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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

EVAN ARTHUR HOOK, et al.,  
Plaintiffs-Petitioners,  
vs.  
STATE OF ARIZONA, ex rel.,  
Defendants-Respondents.

CIV-73-97 PHX-CAM  
JUDGMENT

Pursuant to the stipulation filed herein on this same day,  
and good cause appearing, it is hereby  
ORDERED, ADJUDGED AND DECREED approving the attached proposed  
mail regulations of the Department of Corrections of the State of Arizona  
revised as of September 24, 1973, incorporating the same into this decree  
as though made a part hereof, defendants to fully implement said regula-  
tions within 45 days from the date of this order.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED dismissing this  
action with prejudice, the parties to bear their own costs.

DONE this 19th day of October, 1973.

*C. A. Muecke*  
C. A. MUECKE  
U. S. DISTRICT JUDGE



RECEIVED September 5, 1973

Revised - 9-24-73

SUBJECT: MAIL REGULATIONS

AUTHORITY:

ARS 41-1604B (1) authorizes the Director to

"promulgate rules and regulations to implement the purposes of the Department and the duties and powers of the Director." ARS 41-1602B establishes as a purpose for the Department of Corrections the provision of supervisory staff and administrative functions of all adult and youth offenders. Unauthorized communications with or by a person in prison or detained therein is punishable as a crime under ARS 31-231.

POLICY:

The flow of mail between persons outside a facility of the Department of Corrections with institution residents is encouraged for the purpose of maintaining constructive family and community ties, facilitating resolving of legal affairs, assisting the attainment of educational or vocational goals and stimulating motivations for self-improvement. Supervision of mail on a selective basis is an essential precaution required in the institution in the interest of the safety of personnel and security of the facility. Correspondence with persons outside the institution has potentially beneficial effects, including but not limited to maintaining family or other community resources desirable for planning for release on parole or after discharge by completion of sentence. Citizens outside the institution have a right to be informed as to the operation of their correctional facilities directly from the residents of them. However, the mail may not be used for illegal purposes or to introduce unauthorized materials into the institution.

(1)

DEFINITIONS:

MAIL: Letters, publications, or packages delivered by the U.S. Post Office or by other means.

LETTERS: First class mail containing only personal communications and authorized enclosures.

LEGAL & OFFICIAL CORRESPONDENCE: Letters to or from an Attorney of Record, to a member of the State Bar to solicit the services of an attorney or any public official or employee in his or her official capacity.

CONTRABAND: Contraband items, the possession or mailing of which is unlawful and items not specifically defined as illegal but which a resident may not have in his possession as specified in published regulations of the Department of Corrections.

PUBLICATIONS: Reproduced written and/or pictorial matter released for public use including books, periodicals, newspapers, pamphlets, photographs, etc.

I INCOMING MAIL: All incoming mail will be opened for inspection for contraband only. Incoming mail from a resident's attorney of record or from a judge or court will be opened for inspection purposes in the presence of the resident. No incoming mail will be read or censored. The contents of mail opened for inspection will

MAIL REGULATIONS - CONT.

not be stamped or marked in any manner as evidence of inspection; however, the container, box or envelope may be so stamped or marked.

Unauthorized material in incoming mail (e.g. cash and other items) as defined by written and posted rules, will be removed from the transmitted package or correspondence and returned to the sender. Residents will be notified in writing by the Mail Officer of all items returned. Illegal items discovered (e.g. drugs, weapons, etc.) will be held as evidence for law enforcement agencies.

All mail must be in accordance with postal laws and regulations. Senders may be prosecuted for violations of such laws or regulations regarding the placing of non-mailable material in the mails.

All postal money orders, cashier's checks and certified personal checks must be made payable to "The Arizona State Prison" and marked "for the account of" the resident. A receipt will be given the resident and the money deposited in the resident's trust account.

II OUTGOING MAIL: All outgoing correspondence will be submitted for mailing in unsealed envelopes and placed in locked mail boxes located throughout the institution. Collections shall be made at least once a day, Monday through Friday except legal holidays. Mail deposited after 12:00 P.M. on Fridays will not be collected until the next working day provided it is not a legal holiday. Letters to a resident's attorney of record or to a judge or court will be brought to the mail room by the resident where the letter will be inspected for contraband and sealed in the presence of the resident.

Letters to a resident's immediate family, (wife, husband, child-

parents or grandparents - this includes step-children and step-parents) will not be censored or read, but will be inspected for contraband.

Residents may correspond with the publisher or editor of any newspaper, news magazine or periodical of general distribution, national or international news service or to the station manager of any radio or television station. Such mail will not be censored or read but will be inspected for contraband.

Correspondence to the Director or Deputy Directors of the Arizona Department of Corrections may be submitted for mailing in sealed envelopes and will not be read or censored by the institution.

Inmates will be permitted to correspond with elected or appointed public officials concerning business or legal matters. Correspondence to such officials will be submitted to the Mail Office in unsealed envelopes where it will be inspected for contraband but will NOT be censored.

The institution will censor up to 10% of the outgoing correspondence except as outlined above. All correspondence so censored will be stamped appropriately on the inside flap of the envelope. All uncensored correspondence will be stamped appropriately to signify that it has been "inspected" on the inside flap of the envelope or package.

#### Standards for Censorship

Contents of censored mail may be returned to the resident, or retained by the institution, or deleted from the mailing (the balance of which shall be mailed) where the contents or communications either would or might pose a direct and immediate threat to the security, safety or order of the institution;

or are obscene under applicable constitutional standards; or would or might substantially hinder efforts to treat or rehabilitate the resident; or would otherwise constitute a violation or circumvention of these correspondence regulations or the institution's disciplinary rules and regulations.

Residents may send an unlimited number of letters to individuals of their choice except no correspondence is allowed to the following:

- A. ~~Ex-inmates~~ who are currently under supervision by the ~~State~~ Department of Corrections except members of the ~~resident's~~ immediate family as stated above.

- B. A resident of any penal institution except above listed family members.
- C. To a minor without parental consent except a resident's own child or step-child.
- D. The victims or the family of victims of the crime committed by the resident
- E. Anyone to whom lewd, threatening or similar offensive material has been sent by the resident, until such person requests, in writing, that correspondence again be allowed.
- F. Anyone to whom correspondence is directed with the intent to plot, scheme or conspire to defraud or otherwise unlawfully solicit assistance.

III PUBLICATIONS Residents may receive books, newspapers and periodicals etc., if mailed directly by the publisher or book retailer. Individual issues of publications will be excluded if they contain ~~instructions~~<sup>instructions</sup> on the manufacturing of homemade weapons, bombs, ~~explosives~~<sup>EXPLOSIVES</sup>, escape material, brewing of alcoholic beverages, or if ~~they~~ otherwise contain material which constitutes a direct and immediate threat to the security, safety or order of the institution, or if they contain any material which is deemed obscene under applicable constitutional standards. Prompt written notice will be given a resident if any publications are excluded

for the above reasons. Upon request, the resident will be given an opportunity to discuss the reasons for the exclusion with the Deputy Superintendent for Programs, whose decision shall be final.

Residents of the Diagnostic Reception Center will be permitted to receive only newspaper publications.

On transfer between institutions, it is the resident's responsibility to arrange change of address for newspapers and other publications. The institution does not assume responsibility for forwarding such publications during this interim period but will attempt such forwarding for a reasonable period of time following a resident's transfer.

IV CORRESPONDENCE, SUPPLIES AND POSTAGE The institution shall provide free writing paper and envelopes to all residents. Stamps will be available for purchase. The state will pay postage for up to three (3) pieces of first class domestic mail, weighing one ounce or less (requiring one eight cent stamp) per seven day week for all indigent institution residents. All postage required beyond the limits cited above, and all postage for resident groups or organizations shall be at their own expense.

All outgoing mail must bear the name and address and living quarters of the sender. Incoming bulk mail will not be delivered unless each piece is individually addressed to a resident by name.

V GIFT PACKAGES - INCOMING Residents at all adult correctional institutions, except while in the Diagnostic-Reception Centers, may receive gift packages from those persons whose names appear on the resident's approved visiting list.



No soap, shampoo, toothpaste, deodorants, cigarettes, cigars, tobacco, vitamins or medicines may be included in packages. Food items may be sent only at Christmas and may not be packed in glass containers. A limit of three (3) packages of twenty-five (25) pounds each per resident will be permitted at Christmas time (December 10 - 31).

All Packages will be opened and inspected. Unauthorized packages and contraband contained in packages will be returned to the sender at the resident's expense, if he so agrees. If a resident has insufficient funds or does not authorize the expenditure, disallowed items may be donated to a charity designated by the resident. If the resident does not designate a charity or if the sender does not agree to pay the expense of returning the disallowed items within sixty (60) days of receipt, the institution will dispose of the items as directed by the Deputy Superintendent for Programs. It should be noted that a designated charity must be local.

VI PACKAGES AND MONEY ORDERS (OUTGOING) Residents may send packages of their own non-contraband personal property, or their own properly approved hobby, craft or curio work. Such packages shall be made and sent at the resident's own expense. Residents may not send items to be sold at retail or wholesale. Residents must bring all outgoing packages to the mail room unsealed for inspection. After inspection, the packages may be retained for investigative purposes for a period of ten (10) days. Packages will then be sealed by the mail room staff for mailing.

MAIL REGULATIONS. CONT.

Residents may send money orders to the members of their immediate families or attorneys of record on a routine basis. Requests to send money orders shall be submitted to the Secretary's Office via the Warden's mail box. Requests to send money orders to others than a member of the immediate family or attorney of record will be screened by a committee appointed by the Deputy Superintendent for Programs.

All requests for money orders will be approved and mailed, or disapproved, within a period of five (5) working days.

VII MAIL ROOM Mail Room personnel will make at least daily collections of outgoing mail from locked mail boxes. Such collections will be made Monday through Friday except holidays and pursuant to normal operating conditions.

Incoming first class mail delivered to the institution on Saturdays will be delivered to the residents.

In all cases, incoming and outgoing mail shall be delivered or mailed, as the case may be, with all reasonable dispatch.

Telegrams and special delivery mail shall be delivered to the resident with all possible speed and no later than twelve (12) hours after receipt by the institution.

No mail or packages will be handled by resident personnel.

Under the direction of the Deputy Superintendent for Programs, records will be maintained detailing the date, names and articles involved in the following actions:

1. Incoming and Outgoing Registered, Insured and Certified Mail:

MAIL REGULATIONS - CONT.

- A. The sender's name and address
- B. The addressee's name and address
- C. The date and name of the staff logging such mail

2. Incoming Packages:

- A. Name of the resident
- B. Name and address of the sender
- C. Property receipt describing contents of the package
- D. Date and name of the staff logging package.

3. Outgoing Gifts:

- A. Certificate of mailing, if insured.
- B. Name of sender
- C. Addressee's name and address
- D. Description of Contents
- E. Cost of sending package
- F. Date sent and name of staff logging package.

4. Expenses incurred in the transmittal of mail through the mail

5. ~~Contraband~~ List:

- A. Sender's name and address
- B. Addressee's name and address
- C. Date of receipt
- D. Description of contraband
- E. Disposition of contraband