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Scott Crow, Director Oklahoma Department of Corrections	Signature on File		

Correspondence, Publications, and Audio/Video Media Guidelines

Inmates may communicate with persons or organizations subject to the limitations necessary to protect public safety, institutional order, and security as specified in this procedure. (2-CO-5D-01, 5-ACI-7D-01, 4-ACRS-6A-07)

For the purpose of this procedure, the term “facility” will apply to institutions and community corrections centers, the term “facility head” will apply to wardens and community corrections center administrators.

I. Definitions

A. Privileged Mail/Correspondents

Inmates are permitted to send letters, which are not screened for content to the following class of persons and organizations. Privileged mail will be submitted unsealed and a cursory inspection for foreign substances and suspicious features will be conducted. The following individuals will be considered privileged correspondents: (5-ACI-7D-06)

1. Governor of the State of Oklahoma;
2. Attorney General of the State of Oklahoma;

Inmates may send privileged mail to the Attorney General only for issues unrelated to litigation. The Attorney General will inform the agency if inmates misuse privileged mail so that appropriate disciplinary action can be taken;

3. Oklahoma Board of Corrections members;
4. Oklahoma Department of Corrections (ODOC) staff members:
 - a. Agency director;
 - b. Chief administrator of Institutions/Community Corrections and Contract Services;
 - c. PREA coordinator;
 - d. Inspector general;
5. Elected federal officials.

B. Legal Mail/Correspondents

Mail to/from attorneys must be protected in recognition of the attorney-client privilege, 12 O.S. § 2502.

1. Mail to/from a paralegal service is not considered legal mail, as there is no attorney/client relationship or privilege.
2. Mail to/from the Attorney General of the State of Oklahoma and the courts will be processed as legal mail.

II. Mail Regulations

A. Outgoing Correspondence

All outgoing inmate correspondence will include and must meet the following requirements:

1. The return address will be on the envelope or package in the upper left corner and include:
 - a. The inmate's name under which sentenced and the inmate's legal name, if the inmate has obtained a name change in accordance with Oklahoma law;
 - b. The inmate's ODOC number; and
 - c. The inmate's complete address including the facility name, address, town, state, and zip code.

The envelope will be properly addressed and will not include any hand-drawn artwork, unnecessary writing, notes, or stickers.

2. All outgoing inmate correspondence will have the following statement stamped on the back of the envelope:

"This correspondence is from an inmate under the custody of the Oklahoma Department of Corrections. For specific information about the inmate sending this correspondence such as offense, projected release date, photo, etc., refer to our website at <https://oklahoma.gov/doc.html> . Click on the "Offender Info" link and then the "Offender Lookup" link or contact (list facility contact and facility telephone number) at the facility telephone number provided. Further, the facility is not responsible for the substance or content of the material inside. Objectionable material may be returned to the facility head at (list facility name)."

3. All outgoing inmate mail to any ODOC staff member will be sent by first class mail, postage paid. The use of inter-agency/intra-agency mail is prohibited, as post-marked envelopes may be required as proof of mailing.
4. Outgoing inmate mail may only contain correspondence from the inmate whose name appears on the envelope. Letters or correspondence from other parties to be forwarded is prohibited.
5. Correspondence in a language other than English will be reviewed by staff fluent in that language. If not available at that facility, the correspondence will be forwarded to a fluent staff member for review. Reviews will normally be completed in two weeks, unless circumstances dictate otherwise. If no interpreter can be found, the inmate will be given the opportunity to pay for translation or the correspondence will not be allowed.

B. Prohibited Correspondence

Each facility will establish a system for fair and equitable review of all questionable material received through the mail.

1. Correspondence will not include anything of a threatening nature, contraband, or anything that suggests plans for escape, illegal, or other unauthorized activity.
2. Correspondence related to business operations will be prohibited except that necessary to protect property interests vested before incarceration. Said correspondence must be approved by the facility head or designee.
3. Solicitation or receipt of any advertisements or publications not paid for in advance will be prohibited. All orders for publications will be made directly to the publisher of the material or to a verifiable vendor.
4. The purchase of any material contingent on future orders is prohibited, such as book of the month clubs, etc.
5. Correspondence/publications are prohibited that:
 - a. Contain instructions for the manufacture of drugs, weapons, explosives, other unlawful substances, and/or tattoos;
 - b. Advocate the overthrow of the United States, Oklahoma or other state government;
 - c. Advocate terrorism, criminal behavior, racial, religious, or national hatred, or any material that creates an unsafe environment for the inmates or staff;
 - d. Contain gang-related material, information, photographs, or symbols;
 - e. Contain instructions for military, police or security tactics for riots, hostage negotiations and any Homeland Security drills;
 - f. Contain survival guide information;
 - g. Are addressed to a staff person, volunteer, or an inmate club or organization with instructions to deliver the publication to a specific inmate;
 - h. Are hardbound, except for sacred religious texts. Facility heads at minimum security and lower institutions may allow hardbound college textbooks for inmates enrolled in college courses; or

([Attachment A](#), attached) or “Prohibited Correspondence Notification” form ([DOC 030117A](#), attached). This will serve to notify the inmate that the item arrived and has been reviewed and determined to be prohibited.

- a. Each facility head is authorized to designate an employee, or a group of employees, to be responsible for review of materials coming into the facility. The designee will be responsible for accepting or rejecting all materials (property, mail, etc.) coming into the facility.
- b. Training will be provided upon request by the office of the General Counsel in the review, recognition and disposal of non-acceptable materials.
- c. When the facility head or designee has determined that material is prohibited, the inmate will be notified of the decision and that the decision may be appealed in accordance with [OP-090124](#) entitled “Inmate/Offender Grievance Process.”
- d. Notification of the decision will be made using the “Prohibited Correspondence Notification” form ([DOC 030117A](#), attached) and will state the reason the material is prohibited. A copy of the notification and a photocopy of the prohibited material will be maintained in facility files for three years from the date of the decision. (5-ACI-7D-05, 4-ACRS-6A-08)
- e. The inmate will also be notified as to their option for disposal by either having the prohibited material returned to the sender, sending the material home at the inmate’s expense, or having the material destroyed.
- f. If the inmate files a timely grievance, the option for disposal will take place 30 days after final resolution of the grievance.
- g. If the inmate fails or refuses to make a choice and fails to file a grievance, the facility will return the material to the sender, if it is not material illegal to possess and the material has not been opened. Opened mail will be handled in the manner described in Section II. B. 7. item e. of this procedure. Illegal material may be used as evidence and maintained and disposed of in accordance with [OP-040109](#) entitled “Control of Contraband and Physical Evidence.”
- h. Costs associated with mailing the material will be assessed against the inmate and collected from their trust fund when funds are available using the “Return to Sender Notification”

form ([Attachment A](#), attached).

8. For all facilities/units, all incoming non-privileged mail and packages, as well as incoming privileged or legal mail will be inspected by the use of an x-ray machine, narcotic detecting canine, and/or each piece will be physically opened and inspected by facility staff. All staff handling mail and packages will do so using protective equipment consisting of, at a minimum, gloves and a facemask.

C. Correspondence Restrictions

1. There will be no correspondence between inmates except as approved in writing by the appropriate facility heads. Such correspondence will be limited to immediate family members, as defined in [OP-030118](#) entitled "Visitation."
 - a. Each item of correspondence will be read and approved by the facility head or designee.
 - b. Once an inmate has been approved to correspond with another inmate (immediate family member), the approval will be accepted by any receiving facility upon the inmate's transfer using the "Authorization for Visitation/Correspondence Form" ([DOC 030118F](#)). The approval may be revoked for cause.
 - c. There will be no correspondence between inmates and those under other agency supervision, inmates of juvenile detention centers, or inmates in jurisdictions other than Oklahoma, except as approved by the appropriate facility head/administrator of Institutions/Community Corrections.
 - d. No correspondence with a former inmate(s) is authorized until three years following completion of sentence; except as approved by the appropriate facility head/administrator of Institutions/Community Corrections.
2. Photographs will not be included in outgoing correspondence unless approved by the facility head or designee. Each facility head will establish a process for staff approval of photographs in outgoing mail.
3. Cards in excess of 6" x 8" are prohibited. Cards containing recording devices are prohibited.
4. Undeliverable correspondence includes, but is not limited to, letters or packages containing return postage, improperly addressed mail, "bill me" solicitations, mail which appears to have been wet, letters or messages to be passed along or mailed by the recipient to another

person or inmate, correspondence containing stickers, correspondence containing lamination, or mail lacking a complete return address. Undeliverable items will be logged as "return to sender."

5. Receipt of correspondence containing money or property in any form, from another inmate or another inmate's family member, as well as sending money or property to another inmate or another inmate's family member, to include attempting to conceal the transfer of money or property through another person who is not a family member, is prohibited.
6. Adhesive labels and postage stamps may be removed from envelopes and packages prior to delivery and discarded and/or investigated. Postage stamps received in correspondence are prohibited. The inmate may choose to donate any stamps received to the mailroom for use as indigent inmate postage in lieu of returning them to sender.
7. Former ODOC or contract staff members may not correspond with inmates for a minimum of 180 days after termination or leaving employment, except as approved by the appropriate facility head/administrator of Institutions/Community Corrections.
8. Inmates may receive envelopes with prepaid postage from the Innocence Project.

D. Allowable Correspondence

1. Unless otherwise outlined in this procedure, the volume, length, language, or recipient of outgoing/incoming correspondence will not be restricted unless there is reasonable suspicion, belief, or grounds that warrant limitation to protect the public, institutional order, or security. (5-ACI-7D-02)
2. Inmates will be permitted to correspond with the news media. Such correspondence will not be considered privileged. (2-CO-3C-01)
3. An inmate on segregation housing status will have the same correspondence privileges as inmates in general population. (5-ACI-4A-20)
4. Publications that are accepted by a facility after the system of review, as set out in Section II.B. item 3. of this procedure, will be stamped as "Accepted" by the facility with a stamp that designates the facility that accepts the publication and the date of the decision. This acceptance will continue as long as the inmate's placement remains consistent in security level. Should the accepted publication be

altered or defaced in a way that alters or defaces the "Accepted" stamp, the publication will be removed from the facility by the inmate either sending the publication home or destroying the publication as contraband.

5. Religious materials sent or donated in bulk will be delivered to the facility chaplain for distribution. Such publications will be reviewed and stamped as "Accepted" in accordance with the preceding section.

6. eMessaging

eMessaging (authorized electronic mail) is not confidential. All incoming inmate eMessages may be inspected and read by staff members. The eMessages will originate through the inmate tablet vendor, Securus Technologies.

- a. Inmate family and friends will be responsible for enrolling in the eMessaging. Inmate family and friends will sign up for eMessaging through the Securus Technologies website, <https://securustech.net> or the Securus mobile app.

- b. To initiate eMessaging, the inmate family or friend will locate the inmate they wish to communicate with on the Securus website or mobile app. The sender may pay for a one-way message or if they wish to receive a response, the sender may also include a stamp, which would allow the inmate to respond. Inmates are unable to initiate conversations; however, the inmate can purchase stamps using their Securus debit account.

- c. Inmate family and friends are also able to communicate with inmates by sending videos called "Videograms" and still photos called "Snap and Send." This communication shall be monitored for inappropriate material the same way handwritten correspondence is monitored. All Videograms and Snap and Send photos will be approved before delivery to the inmate. This media form of communication will be sent using the same stamps that are used for written eMessages.

7. Inmates are allowed to receive educational books that facilitate learning languages other than English, such as dictionaries and grammar books. However, this provision does not alter the correspondence restrictions in Section II. A. item 5., and Section II. B. item 1. of this procedure.

- E. Provisions of Indigent Inmate Services

1. An inmate without funds will be provided paid U.S. postage for no more than two, one-ounce privileged or non-privileged letters per week. (5-ACI-7D-03, 4-ACRS-6A-06)
2. Indigent mail requirements for legal mail to the courts or an attorney of record is in accordance with [OP-030115](#) entitled "Access to Courts/Law Library."

F. Certified Mail Service

1. Certified mail service will be available to inmates at cost to the inmate.
2. Certified mail will not be accepted if the inmate is not at the addressed facility. Such mail will be returned to the postal carrier/office.

G. Violations

1. Any inmate who violates United States postal regulations or ODOC correspondence procedures will be subject to prosecution by appropriate authorities and/or disciplinary action.
2. All correspondence and publications retained as personal property will be subject to search or reading for contraband or security violations.
3. An inmate may be placed on restricted correspondence status by the facility head or designee for violation or abuse of the correspondence guidelines for up to 90 days. This is an administrative action separate from the disciplinary process.
 - a. The facility head will issue a memorandum to the mailroom of the notification of the restriction.
 - b. Notification and instructions will be provided to the inmate advising of the restriction.
 - c. An inmate on restricted status will be permitted to correspond only with persons approved by the facility head and with individuals classified as legal/privileged correspondents. The facility head will be the authorizing agent to place inmates on or remove them from restricted correspondence status.
4. All outgoing and incoming mail, including privileged and legal mail, for inmates on restricted status will be searched and read for unauthorized content.

III. Procedures for Processing Mail

A. Outgoing Non-privileged Mail

1. All outgoing non-privileged mail will be submitted unsealed and subject to inspection and reading for enforcement of correspondence guidelines and institutional security. (5-ACI-7D-05, 5-ACI-7D-08, 4-ACRS-6A-08)
2. Mail violating correspondence guidelines will be returned to the inmate with an explanation of the violation unless it is used as evidence in a court/disciplinary hearing. The inmate may also be placed on the restricted correspondence list and/or be subject to disciplinary action.

B. Incoming Non-privileged Mail

1. All incoming non-privileged mail and packages will be opened and inspected for enforcement of correspondence guidelines and institutional security. (5-ACI-7D-08) All such correspondence is subject to being read. All incoming mail must contain the name and return address of the sender and the name and ODOC number of the inmate. (5-ACI-7D-05, 5-ACI-7D-08, 4-ACRS-6A-08) Correspondence in a language other than English may be reviewed by a staff representative fluent in that language. If an interpreter is not available at that facility, the correspondence will be forwarded to a fluent staff member for review. Reviews will normally be completed in two weeks, unless circumstances dictate otherwise. If no interpreter can be found, the inmate will be given the opportunity to pay for translation or the correspondence will not be allowed.
2. Mail received which violates the inmate correspondence guidelines will be held for 15 days pending inmate response to the written notice of the facility's intent to return the correspondence.
 - a. If a grievance is filed, such correspondence will be held until 30 days after final disposition of the grievance.
 - b. After the 15 days or disposition of the grievance resulting in unfavorable results to the inmate, the correspondence will be handled in a manner consistent with this procedure as described in Section II. B. 7. item e. of this procedure.
3. Unauthorized items will be returned to the sender at the inmate's expense within 30 days or the items will be disposed of in accordance with this procedure. (5-ACI-7D-08)
 - a. The inmate will be given an explanation of why the item was seized. It will be the inmate's responsibility to notify the

within 24 hours of receipt, excluding weekends, holidays, and emergencies.

- b. First class, presorted first class, express mail and priority mail received for escaped or deceased inmates will be returned to sender as undeliverable.
 - c. Periodicals (magazines or newspapers) and junk mail (bulk mailing, presorted standard, presorted, standard, nonprofit organization, and advertisements) will not be forwarded to any inmate, but will be discarded or donated to the education department. It is not required to log these items.
 - d. Inmates are responsible to notify sending parties of their address changes.
7. If the inmate has legitimate earnings from the previous year, the W-2 statement and/or income tax forms may arrive at the facility. The facility head will designate a process by which the inmate may be afforded the opportunity to file tax forms. No inmate may possess another inmate's tax information. At no time will tax documents be in the inmate's sole possession.
 8. Any mail not picked up by an inmate will be returned to sender after 30 days.

IV. Handling of Privileged Mail (5-ACI-7D-06)

- A. The facility head or designee will ensure the name and address of sender, name and address of recipient and date of all incoming and outgoing privileged mail is entered in a mail log and identified as privileged mail.
- B. All outgoing privileged mail will be correctly addressed and the envelope marked "Privileged." If incorrectly marked or addressed, the mail will be returned to the inmate to be corrected.
- C. Outgoing privileged mail may be searched and read upon reasonable suspicion that unauthorized activities or material has been placed in the privileged mail and the search is authorized by the facility head. Incoming mail marked "Privileged" that does not contain a return address will be returned to the post office. Incoming privileged mail may be opened and inspected for contraband when staff suspects the mail did not come from an approved privileged mail correspondent. When privileged mail is opened, the inmate should be present, unless waived in writing or circumstances dictate otherwise. (5-ACI-7D-06)
- D. To ensure the security of outgoing mail and correspondence, facilities will establish procedures requiring the inmate to place outgoing privileged mail

in an envelope in the presence of a staff member before sealing the envelope.

V. Handling of Legal Mail (2-CO-3C-01, 5-ACI-3D-02, 5-ACI-7D-06, 4-ACRS-6A-01)

- A. The facility head or designee will ensure that the name and address of sender, name and address of the recipient, and the date of all incoming and outgoing legal mail is entered in a mail log and identified as legal mail.
- B. All outgoing legal mail will be correctly addressed and the envelope marked "Legal Mail." If incorrectly marked or addressed, the mail will be returned to the inmate to be corrected. Legal mail will be submitted unsealed and a cursory inspection for foreign substances and suspicious features such as, escape plans, maps, music, art, coloring diagrams, and other documents obviously not legal material will be conducted. Reading legal mail for content review is not allowed unless authorized by the facility head upon reasonable suspicion that unauthorized activities or material has been placed in the outgoing legal mail. The envelope will then be sealed by the inmate in the staff member's presence.
- C. Incoming mail marked "Legal Mail" that does not contain a return address will be returned to the post office.
- D. All incoming legal mail will be opened in the presence of the inmate addressee and a cursory inspection for foreign substances and suspicious features such as, escape plans, maps, music, art, coloring diagrams, stickers, unnecessary labels and other documents obviously not legal material will be conducted including leafing through the material to ensure nothing is concealed between the pages; however, reading legal mail for content review is not allowed unless authorized by the facility head upon reasonable suspicion that unauthorized activities or material has been placed in the incoming legal mail.
 - 1. If the inmate has transferred, the legal mail will be forwarded within one business day to the inmate's current facility. However, certified mail will not be accepted in accordance with Section II. F. item 2. of this procedure.

VI. Audio/Video/Electronic Media/Internet Use and Access

A. Receptions and Transmission

- 1. The electronic reception and transmission, including the internet or other on-line type services, of obscene or indecent materials (as defined in Section II. B. item 6. of this procedure) by or to inmates is prohibited.
- 2. Each facility will act in accordance with [OP-060107](#) entitled "Systems

of Incarceration,” [OP-030120](#) entitled “Inmate Property; and [OP-040109](#) entitled “Control of Contraband and Physical Evidence,” regarding the use of or the reception or transmission of any audio, video, cable TV, or telephonic media based upon security of the facility and the needs of the inmates.

B. Video/Audio Tapes, Computer Games or Programs, and CD ROMS

Internet access to or the distribution of violent, obscene, or indecent computer games or programs or the possession of such video/audio recorded material by, or to, inmates is prohibited.

C. Use of Internet

Inmates may not directly or indirectly use any internet services except as approved by the appropriate facility head/administrator of Institutions/Community Corrections.

VII. Use of Copyrighted Materials

A. Conditions for Use

Copyrighted materials may be used under the following conditions. For the purposes of this procedure, materials may include copyrighted written materials, videos or audios in any format. If the copyrighted material is to be used as part of an inmate program, it should have programmatic value. Decisions regarding the programmatic value of the material will be made by the administrator of Programs or the chief of Strategic Engagement as appropriate. The office of the General Counsel will review all non-programmatic copyrighted material use requests.

1. All materials must be previewed by the requestor to determine the nature and appropriateness of the content. Videos with a Motion Picture Association of American (MPAA) rating of R, NC17 or X will not be used.
2. Any volunteer or staff member wanting to utilize copyrighted material will complete the “Request for Use of Copyrighted Materials” form ([Attachment B](#), attached).
3. The request will be submitted to the administrator of Programs or chief of Strategic Engagement as appropriate or the General Counsel for review. If the appropriate division administrator/General Counsel agrees there is programmatic value, the request will be forwarded to the appropriate holder of the copyright.
4. To use the material, the holder of the copyright must provide written permission. This written documentation must indicate name of the

person who will be granted copyright permission, date, copyright permission time period and location where the materials will be used. The written documentation from the copyright holder and the completed "Request for Use of Copyrighted Material," ([Attachment B](#), attached) will be submitted back to the administrator of Programs or chief of Strategic Engagement as appropriate or General Counsel.

5. Once it is determined documentation is complete the administrator of Programs or chief of Strategic Engagement or General Counsel will then forward the "Request for Use of Copyrighted Material," ([Attachment B](#), attached) and the documentation from the copyright holder, granting permission to use the material to the staff member or volunteer who made the request.
6. If the holder of copyright does not provide written permission to use material, the material will not be used.

VIII. References

Policy Statement P-030100 entitled "Provision of Services/Inmate Rights and Responsibilities"

OP-030115 entitled "Access to Courts/Law Library"

OP-030118 entitled "Visitation"

OP-030120 entitled "Inmate Property"

OP-040109 entitled "Control of Contraband and Physical Evidence"

OP-060107 entitled "Systems of Incarceration"

OP-090124 entitled "Inmate/Offender Grievance Process"

OP-120230 entitled "Offender Banking System"

12 O.S. 1991 § 2004.3.2.A

12 O.S. § 2502.

21 O.S. § 586.,

21 O.S. § 1021.,

21 O.S. § 1024. et seq.,

21 O.S. § 1040. et seq.

Shabazz v. Parson 127 F.3d 1246 (10 cir. 1997)

Jones v. Salt Lake County, et al, 503 F.3d 1147 (10th Cir, 2007)

IX. Action

The facility head will be responsible for the development of local procedures.

The administrators of Institutions/Community Corrections are responsible for compliance with this procedure.

The General Counsel will be responsible for the annual review and revisions.

Any exceptions to this procedure will require prior written approval from the agency director.

This procedure is effective as indicated.

Replaced: OP-030117 entitled "Correspondence, Publications, and Audio/Video Media Guidelines" dated November 02, 2020

Deleted: OP-030117 Operations Revision-01 dated August 23, 2021

Distribution: Policy and Operations Manual
Agency Website
Inmate Bulletin Boards

<u>Referenced Forms</u>	<u>Title</u>	<u>Location</u>
DOC 030117A	"Prohibited Correspondence Notification"	Attached
DOC 030118F	"Authorization for Visitation/Correspondence Form"	OP-030118

<u>Attachments</u>	<u>Title</u>	<u>Location</u>
Attachment A	"Return to Sender Notification"	Attached
Attachment B	"Request for Use of Copyrighted Material"	Attached