

Section 12.5 *Inspection of Incoming Correspondence*

(a) Incoming correspondence shall not be read.

(b) By September 1, 1978, incoming correspondence shall not be opened except in the presence of the intended prisoner or pursuant to a lawful search warrant.

(c) Incoming correspondence may be manipulated or inspected without opening and subjected to any non-intrusive devices. A letter may be held for an extra 24 hours pending resolution of a search warrant application.

Section 12.6 *Prohibited Items in Incoming Correspondence*

(a) When an item found in incoming correspondence involves a criminal offense, it may be forwarded to the appropriate authority for possible criminal prosecution. In such situations, the notice required by Section 12.6(c) may be delayed if necessary to prevent interference with an ongoing criminal investigation.

(b) A prohibited item found in incoming prisoner correspondence that does not involve a criminal offense shall be returned to the sender, donated or destroyed, as the prisoner wishes.

(c) Within 24 hours of the removal of an item, the Board and the intended prisoner shall be sent written notification of this action. This written notice shall include:

- (i) the name and address of the sender;
- (ii) the item removed;
- (iii) the reasons for removal;
- (iv) the choice provided by Section 12.6(b); and
- (v) the appeal procedure.

(d) After removal of an item, the incoming correspondence shall be forwarded to the intended prisoner.

Section 12.7 *Appeal*

(a) Any person affected by the determination to remove an item from prisoner correspondence may appeal such determination to the Board.

(i) The person affected by the determination shall give notice in writing to the Board and to the Department of his or her intent to appeal the determination.

(ii) The Department and any person affected by the determination may submit to the Board for its consideration any relevant material in addition to the written determination.

(iii) The Board or its designate shall issue a written decision upon the appeal within 14 business days after receiving notice of the requested review.

Section 12.8 *Effective Date*

This Part shall take effect May 1, 1978.

PART 13—PACKAGES

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Section 13.1 *Policy*

Prisoners shall be permitted to receive packages from, and send packages to, any person.

Section 13.2 *Number*

The Department may impose reasonable restrictions on the number of packages sent or received. Such restrictions must be submitted to the Board for written approval prior to implementation.

Section 13.3 *Outgoing Packages*

The costs incurred in sending outgoing packages shall be borne by the prisoner.

Section 13.4 *Incoming Packages*

(a) Incoming packages shall be delivered within 48 hours of receipt by the Department, unless the intended prisoner is no longer in custody of the Department.

(b) Packages may be personally delivered to an institution during visiting hours.

(c) A list of those items that may be received in packages shall be established by the Department and submitted to the Board for approval within 60 days after the effective date of this standard. Upon admission to an institution, prisoners shall be provided with a copy of this list or it shall be posted in each housing area.

Section 13.5 *Inspection of Incoming Packages*

(a) Incoming packages may be opened and inspected.

(b) Correspondence enclosed in incoming packages may not be read. Such correspondence may not be opened except in the presence of the intended prisoner or pursuant to a lawful search warrant.