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Joe M. Allbaugh, Director Oklahoma Department of Corrections		Signature on File	

Correspondence, Publications, and Audio/Video Media Guidelines

Inmates may have unlimited communication 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, 4-4487, 4-ACRS-6A-07)

For the purpose of this procedure, the term “inmate” will apply to anyone under the authority, custody or care of a prison or a community-based facility operated by or contracted with the Oklahoma Department of Corrections (ODOC).

I. 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 DOC 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 (ODOC). For specific information about the inmate sending this correspondence such as offense, projected release date, photo, etc., refer to our website at <http://www.ok.gov/doc> Click on the "Inmates" link then the "Inmate Lookup" link or contact (list facility contact and facility telephone number) at the facility telephone. Further, the facility is not responsible for the substance or content. 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. Incoming correspondence may not include letters or messages to be passed along or mailed by the recipient to another person or inmate.
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, 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 religious texts; or

- i. Are books not received directly from the publisher, book store, book vendor (e.g., Amazon, etc.) or through approved donation.
6. To create a correctional environment conducive to the physical safety of inmates and staff and to aid in the rehabilitative process by discouraging violence or unnatural or aggressive sexual behavior, obscene and indecent materials will be prohibited.
 - a. Written materials containing depictions or descriptions of sexual conduct that are obviously offensive and, taken as a whole, have as their dominant theme an appeal to the prurient interest, will be prohibited.
 - b. Visual representations or photographs that contain actual or simulated sexual activity to include intercourse, sodomy (oral or anal), sexual acts by instrumentation, homosexuality, bestiality, sadomasochism, and child pornography are prohibited.
 - c. Sexually explicit materials are prohibited. Sexually explicit materials include nude pictures, drawings or depictions of female breasts or the genitalia of either gender. Nude photos/depictions of the inmate or an acquaintance, friend or family member of the inmate will be prohibited.
7. Notification of Prohibited Material (4-4494)

The facility is not authorized to implement a prohibition on any materials that inmates may receive by subscription, such as a magazine, newspaper, or other similar type of periodical. Each issue of the material has to be received and reviewed to determine whether or not it violates the correspondence restrictions of this agency. (4-4490, 4-ACRS-6A-08)

The inmate will be notified within 72 hours of the receipt of the prohibited item by using the "Return to Sender Notification" form ([Attachment A](#), attached) or "Prohibited Correspondence Notification" ([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. Each facility head or designee will receive periodic training provided by the office of the General Counsel in the review, recognition and disposal of non-acceptable materials. All employees assigned by the agency to assist the facility head or the facility head designee in the review of incoming materials will also receive periodic training in the review, recognition and disposal of contraband.
 - 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" ([DOC 030117A](#)) 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. (4-4491, 4-ACRS-6A-08)
 - e. The inmate will also be notified as to his/her option for disposal by either having the issue 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 I. 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 his/her trust fund when funds are available using the "Return to Sender Notification" form ([Attachment A](#)).
8. (Revision-01 09/14/2017) For all facilities/units, the following will be adhered to:

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 with protective equipment. This equipment will consist of, at a minimum, gloves and a face mask.

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. In such case, 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 Correspondence/Visitation 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/district heads.
 - d. No correspondence with former inmate(s) is authorized until three years following completion of sentence; except as approved by the appropriate facility/district head.
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. Correspondence and greeting cards containing recording devices are prohibited. Incoming mail containing recording devices will be considered prohibited correspondence in accordance with this procedure.
4. Undeliverable correspondence includes but is not limited to; letters or packages containing return postage, improperly addressed mail, "bill me" solicitations, mail containing any marks indicating the envelope is contaminated with body fluids of any type, 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. Stamps received in correspondence are prohibited. The inmate may choose to donate any stamps received to the mail room for use as indigent inmate postage in lieu of returning them to sender.
7. Former ODOC or contract staff may not correspond with inmates for a minimum of 180 days after termination or leaving employment; except as approved by the appropriate facility/district head.

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. (4-4488)
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. (4-4266)
4. Publications that are accepted by a facility after the system of review, as set out in Section I. item B. 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. The form of the stamp to be used will be developed by the General Counsel and will be made available to the facility head.
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. Inmate Messaging System

Inmate messaging (authorized electronic mail) is not confidential.

All incoming inmate messaging may be inspected and read by staff. The messages will normally be processed and delivered in the same method as incoming non-privileged mail.

- a. Inmate family and friends will be responsible for enrolling in the Inmate Messaging System. Inmate family and friends will have an account established to send messages.
- b. All costs associated with inmate messaging will be the responsibility of the sender.

E. Provisions of Indigent Inmate Services

1. An inmate without funds will be provided paid U.S. postage for no more than a total of two, one-ounce privileged or non-privileged letters per week. (4-4489, 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 mail room 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.

II. Procedures for Processing Mail

A. Outgoing Non-privileged Mail

1. All outgoing non-privileged mail will be subject to inspection and reading for enforcement of correspondence guidelines and institutional security. (4-4491, 4-4494, 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. 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. (4-4491, 4-4494, 4-ACRS-6A-08)
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 I. 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. (4-4494)
 - a. The inmate will be given an explanation of why the item was seized. It will be the inmate's responsibility to notify the sender.
 - b. The inmate will also be notified as to the option of either having the material returned to the sender, sent home at the inmate's expense, or having the material destroyed.
 - d. This does not include contraband in violation of federal or state law or evidence that may be used in any criminal proceeding by the state or by the agency in any disciplinary hearing. Any contraband violating federal or state statutes will be delivered to the proper authority for disposition.
 - e. Unauthorized items will be returned to the sender using the "Return to Sender Notification" form ([Attachment A](#)).
4. Cash or personal checks found in the mail will be returned to the sender. If cost is incurred, it will be at the expense of the inmate. (4-4493) Cashier checks or money orders will be handled in accordance with [OP-120230](#) entitled "Offender Banking System." It will be the responsibility of the inmate to notify the sender of receipt if funds are accepted. (4-4493).
5. Incoming letters and packages will be normally distributed within 24 hours excluding weekends, holidays, furloughs and emergencies.
 - a. Unauthorized items, items to be reviewed by the Literary Review Committee, or items requiring interpretation, will be processed as outlined in this procedure and may require additional time for review.
 - b. Mail received for inmates on out count, if unopened, will be forwarded within five days.
 - c. Outgoing letters and packages will be placed in the United States mail within 24 hours excluding weekends, holidays, furloughs and emergencies.
 - d. Opened letters and packages will be forwarded within a reasonable time. (4-4495)
6. All facilities will maintain the forwarding address of inmates who have been released or paroled on file for one year. Location of

transfers will be obtained as needed from the inmate record system. (4-4496, 4-ACRS-6A-09)

- a. First class, presorted first class, express mail and priority mail will be forwarded directly to the inmate's current location 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, non profit 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.

III. Privileged Mail (4-4492)

A. Privileged Correspondents

Inmates are permitted to send sealed letters to the following class of persons and organizations. The following individuals will be considered privileged correspondents:

1. Governor of the State of Oklahoma (see special instructions in Section III. B. item 5. of this procedure);
2. Attorney General of the State of Oklahoma (only concerning issues unrelated to litigation);
3. Elected members of the Oklahoma State Legislature;
4. Oklahoma Board of Corrections members;

5. Oklahoma Pardon and Parole Board members;
6. Oklahoma Secretary of Safety and Security;
7. Oklahoma Department of Corrections staff:
 - a. Director;
 - b. Associate Director;
 - c. Regional Directors;
 - d. Division Managers;
 - e. The office of the General Counsel;
 - f. Administrative Review Authority;
 - g. PREA Coordinator; or
 - h. Inspector General.
8. Elected federal officials.

B. Handling of Privileged Mail

1. 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.
2. 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.
3. 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. (4-4492)
4. 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.

5. Correspondence to the Governor or Governor's Office will be screened for inappropriate personal, offensive or threatening content. If such content is present, the correspondence will be handled as prohibited correspondence.

IV. Legal Mail (2-CO-3C-01, 4-4275, 4-ACRS-6A-01)

A. Legal Correspondents

The following individuals will be considered legal correspondents:

1. Courts;
2. Attorneys of record or those in official attorney-client relationships (name and address of the attorney will be on the envelope). Mail to/from a paralegal service is not considered legal mail as they may not represent persons and there is no attorney/client relationship or privilege. Mail to attorneys soliciting their services is not considered legal mail; and
3. The Attorney General of the State of Oklahoma and any attorneys representing the Department of Corrections or agency employees in the course of litigation related to the agency.

B. Handling of Legal Mail (4-4275, 4-4492, 4-ACRS-6A-01)

1. The facility head or designee will ensure that name and address of sender, name and address of recipient and date of all incoming and outgoing legal mail is entered in a mail log and identified as legal mail.
2. All outgoing legal mail will be correctly addressed and the envelope marked "legal." If incorrectly marked or addressed, the mail will be returned to the inmate to be corrected. This mail may be searched upon reasonable suspicion that unauthorized activities or material has been placed in the outgoing legal mail and the search is authorized by the facility head.
3. All incoming legal mail will be opened in the presence of the inmate addressee and checked for contraband only.
 - a. "Opened" means removing the material from the envelope to check for contraband.
 - b. "Checking for contraband" also means a cursory review of the material by leafing through the material to ensure it is in

fact legal material and nothing is concealed between the pages.

- c. Incoming mail marked "Legal Mail" that does not contain a return address will be returned to the post office.
4. Inmate legal mail is not to be mailed with administrative correspondence of the agency.
5. To ensure the security of outgoing mail and correspondence, facilities will establish procedures requiring the inmate to place outgoing legal mail in an envelope in the presence of a staff member before sealing the envelope.
6. If the inmate has transferred, the legal mail will be forwarded to the inmate's current facility.

V. 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 I. 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 tapes, or CD 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/district head.

VI. 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.

1. Any requests to use copyrighted materials must be submitted utilizing the "Request for Use of Copyrighted Materials" form ([Attachment B](#), attached) to the facility where the material is to be used.
2. The holder of the copyright must provide written permission to use the material. This documentation must be submitted with [Attachment B](#) to the facility where the material is to be used.
3. The facility will then forward [Attachment B](#) and the documentation from the copyright holder, granting permission to use the material to:
 - a. The Programs Unit if the copyrighted material is to be used as part of an inmate program or activity;
 - b. The Religious and Volunteer Services Unit if the copyrighted material is to be used as part of a religious service or activity; or
 - c. The office of the General Counsel if it to be used for any other purpose.
4. If the copyrighted material is to be used as part of an inmate program, it must have programmatic value. Decisions regarding the programmatic value of the material will be made by the Programs Unit.
5. All materials must be previewed by staff 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.

VII. References

Policy Statement No. P-030100 entitled "Provision of Programs and Services/Offender 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"

21 O.S. § 586, 1021, 1024 et. seq., 1040 et. seq.

12 O.S. 1991 § 2004.3.2.A

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

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

VIII. Action

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

The appropriate regional director is 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 Director.

This procedure is effective as indicated.

Replaced: Operations Memorandum No. OP-030117 entitled
"Correspondence, Publications, and Audio/Video Media Guidelines"
dated October 2, 2014

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 Correspondence/Visitation 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

