



STATE OF MICHIGAN
DEPARTMENT OF CORRECTIONS
LANSING

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GOVERNOR

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DIRECTOR

DIRECTOR'S OFFICE MEMORANDUM 2009 - 18

EFFECTIVE: Immediately

DATE: September 16, 2009

TO: Executive Policy Team
Administrative Management Team
Wardens

FROM: Patricia L. Caruso, Director

SUBJECT: Prisoner-to-Prisoner Mail

Over the years, there have been on-going concerns with prisoner-to-prisoner correspondence sent through the mail. These concerns include but are not limited to prisoners using the mail to extort funds from other prisoners or their families, to operate illegal activities or coordinate disruptive activities within the Department, to threaten the safety of other prisoners or their family members, to coordinate gang activity, and to identify prisoners, staff, and others as targets for violence. Current policy requires that all prisoner-to-prisoner mail be screened to guard against the introduction of such mail, but this has become increasingly difficult due to the sheer volume of such mail and limited staff resources.

After careful consideration, I have decided to prohibit all prisoner-to-prisoner correspondence sent through the mail **beginning December 1, 2009**, except for the following:

1. Correspondence between prisoners who are verified to be immediate family members. An immediate family member is defined as being a spouse, parent, stepparent, grandparent, mother-in-law, father-in-law, child, step-child, grandchild, sibling, step-sibling, or half-sibling.
2. Legal correspondence between prisoners who are not represented by legal counsel who are either:
 - a. co-defendants in a verified pending criminal case that has been filed with the court, including during the appeal period.
 - b. co-plaintiffs in a verified pending civil case that has been filed with the court, including during the appeal period. Plaintiffs in a civil case filed with the court also may correspond with witnesses in that case, but only during the trial court phase.

Legal correspondence may only be regarding identified issues in the case for which the prisoners are approved to correspond. The case name and docket number must be identified at

the top of all correspondence sent.

Prisoners who meet the criteria set forth above for allowable prisoner-to-prisoner correspondence must obtain prior approval to correspond with another prisoner. Only prisoners who have received approval to correspond with another prisoner are permitted to do so. This applies only to prisoners under the jurisdiction of the Department; prisoners may continue to correspond with prisoners in other federal or state correctional facilities and with jail inmates in accordance with applicable policies and procedures.

Currently, a parolee may not correspond with a prisoner as a standard condition of parole unless approval is received from the supervising field agent. A prisoner therefore is prohibited from corresponding with a parolee absent such approval. If that approval is received, the prisoner may correspond with the parolee but only in the same manner as allowed for prisoner-to-prisoner correspondence.

A prisoner who is approved to correspond with another prisoner may have that approval revoked as set forth in this Director's Office Memorandum for unauthorized communications, including sending correspondence on behalf of another prisoner.

Approval Process

A prisoner who meets the criteria for allowable correspondence with another prisoner who wants to correspond with that prisoner must submit a completed and signed Prisoner-to-Prisoner Mail form (CSJ-100) to designated housing unit staff to obtain approval prior to corresponding with the prisoner. The form shall be readily available to prisoners during reception processing and in housing units. If a prisoner wants to correspond with more than one prisoner, a separate form must be used for each prisoner.

Designated housing unit staff shall attempt to confirm the prisoner's eligibility to correspond with the identified prisoner within five business days after receipt of a completed Prisoner-to-Prisoner Mail form. This includes confirming the relationship of those identified by the prisoner as being an immediate family member by reviewing the prisoner's Record Office or Counselor file. For legal correspondence, the prisoner is required to provide the full docket number of the case on the Prisoner-to-Prisoner Mail form; housing unit staff shall verify the status of the case through the local litigation coordinator, who shall confer with the Office of Legal Affairs. Additional information and/or documentation may be requested from prisoners as needed to verify eligibility.

The prisoner's request shall be approved using the Prisoner-to-Prisoner Mail form if it is verified that the prisoner is eligible to correspond with the identified prisoner. The approval allows for correspondence between the requesting prisoner and the identified prisoner; the identified prisoner does not need to also apply. Approved requests shall be entered into OMNI in accordance with instructions issued by the CFA Deputy Director or designee. If staff are unable to verify the prisoner's eligibility, the request shall be denied using the Prisoner-to-Prisoner Mail form and the prisoner advised that s/he may resubmit the request with acceptable verifying documentation if s/he wants the request reconsidered. Regardless of whether the request is approved or denied, a copy of the completed Prisoner-to-Prisoner Mail form shall be placed in the prisoner's Record Office and Counselor files with a copy given to the prisoner. If the request is approved, a copy of the form also shall be sent to the Warden of the institution at which the other prisoner is housed. The Warden shall ensure that a copy of the form is placed in that prisoner's Record Office and Counselor files and that a copy is given to the prisoner.

Receipt of Prisoner-to-Prisoner Correspondence through the Mail

Whenever mail is received for a prisoner from another prisoner that is post-marked on or after December 1, 2009, mailroom staff shall check OMNI to determine if the sending prisoner is approved to correspond with the intended recipient. If the sending prisoner is not approved, the correspondence shall not be delivered and may be destroyed without notice to the sender or intended recipient.

If the sending prisoner is approved to correspond with the intended recipient through the mail, the correspondence shall be read in its entirety to determine if it is otherwise allowed under PD 05.03.118 "Prisoner Mail" and this Director's Office Memorandum. If the mail is believed to violate PD 05.03.118 or this Director's Office Memorandum, including if the mail contains correspondence from another prisoner, the receiving institution shall issue a Notice of Prisoner-to-Prisoner Mail Rejection (CSJ-320) to the sending prisoner; the Office of Legal Affairs shall be consulted prior to issuing the Notice if the prisoners are approved to correspond only regarding criminal or civil litigation. The Notice and relevant portions of the correspondence shall be sent within a reasonable period of time to the facility at which the sending prisoner is housed for prompt delivery to the sending prisoner.

A hearing on the proposed rejection shall be provided to the sending prisoner consistent with hearing requirements set forth in PD 05.03.118 unless the prisoner waives the hearing. The institution at which the sending prisoner is housed may restrict that prisoner's correspondence with others prisoners who are immediate family members pending the hearing with written notice to the prisoner, but the hearing shall be held within 14 business days after imposition of the temporary restriction. All temporary restrictions shall be entered in OMNI; the prisoner being restricted also shall be provided written notice of the temporary restriction.

If the sending prisoner waives the hearing or the institutional hearing officer upholds the rejection, the prisoner will no longer be allowed to send correspondence to prisoners who are immediate family members unless the Warden or designee approves otherwise based on the specific facts of the rejection; however, the prisoner is allowed to receive correspondence from approved immediate family members. If the rejected mail was legal correspondence, the Warden or designee shall consult with the Office of Legal Affairs to determine appropriate action to be taken. The restriction shall be entered in OMNI and any temporary restriction imposed removed. The sending prisoner also shall be notified of the restriction in writing with a copy sent to the wardens of the institutions housing prisoners with whom the sending prisoner had been approved to correspond; the wardens shall ensure that a copy of the notice is given to the prisoner(s) at their respective institutions.

A prisoner whose approval to send correspondence to other prisoners has been revoked may request that the approval be reinstated no sooner than one year after the Warden's determination and, if denied, at one year intervals thereafter. Approval for reinstatement is subject to approval by the Warden of the facility at which the prisoner is housed.

Prisoner-to-Prisoner Mail Sent on a Prisoner's Behalf by a Member of the Public

Mail received for a prisoner from a member of the public that was sent on behalf of another prisoner in an attempt to circumvent restrictions set forth in this Director's Office Memorandum is considered a threat to the security, good order, and discipline of the institution and therefore shall be rejected as set forth in PD 05.03.118 "Prisoner Mail". Whenever mail from a member of the public is believed to have been sent for this purpose, the notice, hearing, and appeal requirements set forth in PD 05.03.118

shall be followed. If the prisoner waives his/her right to a hearing in writing or the institutional hearing officer upholds the rejection, the mail shall be destroyed after the retention period required by PD 05.03.118.

Implementation

The restriction on prisoner-to-prisoner mail does not take effect until December 1, 2009. To ensure requests are appropriately screened and approved prior to that date, prisoners may begin submitting requests to send mail to a family member who also is incarcerated in a Department institution beginning October 1, 2009. Requests to send legal correspondence to another prisoner may be submitted beginning November 1, 2009.

PLC: prds