, the provisions of section 6, *Forwarding Inmate Mail*, will be followed.

5. Certified or Registered Mail

- a. Certified Mail for inmates will be handled in the same manner as other incoming mail.
- b. If return receipt is requested, a designated staff member may sign for an inmate who is at their facility. The inmate to whom it is addressed must also sign a receipt for such mail when it is delivered by designated staff. If the inmate refuses to sign, the mail will be returned to the sender marked “Refused.”
- c. An inmate must have funds available in their account and an approved monetary voucher for such postage in order to send mail certified or registered.

6. Forwarding Inmate Mail

Inmates are responsible for informing a correspondent of a change in their address.

- a. Each facility will forward all first class mail, privileged correspondence, subscriptions, newspapers received via first class mail, and packages to inmates who have been transferred to another facility.
- b. Inmates who are released to any form of community supervision, paroled, or who have been discharged, will have their mail forwarded for up to sixty (60) calendar days.
 - If the inmate does not provide a forwarding address, letters and packages will be returned to the sender. If the offender is under DOC supervision, mail will be forwarded for 60 days to the appropriate Field office.
 - After 60 days, mail will be returned to the sender.
- c. If an inmate is on escape status from a facility, their mail will be forwarded to the appropriate law enforcement agency.

7. Inmate-to-Inmate Correspondence

- a. The Superintendent may designate a staff member to process inmate-to-inmate correspondence requests. These requests will be investigated by both facilities to determine that the requests are in compliance with the provisions herein.
- b. An inmate may not correspond through the mail with another inmate committed to the custody of the Department of Corrections, instate or in contracted facilities out of state, whether in the same facility or in a different facility, except as follows:
 - i. To communicate with immediate family members who are also inmates in the custody and supervision of the Department of Corrections (see *Request for Inmate-to-Inmate Correspondence, Attachment 1*), subject to the prior approval of each facility's Superintendent or designee; or
 - ii. To communicate with other inmates where the inmate's classification or treatment team determines that correspondence is in the best interests of both parties; or
 - iii. To communicate with another inmate regarding legal matters, as long as the Superintendent or designee knows the second inmate customarily offers legal advice to other inmates; or
 - iv. As long as the correspondence has been approved by each facility's Superintendent or designee, at their sole discretion.
- c. In order for inmates to correspond with one another through the mail, they must submit and have approved a *Request for Inmate-to-Inmate Correspondence* form.
- d. Denials of inmate-to-inmate correspondence will include a statement of reasons for the denial, and will be communicated to both inmates and relevant staff at both facilities. (See *Attachment 1*.) Such denials may be appealed using the procedures outlined in *Administrative Directive #320.01, Offender Grievance System for Field and Facilities*.
- e. Authorization to correspond may be withdrawn by either Superintendent in particular cases when it is demonstrated that:
 - i. One or both inmates have violated facility or departmental rules; or
 - ii. The reason for the original approval no longer applies or has been determined to have been erroneous or deceptive; or
 - iii. The safety, security, or order of a facility is jeopardized.Any authorization withdrawal must be documented on *Attachment 1*.
- f. Inmate-to-inmate correspondence will not be sealed until after a designated staff person reviews the correspondence.
- g. Inmate-to-inmate correspondence is not privileged correspondence.
- h. If an inmate is transferred to another facility, including contracted facilities out of state, their approval to correspond with another inmate will remain in effect.

8. Negative Contact List

- a. An inmate incarcerated at a Department facility, including contracted facilities out of state, may not correspond through the mail with any individual on the Department's *negative contact list*. (See *Definitions*.)
- b. An individual may be added to the *negative contact list* by notifying the Department Director of Security, Operations, and Audits in writing that they do not wish to receive any correspondence through the mail from a particular inmate. If a facility receives a request for an individual to be added to the *negative contact list*, the request must be forwarded to the Director of Security, Operations, and Audits.
- c. Minor Children
 - i. A parent or authorized legal guardian of a minor may add the minor child to the *negative contact list* of any inmate who is not the parent of the child by notifying the Director of Security, Operations and Audits in writing that they do not wish the minor child to receive any correspondence through the mail from that particular inmate.

- ii. If the inmate is a parent of a minor, the inmate will have the right to correspond with the minor through the mail, unless the inmate is prohibited by court order from contacting the child.
- d. The Director of Security, Operations, and Audits will be notified by the inmate's assigned Caseworker of any court order prohibiting correspondence to or from a particular inmate.
- e. The *negative contact list* will be maintained by the Director of Security, Operations, and Audits or designee.

9. Mail Limitations

An inmate may not:

- a. Correspond with a current Department employee, current Department volunteer, or contract staff person for purposes other than departmental business unless prior authorization is obtained from the Superintendent;
- b. Send correspondence containing threatening, harassing, or obscene materials;
- c. Send correspondence containing criminal solicitations or furthering a criminal plan;
- d. Use the facility address to fraudulently identify themselves as a staff member, agent, or representative of the facility;
- e. Correspond with any prohibited party through a third party;
- f. Send "bill-me-later" or free gift transactions;
- g. Send or receive any correspondence containing contraband;
- h. Send or receive correspondence written in code;
- i. Send or receive correspondence containing unsanitary or hazardous material;
- j. Send or receive correspondence that advocates the interest of a security threat group;
- k. Send or receive battery-operated greeting cards;
- l. Receive correspondence or homemade artwork in correspondence that has any item affixed to it with glue or other types of adhesives;
- m. Receive nude photographs or sexually explicit drawings;
- n. Receive envelopes, blank paper, or stamps through correspondence;
- o. Send or receive plans for escape or how to introduce contraband;
- p. Receive materials that describe procedures for the brewing of alcoholic beverages or the manufacture of drugs;
- q. Receive Polaroid-type photos;
- r. Receive or send out maps, atlas descriptions, Internet depictions, or drawings that depict the facility or the local geographic region;
- s. Send out mail that violates Department directives or procedures.

10. Writing Materials and Postage

- a. Each inmate will be able to mail the equivalent of seven (7) free first class letters each week. There is no intent to limit postage to one first class stamp per day for the weekly equivalent of seven (7) free stamps. It is recognized that an inmate may have a need to mail letters or documents that require more than a single first class stamp.
- b. Indigent Inmates – An inmate who is indigent by definition of this directive may receive up to seven (7) free envelopes each week and writing supplies as outlined below.
 - i. An indigent inmate who needs stationery may submit a request to the Facility Business Manager or designee. The request must contain:
 - a) The date of the request;
 - b) Whether a pen or the use of pen is needed; and
 - c) The current balance in their inmate facility account, if known.
 - ii. The Business Manager or designee will review the information contained in the request and verify that the inmate has insufficient funds to purchase the needed material. This determination will be based on the definition of "Indigent Inmate."

- iii. The Business Manager or designee will respond to the request within five (5) business days of receipt.
- iv. Upon approval from the Business Manager or designee, the inmate will be provided free of charge:
 - a) The use or permanent possession of a common type of stick ball pen, if needed;
 - b) A packet of twenty (20) sheets of clean paper. Paper must be 8 ½" x 11" in size. Should the quantity of paper provided prove to be insufficient, the inmate may submit a request for one (1) additional packet per month.
- c. An indigent inmate will be provided an adequately reasonable amount of postage, paper, and envelopes for access to courts regarding claims for fundamental constitutional rights or conditions of confinement.

11. Funds Received Through The Mail

- a. Deposits mailed to an inmate's account from an inmate's family or friends must be made by guaranteed funds bank check or money order using the Vermont Department of Corrections inmate trust lockbox.
 - i. Inmate funds deposited via lockbox will be automatically credited to an inmate's account by the end of the business day in which the funds are received, and the inmate will be given a printed receipt during the next available mail call.
 - ii. Inmate funds sent from an inmate's family or friends and received via inmate mail will be immediately returned to the sender.
- b. Veteran's benefits, Social Security survivor benefits, Indian tribal distribution checks, U.S. Treasury checks, and vendor refund checks mailed directly to the inmate at the facility where they are lodged will not be deposited using the inmate trust lockbox. Staff will forward them to the facility Business Manager per procedure.
- c. When a revenue refund check from a state or the United States Treasury Department is received for an inmate, it will be forwarded to the facility Business Manager. The Business Manager will contact the appropriate revenue department or tax investigator's office to confirm the legitimacy of the refund.

12. Inmate Assigned to a Restrictive Housing Status

Inmates assigned to a restrictive housing status have the same mail/correspondence privileges as inmates in general population. However, there are limits to the allowable property; (for example, security pens), that may be retained in their cell/room depending on their status. Refer to *Administrative Directive #410.06, Restrictive Housing Status, Conditions of Confinement*.

Guidelines for Publications

1. Access to Publications

Only magazines, newspapers, or books* sent from publishers or commercial distributors may be received by an inmate, except that an inmate may directly receive:

- a. Educational materials as authorized by a teacher assigned to the facility Education Department in relation to a course or coursework in which the inmate is enrolled;
- b. Religious publications provided by an approved Religious Volunteer or an approved Faith Representative (see *Administrative Directive #380.01, Religious Observance*);
- c. Legal texts and publications approved by request to the Superintendent or designee;
- d. Legal materials as authorized by the Director of Legal Education.

- **Note:** Books will only be soft cover unless they are educational texts.
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2. Ordering Publications

- a. Inmates will make requests for orders of books, magazines, newspapers, or periodicals in writing through a supervisor or caseworker designated by the Superintendent. That staff person will determine 1) that the inmate is able to pay for the desired materials, 2) that the inmate will be at the facility long enough to receive the publication, and 3) that the requested materials meet the requirements of this directive; and then respond in writing to the inmate.
- b. Family members and friends of an inmate may order publications for a specific inmate provided that:
 - i. The publication is mailed directly from the publisher or commercial distributor;
 - ii. The publication meets the requirements of this directive;
 - iii. Publications are not ordered as “Cash on Delivery (COD)” or “Bill Me Later” and charged to the inmate;
 - iv. The publication is not listed on the Department’s disapproved publication list.
- c. Department of Corrections staff, other than as defined in section 1, are prohibited from providing inmates with publications of any type.

3. Disapproved Publications

- a. The Department may not disapprove a publication solely because its content is religious, philosophical, political, or socially unpopular. Each issue of a publication will be reviewed individually. No publication will be prohibited without review unless it appears on the disapproved publication list as distributed by the Director of Security, Operations and Audits.
- b. An inmate’s access to publications will be prohibited only when it is determined that the publication:
 - i. Constitutes a threat to the safety, security, or order of the facility;
 - ii. Features nudity or sexually explicit material as detailed in *Guidelines for Material that Features Nudity or Sexually Explicit Pictures* in this directive;
 - iii. Could cause harm to the inmate recipient.
- c. Any publication that contains one (1) or more sections dealing with prohibited topics must be disapproved in its entirety by the Director of Security, Operations and Audits. Facility staff may not alter the publication by removing the prohibited section(s) in an attempt to make the publication acceptable.
- d. When a publication is identified as a potential disapproval due to its content and it is not already on the disapproved publication list, the following procedural guidelines will be followed:
 - i. The staff person recommending the disapproval will complete the *Recommendation for Disapproved Publication* form (*Attachment 3*).
 - ii. The publication and *Attachment 3* will then be forwarded to the Security and Operations Supervisor for review. If after review, the Security and Operations Supervisor *disagrees* with the recommendation, the recommendation will be overridden and the publication will be forwarded to the inmate. If, after the review, the Security and Operations Supervisor *agrees* with the recommendation, the publication and *Attachment 3* will be forwarded to the Director of Security, Operations, and Audits for review.
 - iii. If, after review, the Director of Security, Operations and Audits or designee *disagrees* with the recommendation, the recommendation will be overridden and the publication will be forwarded to the inmate. If, after review, the Director of Security, Operations and Audits or designee *agrees* with the recommendation, the inmate will receive written notice from the Security and Operations Supervisor, (*Attachment 4, Notice of Disapproved Publication*) which will contain a reference to the specific section, content, or article(s) or materials considered objectionable.
 - iv. An inmate will have the right to appeal a decision that results in the disapproval of a publication through the inmate grievance system.

v. When a book or more than one (1) periodical is disapproved, the Director of Security, Operations and Audits or designee will notify the publisher in writing of the following:

- The reason for refusing to deliver the publication to an inmate;
- The fact that a written appeal may be submitted by the inmate through the inmate grievance system, or by the publisher to the Director of Security, Operations and Audits or designee.

A single notice of rejection to the publisher from the Director of Security, Operations and Audits or designee will be sufficient where more than one (1) inmate receives the subscription publication, or has obtained or attempted to obtain a particular book.

vi. All publications on the disapproved publication list will be denied at all Department facilities.

vii. All disapproved publications will be retained by the Security, Operations and Audits Unit until all appeals are exercised, or upon final adjudication, and the publication is returned to the inmate, if such decision is made.

viii. All publications that remain rejected will be placed on the disapproved publication list and retained in the Security, Operations and Audits Unit.

4. Inspection of Publications

All publications will be searched for contraband and reviewed for compliance with this administrative directive.

- a. Publications will not be treated as correspondence. All publications will be searched outside the inmate's presence.
- b. The staff person searching a publication for contraband need not be the same person reviewing it for appropriate content, as assigned by the Superintendent.
- c. If a publication contains a free sample item (lotion, perfume, etc.), the Security and Operations Supervisor will review the item to determine if it will be permitted. If the item is not to be permitted, it will be disposed of as contraband property, and the publication will be delivered to the inmate.

5. Publication Property Limits

- a. Each inmate in general population is permitted to retain the following quantity of property in their room/cell: not in excess of 3.5 cubic feet. (Refer to Administrative Directive #321.01, *Offender/Inmate Property*.)
- b. Inmates assigned to close custody or a segregation status will have the limitation quantities as established by the administrative directives governing those statuses. Refer to *Administrative Directive #410.06, Restrictive Housing Status, Conditions of Confinement*.
- c. Inmates assigned to a mental health housing unit will have their publication limits established in consultation with the mental health treatment team in that facility.

Guidelines for Material that Features Nudity or Sexually Explicit Pictures

1. For the purposes of this directive and to assist with rehabilitation and treatment objectives, to reduce sexual harassment, prevent a hostile work environment, and to fully implement the federal Prison Rape Elimination Act (PREA), inmates will not be permitted to receive or possess materials that feature nudity or sexually explicit pictures.
2. Materials that feature nudity or sexually explicit pictures do not include material illustrative of a medical, educational, or anthropological content. Nor do they include materials from gay, lesbian, bisexual, or transgender rights organizations, if those materials do not depict nudity or sexually explicit acts.

Guidelines for Audio/Video Media

Material that features nudity or sexually explicit material as defined by this administrative directive, or material that threatens the safety, security, or order of a facility, or the safety or well-being of any person(s), will not be presented to inmates in any medium, including an audio or video presentation. No inmate may possess any type of video media.

TRAINING

The Human Resources Development Unit, the Vermont Department of Corrections Training Academy, the Facilities Executive, and the Director of Security, Operations and Audits are responsible to provide training on the provisions of this directive.

QUALITY ASSURANCE

The Director of Security, Operations and Audits in conjunction with Quality Management will, through the use of established auditing procedures, monitor compliance with this directive.

REQUEST FOR INMATE-TO-INMATE CORRESPONDENCE

Facility: _____ **Date:** _____

Inmate: _____ **DOB:** _____

Inmate Request

I, _____, request to correspond with inmate _____,
(printed name) (name)
who is currently incarcerated at the _____ Correctional Facility.

Request is made for the following reason(s):

- To communicate with an immediate family member, including step:
 legal guardian husband wife father mother sister brother daughter
 son grandmother grandfather grandson granddaughter civil union partner
- For legal consultation
- My request is based on: _____

Inmate signature: _____ Date: _____

Staff Request

I, _____, request that inmate _____, correspond
(Staff member's printed name) (name)
with inmate _____, who is currently incarcerated at the
(name)
_____ Correctional Facility.

Request is made for the following reason:

- Classification/treatment team request

Staff member signature: _____ Date: _____

Superintendent Approval/Denial, Sending Facility

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

- Authorization for correspondence withdrawn for the following reason(s): _____

Superintendent's Signature: _____ Date: _____

Superintendent Approval/Denial, Receiving Facility

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

- Authorization for correspondence withdrawn for the following reason(s): _____

Superintendent's Signature: _____ Date: _____

NOTICE OF REJECTION/DISPOSITION OF MAIL

Inmate: _____ **DOB:** _____
Facility: _____ **Date:** _____
Your Mail To/From: _____

Has been rejected or declared contraband for the following reason(s):

- Contains threats or plans of criminal activity
- Contains threats of physical harm against a person
- Contains plans for activities in violation of facility rules, law, or DOC policy
- Is in code
- Contains information that constitutes a danger to a person
- Contains information that constitutes a threat to the security and safety of the facility
- Concerns and/or attempts to send contraband into or out of any DOC-operated or contract facility
- Contains information regarding plans for escape
- Sends, receives, solicits, or contains money orders or any other items of value from other inmates/offenders, or relatives or visitors of other inmates in the custody of the DOC
- Creates a substantial danger to the emotional or mental health of an inmate
- Contains cash or personal checks
- There is a written request from a citizen that mail from an inmate be discontinued (See *Negative Contact List.*)
- Contains decorative stamps or stickers on the envelopes or contents
- Contains postage stamps, blank paper, or envelopes
- Contains Polaroid-type photos or nude photographs
- Contains unknown substance(s)
- Contains security threat group materials
- Contains sexually explicit materials
- Contains (Other): _____.

DISPOSITION

- Returned to inmate
- Returned to sender
- Declared contraband, not for inmate disposition
- Declared contraband; inmate must designate disposition within 30 days or item will be disposed of
- Referred to Law Enforcement
- Other

Staff Signature: _____ **Date:** _____

I designate the following disposition of the above items:

- Destroy
- Save – will appeal through a grievance
- Return to sender at my expense
- Send to the following address at my expense:

Inmate Signature: _____ **Date:** _____

RECOMMENDATION FOR DISAPPROVED PUBLICATION

Inmate: _____ **DOB:** _____ **Date:** _____

Facility: _____

PUBLICATION TITLE: _____

Consistent with this directive, the above is disapproved for the reason(s) noted below:

- Not received directly from the publisher or a commercial distributor
- Constitutes a threat to the safety, security, or order of the facility
- Features nudity or sexually explicit material
- Publication facilitates criminal activity
- Publication contains security threat group materials or subject matter
- Contains material advocating racial supremacy or attacking a racial, ethnic, or religious group

- Other

Describe below the specific reason(s) for disapproval:

Staff person recommending disapproval: _____ Date: _____

Review by Security and Operations Supervisor

- Disagree with Recommendation – The recommendation is overridden and the publication is forwarded to the inmate.
- Agree with Recommendation – The recommendation and publication is forwarded to the Director of Security, Operations and Audits for review.

Security and Operations Supervisor: _____ Date: _____

Director of Security, Operations and Audits

- Disagree with Recommendation – The recommendation is overridden and the publication is forwarded to the inmate.
- Agree with the Recommendation – The publication is added to the Department’s disapproved list.
The publisher was notified on _____.
(Date)

Comments: _____

Director of Security, Operations, and Audits: _____ Date: _____

Cc: Security & Operations Supervisor, Director of Security, Operations & Audits

NOTICE OF DISAPPROVED PUBLICATION

Inmate: _____ **DOB:** _____ **Date:** _____

Facility: _____

PUBLICATION TITLE: _____

Consistent with this directive, the above is disapproved for the reason(s) noted below:

- Not received directly from the publisher or a commercial distributor
- Constitutes a threat to the safety, security, or order of the facility
- Features nudity or sexually explicit material
- Facilitates criminal activity
- Contains security threat group materials or subject matter
- Contains material advocating racial supremacy or attacking a racial, ethnic, or religious group

Describe below the specific reason(s) for disapproval:

Security & Operations Supervisor: _____

Signature

Printed Name

Date: _____

Inmate Signature: _____ **Date:** _____

RECEIPT AND DISBURSEMENT FORM FI 61

Inmate: _____ Inmate ID #: _____ DOB: _____
Please print

RECEIVED: _____ Date: _____

Mail: _____ Intake: _____ Sender Name & Address: _____

Currency: _____ \$ _____

Bank Check/Money Order #: _____ \$ _____

Other: _____ \$ _____
Description of Item(s)

Officer Name: _____ Officer Initials: _____
(please print)

Inmate Signature: _____

DISBURSED: *(given back to inmate)* _____ Date: _____

Currency: _____ \$ _____

Bank Check/Money Order #: _____ \$ _____

Other: _____ \$ _____
Description of Item(s)

Officer Name: _____ Officer Initials: _____
(please print)

Inmate Signature: _____

Items unacceptable for deposit will be "Returned to Sender" using the following address:

Name: _____

Street/PO BOX #: _____

City: _____ State: _____ Zip: _____

Description of Items returned: _____

Officer Name: _____ Officer Initials: _____
(please print)

Inmate Signature: _____ Date: _____