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UNITED STATES DISTRICT COURT
 DISTRICT OF OREGON
 PORTLAND DIVISION

PRISON LEGAL NEWS, a project of the
 HUMAN RIGHTS DEFENSE CENTER,

Plaintiff,

v.

COLUMBIA COUNTY; COLUMBIA
 COUNTY SHERIFF'S OFFICE; JEFF
 DICKERSON, individually and in his
 capacity as Columbia County Sheriff,

Defendants.

No. CV 12-71-SI

DECLARATION OF KATHERINE
 CHAMBERLAIN IN SUPPORT OF
 PLAINTIFF'S MOTION FOR
 PRELIMINARY INJUNCTION

1 I, Katherine Chamberlain, declare as follows:

2 I am one of the attorneys for Plaintiff Prison Legal News. I am over the age of 18, and
3 am competent to testify.

4 1. Exhibit 1 is a true copy of a webpage of the Columbia County Sheriff's Office,
5 which identifies Defendant Jeffrey M. Dickerson as the Sheriff for Columbia County and
6 identifies "Corrections" as one of the Divisions over which he has responsibility. This webpage
7 was accessed by going to the Sheriff's homepage and clicking on "Inmate Mail" on the left
8 column menu, contains a true copy of the Columbia County Jail "Inmate Mail" policies as of
9 January 10, 2012, and purports to have last been updated on "August 6, 2010." The PDF version
10 of this policy that was available on the Sheriff's website at the time this lawsuit was filed is
11 attached to Plaintiff's Complaint, Dkt. 1, as Exhibit A.

12 2. Exhibit 2 is a true copy of a webpage of the Columbia County Sheriff's Office,
13 Jeffrey M. Dickerson, Sheriff, containing a posted announcement entitled "CCSO Jail
14 Revamping Inmate Mail Policy." The website is dated "Wednesday, 23 December 2009 13:37."
15 The posting purports to quote Sheriff Dickerson explaining the reasons for adopting the
16 Postcards-Only Policy.

17 3. Exhibit 3 is a true copy of an article in The Daily News dated December 22, 2009,
18 entitled "Columbia County Jail to restrict inmate mail to postcards only." The article purports to
19 quote Sheriff Dickerson explaining the reasons for adopting the Postcards-Only Policy. Some of
20 the quotes are identical to those found in Exhibit 2 above.

21 4. Exhibit 4 is a true copy of the Multnomah County Sheriff's Office website
22 regarding "Frequently Asked Questions Regarding Inmate Mail, Funds and Phone Service." See
23 the website page at http://www.mcso.us/public/inmate_mail_FAQ.htm.

24 5. Exhibit 5 is a true copy of the Lane County Sheriff's Office website regarding
25 "Inmate Mail Rules and Regulations." See the website page at [http://www.co.lane.or.us/](http://www.co.lane.or.us/Departments/Sheriff/Corrections/Pages/mailrules.aspx)
26 Departments/Sheriff/Corrections/Pages/mailrules.aspx.
27

1 6. Exhibit 6 is a true copy of excerpts of the Washington State Department of
2 Corrections Policy concerning Mail for Offenders (approved July 25, 2011).

3 7. Exhibit 7 is a true copy of the "Average Daily Population in Prisons-Fiscal Year
4 2011" from the Washington State Department of Corrections website.

5 8. Exhibit 8 is a true copy of excerpts of the mail policy of the U.S. Department of
6 Justice, Federal Bureau of Prisons (dated January 1, 2003), regarding Incoming Publications.

7 9. Exhibit 9 is a true copy of "Quick Facts About the Bureau of Prisons" from the
8 Bureau of Prison's website (last updated on August 27, 2011).

9 10. Exhibit 10 is a true copy of Columbia County Inmate Jail Roster saved on
10 December 28, 2011.

11 11. Exhibit 11 is a true copy of a webpage of the Columbia County Sheriff's Office's
12 website titled "Inmate Mail" as it appeared on the morning of January 24, 2012.

13 12. Exhibit 12 is a true copy of the Federal Bureau of Prison's Office of Research and
14 Evaluation's Report titled "Prison Education Program Participation and Recidivism: A Test of
15 the Normalization Hypothesis" (published in May 1995).

16 13. Exhibit 13 is a true copy of The Urban Institute's Justice Policy Center's Report
17 titled "From the Classroom to the Community: Exploring the Role of Education During
18 Incarceration and Reentry" (published in 2009).

19 14. In compliance with D. Or. LR 7-1(a)(1)(A), the parties have made a good faith
20 effort through telephone conferences to resolve this dispute and have been unable to do so. The
21 parties held three telephone conferences, on January 19, 24, and 27, 2012, during which they
22 attempted to resolve this dispute.

23 15. In addition to the three telephone calls described above, I corresponded with
24 Counsel for Columbia County in two letters and a string of emails in an attempt to resolve this
25 dispute. Those documents are identified below.

26 16. Exhibit 14 is a true copy of a letter dated January 13, 2012 that I sent to County
27 Counsel Sarah Hanson by email and U.S. mail with a courtesy copy of the Complaint, notifying

1 her that we intend to file a motion for preliminary injunction, asking her to arrange a time to
2 discuss our motion in accordance with D. Or. LR 7-1(a)(1)(A), and inviting the County to
3 discuss resolution of this matter entirely. Exhibit 14 also includes a true copy of a proposed
4 Stipulation and (Proposed) Preliminary Injunction that I enclosed with my letter to Ms. Hanson.

5 17. Exhibit 15 is a true copy of an email string between me and Ms. Hanson
6 beginning on January 13, 2012 with my assistant's message sending her my letter dated that
7 same day (delivered on January 17, 2012) and ending with our arranging a time to talk on the
8 telephone on January 19, 2012.

9 18. On January 19, 2012, Sarah Hanson, County Counsel for Columbia County told
10 me in a telephone conference that the Jail had adopted a new mail policy in 2011 that had
11 replaced the policy still posted on the Sheriff's website. Ms. Hanson then faxed a copy of the
12 purportedly new policy to me that day. Exhibit 16 is Ms. Hanson's eight-page fax to me
13 including an Inmate Mail Policy that purports to be "Effective October 21, 2011."

14 19. Exhibit 17 is a true copy of an email string between me and Ms. Hanson
15 beginning on January 19, 2012 with my message shortly after our teleconference that day
16 providing her a copy of the mail policy posted on the Sheriff's website as of that date; arranging
17 the second teleconference to for January 23, 2012; and ending with an email from me dated
18 January 23, 2012, responding to a question posed by Ms. Hanson about how we knew that the
19 prisoners whose mail was censored by the Jail were actually in custody at the Columbia County
20 Jail when PLN sent them mail.

21 20. Exhibit 18 is a true copy of a letter from me to Ms. Hanson dated January 25,
22 2012, recapping our second teleconference on January 24, 2012, and confirming that counsel
23 would be talking a third time on January 27, 2012.

24 21. During the third teleconference between counsel for the parties, which took place
25 on January 27, 2012, new counsel for the Defendants, Greg Roberson, notified me that
26 Defendants would not stipulate to PLN's proposed preliminary injunction. Instead, Mr.
27 Roberson stated that the County would implement a new mail policy.

22. Exhibit 19 is a true copy of an email dated January 27, 2012, from Mr. Roberson to me, attaching the Columbia County Jail's "new" Inmate Mail Policy, and confirming that Defendants will not stipulate to a preliminary injunction.

23. Exhibit 20 is a true copy of the Inmate Mail Policy that Mr. Robertson sent to me that purports to be "Effective January 26, 2012."

24. Exhibit 21 is a true copy of Oregon State Department of Corrections Policy concerning Inmate Mail for Offenders found at Oregon Administrative Rules 291-131-0005 through 291-131-0050. See http://arcweb.sos.state.or.us/pages/rules/oars_200/oar_291/291_131.html.

25. Exhibit 22 is a true copy of Oregon Department of Corrections Inmate Population Profile for 01/01/2012 found at http://www.oregon.gov/DOC/RESRCH/docs/inmate_profile.pdf?ga=t.

I declare under penalty of perjury of the laws of the United States of America and the State of Washington that the foregoing is true and correct to the best of my knowledge.

DATED this 30th day of January, 2012, at Seattle, Washington.



Katherine C. Chamberlain

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on January 31, 2012, I electronically filed the foregoing to the Clerk
3 of the Court using the CM/ECF system which will send notification of such filing to the
4 following:

- 5 • **Marc D. Blackman**
marc@ransomblackman.com, pat@ransomblackman.com
6 • **Gregory R. Roberson**
grr@hartwagner.com, cej@hartwagner.com
7 • **Lance Weber**
lweber@humanrightsdefensecenter.org
8 • **Jesse Wing**
JesseW@mhb.com

9 MACDONALD HOAGUE & BAYLESS

10 /s/ Katherine C. Chamberlain
11 KATHERINE C. CHAMBERLAIN
12 OSB #042580
13 (206) 622-1604
14 Of Attorneys for Plaintiff Prison Legal News
15
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EXHIBIT 1

TO
DECLARATION OF KATHERINE CHAMBERLAIN
IN SUPPORT OF PLAINTIFF'S MOTION
FOR PRELIMINARY INJUNCTION



COLUMBIA COUNTY SHERIFF'S OFFICE

Jeffrey M. Dickerson, Sheriff



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Inmate Mail

Incoming Mail:

Incoming Mail will be only accepted in the form of commercially-produced postcards or a photograph used as a postcard. The mail is delivered to the Sheriff's Office Monday through Saturday, excluding holidays.

Address
Inmate's Name (Booking Number)
Columbia County Jail
901 Port Avenue
St. Helens, Oregon 97051

Prohibited Mail

Effective April 1, 2010 the Columbia County Sheriff's Office is changing the procedures that apply to inmate mail.

MAIL VIOLATIONS:

(Will result in the post card(s) being returned to sender)

- * No Inmate Name
- * Incomplete Return Address
- * Stickers of any kind (Includes address labels)
- * Rubber Inked Stamps
- * Tape
- * Lipstick
- * Colored Pencils
- * Paperclips / Staples etc.
- * Correction Tape / Fluid
- * Crayon
- * Paint
- * Watercolor or colored markers
- * Food / Beverage Stains
- * Perfume / Cologne
- * Any unidentifiable substance

The following mail will not be received or sent from the facility and will be returned to the sender.

1. Mail from one inmate to another at this facility requires a supervisor's approval.
2. Mail that threatens blackmail or extortion.
3. Mail that concerns sending contraband into or out of our jail.
4. Mail that concerns escape plans.
5. Mail that concerns plans for activities in violation of the jail rules.
6. Mail that concerns plans for criminal activity.
7. Mail that contains information which, if communicated, would create a danger of violence or physical harm to a person.
8. Mail that is sensational. Sensationalism is writing or other printed material that poses a threat to the security, safety, or good order of the jail.
9. Mail that contains any contraband materials.
10. No personal packages will be accepted through the mail or by the Sheriff's Office Clerks.
11. Polaroid or other instant developing photographs.
12. Picture frames or picture folders.
13. Photographs larger than 5" x 7".
14. Postage stamps, blank writing paper, or blank envelopes.
15. Mail that contains gang-related writings, drawings, or symbols on the outside of the envelope or letter.
16. Mail that contains a foreign substance, bodily fluid, perfume or cologne.
17. Mail written in code or suspected code.
18. Sexually explicit materials.



Recent Headlines

- [Neighbors Thwart Daytime Robbery near Scappoose](#)
- [CCSO requests public assistance in identifying robbery suspect](#)
- [CCSO Search and Rescue Locates Body of Missing Teen](#)
- [COLUMBIA COUNTY SHERIFF REQUESTING PUBLIC'S HELP TO FIND MISSING WOMAN](#)

Your Personal Safety

- † CCSO for Kids
- † Resourceful Links

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CCSO is on facebook!

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[Informational Video on your Sheriff's Office](#)



Inmate Mail

19. Mail that encourages or instructs in a commission of a crime.
20. Mail falsely labeled "Official Mail."
21. Photographs that are not printed by a professional commercial source (photo labs or kiosks) will not be accepted. (home printer produced pictures on regular paper are not allowed.)
22. Stickers, tape, and return address labels.

Legal Professional Mail Rules:

Inmate legal mail and professional mail rules have not changed.

Publications:

We do not accept magazines. Books must be sent directly from the publisher or bookstore. An inmate may receive no more than three books per month.

Mail Definitions and Frequently Asked Questions:

Incomplete return address: Return address is missing either part of the address or first and last name of sender.

No Inmate Name: Inmate's first and last names are NOT on the post card.

Dead Mailed: There is no return address. In this case the postcard is returned to the Post Office.

What happens to the postcard I send to an inmate when it arrives at the Facility?

After the post card has been cleared through administration, it is reviewed for mail violations. If a violation is found, the Deputy will complete a Mail Violation Form and the mail will be placed in the inmate's property until their release, or it will be returned to the sender.

Can I send a care package to an Inmate?

Inmates housed in the Jail cannot receive care packages of any kind through the mail. Care packages which are not mail in can be purchased through www.columbia.icaredirect.com. We only accept care packages by this method.

Can Inmates have access to Books, Magazines, and Newspapers?

The Columbia County Jail has certain legal publications as well as books for entertainment, and some faith-based materials. Books may be procured from outside the jail, however any such book, hardbound or otherwise, must be sent directly from the publisher or bookstore via the U.S. Mail. Newspapers may be subscribed to in the inmate's name for delivery to the jail.

Magazines: Are not allowed inside the facility.

Religious Materials: Inmates can request a Bible from the Law Library. Inmates can also attend a religious program and receive religious materials from the Columbia County Sheriff's Office Volunteer who facilitates that particular program.

Last Updated on Friday, 06 August 2010 16:48

Valid [XHTML](#) and [CSS](#).

Columbia County Sheriff's Office
901 Port Ave., St. Helens, OR 97051
(503) 366-4611 | Emergencies: Dial 911

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EXHIBIT 2

TO
DECLARATION OF KATHERINE CHAMBERLAIN
IN SUPPORT OF PLAINTIFF'S MOTION
FOR PRELIMINARY INJUNCTION



COLUMBIA COUNTY SHERIFF'S OFFICE

Jeffrey M. Dickerson, Sheriff



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CCSO Jail Revamping Inmate Mail Policy

Wednesday, 23 December 2009 13:37

In an effort to improve efficiency and reduce threats to safety and security by minimizing contraband, the Columbia County Jail is moving to limit incoming and outgoing inmate mail to postcards only, according to Sheriff Jeff Dickerson.

"The processing of inmate mail is very time consuming and labor intensive," Dickerson says. "Additionally, mail coming in sealed envelopes increases the likelihood that contraband will make its way through the security measures we set up.

"Going to postcards will cut down on the time we need to take in that screening process, thus saving the taxpayer the costs involved in that screening."

A number of Oregon Jails are making the transition to postcards beginning in January, with a final implementation date of March 31. On that date, the Columbia County Jail will only accept and mail out inmate mail on postcards. The exception will be for legal and official mail.

"We will begin at the first of the year to replace envelopes and writing paper with postcards in all indigent and intake packets issued to inmates," the Sheriff says. "We will also replace stamped envelopes with postcards on the commissary menu.

"We will spend the first few months of the year, letting people know of this new policy, and on March 31, the only envelope mail allowed to come into or go out of the jail will be official and legal mail."

The Sheriff's Office will be posting the new guidelines in the Sheriff's Office lobby and on the agency website at: www.co.columbia.or.us/sheriff in the coming weeks.



Recent Headlines

- [COLUMBIA COUNTY SHERIFF REQUESTING PUBLIC'S HELP TO FIND MISSING WOMAN](#)
- [Next Town Hall with the Sheriff Slated for Nov. 15](#)
- [UPDATE: COLUMBIA COUNTY HOME INTRUDER IDENTIFIED AND IN CUSTODY](#)
- [Three in Custody, Another Hospitalized after Violent Domestic Dispute in Deer Island](#)

Your Personal Safety

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[Informational Video on your Sheriff's Office](#)



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901 Port Ave., St. Helens, OR 97051
(503) 366-4611 | Emergencies: Dial 911

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EXHIBIT 3

TO
DECLARATION OF KATHERINE CHAMBERLAIN
IN SUPPORT OF PLAINTIFF'S MOTION
FOR PRELIMINARY INJUNCTION

Columbia County Jail to restrict inmate mail to postcards only



Columbia County Jail to restrict inmate mail to postcards only

By The Daily News | Posted: Tuesday, December 22, 2009 8:00 pm

To save time and improve security, the Columbia County Jail soon will limit incoming and outgoing inmate mail to postcards only, Sheriff Jeff Dickerson announced Tuesday.

"The processing of inmate mail is very time-consuming and labor-intensive," Dickerson said in a prepared statement. "Additionally, mail coming in sealed envelopes increases the likelihood that contraband will make its way through the security measures we set up. Going to postcards will cut down on the time we need to take in that screening process, thus saving the taxpayer the costs involved in that screening."

A number of Oregon jails are making the transition to postcards only beginning in January, with a final implementation by March 31, he said. On that date, the Columbia County Jail will only accept and mail out inmate mail on postcards. Exceptions will be made for legal and official mail.

"We will spend the first few months of the year letting people know of this new policy, and on March 31 the only envelope mail allowed to come into or go out of the jail will be official and legal mail."

EXHIBIT 4

TO
DECLARATION OF KATHERINE CHAMBERLAIN
IN SUPPORT OF PLAINTIFF'S MOTION
FOR PRELIMINARY INJUNCTION

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MULTNOMAH COUNTY SHERIFF'S OFFICE



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Frequently Asked Questions Regarding Inmate Mail, Funds and Phone Service

MCDC (Detention Center): 1120 SW 3rd, Portland OR 97204

MCIJ (Inverness Jail): 11540 NE Inverness Dr, Portland OR 97220

How do I send funds to an inmate?

What kind of funds can I send or bring to the jail?

How do I send mail to an inmate?

What kind of mail can I send?

Guidelines for Personal Mail

Guidelines for Legal Mail

Guidelines for Books

Guidelines for Magazines

Undeliverable Inmate Mail

Guidelines for Phone Usage

How can I block my Phone Number?

Inmate Visitation

How do I send funds to an inmate?

You may mail funds through the US Postal Service to one of our facilities.

MCDC (Detention Center): 1120 SW 3rd, Portland OR 97204

MCIJ (Inverness Jail): 11540 NE Inverness Dr, Portland OR 97220

You may drop the funds off at one of our facilities.

MCDC – 7:00 AM to 10:30 PM seven days a week.

MCIJ – 7:00 AM to 9:00 PM Monday through Friday; 07:00 AM to 10:30 PM Saturday and Sunday.

What kind of funds can I send or bring to the jail?

Cash (bring in person, do not mail)

Certified Checks

We do not accept personal checks, credit cards or debit cards.

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How do I send mail to an inmate?

All incoming mail books and magazines will be opened and inspected

You may send mail via the US Postal Service to one of our facilities.

Inmate mail shall not be held for more than twenty-four (24) hours, excluding weekends and holidays.

You may come in person to fill out an "Inmate Memo Form" which can be sent through MCSO inter department mail to the inmate.

Delivered Daily

MCDC – 7:00 AM to 7:00 PM Monday thru Friday/7:00 AM to 10:30 PM

Saturday and Sunday.

MCIJ - 7:00 AM to 10:30 PM Monday through Friday; 3:30 PM to 10:30 PM Saturday and Sunday.

What kind of mail can I send?

Personal Mail

Legal Mail

Books

Magazines

Contraband Mail

It is a felony to introduce contraband into a correctional facility. The Enforcement Division of the Sheriff's Office will investigate such activity or suspected activity for prosecution. Any mail that contains unacceptable enclosures will be returned to the sender. The entire piece of mail will be returned if any part is unacceptable by facility regulations.

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Guidelines for Personal Mail:

Acceptable Items

- Letters
- Photos of an appropriate nature
- Funds of an appropriate nature

Unacceptable Items

- Escape Plans
- Flammable materials
- Polaroid photos or any photo with stiff backing
- Drugs or drug paraphernalia
- Weapons, explosives, and /or any materials used in making weapons/explosives.
- Pictures, photos, motivational materials and greeting with stiff backings or larger than 8 ½ x 11.
- Books, leaflets, bibles, or pages/clippings of these items.
- Magazines other than acceptable publications directly from the publisher.
- Personal checks, stamps, pens, bus passes, stickers, or calling (phone) cards.
- Envelopes unless official self-addressed.
- Material containing portrayals of sexual activity or nudity (material displaying uncovered genitalia or female breasts;
- Inflammatory material if it constitutes a direct threat to the security and safety of the facility (as defined by MCSO Operational Procedures).
- Any device capable of storing electronic media (videotapes, cassettes, CD ROMS, and computer disks.
- Any foreign substance (i.e. perfume, tape, stickers, labels, glue, crayons, glitter, lipstick, body fluids, or any other foreign substance on the envelope or within the contents.
- Attachments to the envelope of contents such as labels, stickers, and scrap book items, etc.

Mail that contains nuisance contraband shall:

Be returned in its entirety to the sender or sent to the Dead Letter Office in San Francisco if lacking a return address.

Nuisance contraband found in the mail being sent to an inmate that originated from another inmate within Multnomah County Sheriff's Office facilities shall not be given to or stored for any inmate.

Inmates are subject to disciplinary process for misuse of mail per the Inmate manual.

[back to top](#)**Guidelines for Legal Mail:**

- Incoming clearly marked official mail will be opened and searched for contraband in the inmates' presence.

Guidelines for Books:

Books must be sent directly from the publisher or approved retailer via US Postal Service or they will be rejected and returned. Below are examples of approved retailers:

www.amazon.com
www.barnesandnoble.com
www.powells.com

As we receive books from other retailers, if it is questionable the OIC will make the decision or exception on a case by case basis.

- No bulk rate, third or fourth-class mail, junk mail, or packages shall be accepted.
- Publications shall clearly be in unaltered form and shall be subject to review.
- Publications must be prepaid from outside funds.
- Hard and soft covered books are acceptable but soft cover is highly recommended.
- Books cannot exceed 8 ½ x 11 inches and two (2) pounds.
- Ordered books will count towards the inmates four (4) book and magazine total. If an inmate receives a new book or magazine and that total exceeds the four (4) book limit, excess books or magazines must be donated to general inmate circulation.
- Inmates who are on disciplinary segregation will not receive their publications but will have them stored with the rest of their personal items; books in excess of four (4) will be returned to sender.
- Inmates moving within Multnomah County facilities are permitted to keep their four (4) publication limit.
- Inmates transported outside of Multnomah County facilities must donate their books to general use.

[back to top](#)**Guidelines for Magazines:**

- Magazines must be sent directly from the publisher or approved retailer via US Postal Service.
- Publications shall clearly be in unaltered form and shall be subject to review.
- Publications must be prepaid from outside funds.
- Ordered magazines will count towards the inmates four (4) book and magazine total. If an inmate receives a new book or magazine and that total exceeds the four (4) book limit, excess books or magazines must be donated to general inmate circulation.
- Inmates who are on disciplinary segregation will not receive their publications but will have them stored with the rest of their personal items; books in excess of four (4) will be returned to sender.
- Inmates moving within Multnomah County facilities are permitted to keep their four (4) publication limit.
- Inmates transported outside of Multnomah County facilities must donate their books to general use.

Unacceptable Books, Magazines, newspapers and Periodicals include:

- Items which contain instructions for the manufacturing of explosives, drugs, weapons or other unlawful substance;

- Incites, aids or assists an inmate to attempt escape, riot or disrupt Facility order and security;
- Contains portrayals of sexual activity or nudity (material displays uncovered genitalia or female breasts);
- A type that has demonstrably caused violence or other disruption of Facility security;
- Advocates racial, religious, national or other hatred in such a way so as to create serious danger of violence or other disruptive activity in the Facility;
- Encourages sexual behavior which is criminal or in violation of institution rules or detrimental to inmate programs;
- Violate state law;
- Promotes a hostile work environment.

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Undeliverable Inmate Mail:

- Shall be forwarded to the current address on file if the inmate has been transferred or released to another jurisdiction or Facility;
- Returned to sender if the inmate address is unknown.
- Sent to the US Postal Service Dead Letter Office if a return address is not available.

Guidelines for Phone Usage:

Inmates have access to a listing of free calls to public defenders, official agencies, parole and probation officers and certain private attorneys in each housing area. Calls made to any of these numbers are free of charge.

- Attorney/legal calls are to be made during scheduled walk times.
 - Personal phone calls are subject to monitoring.
 - Three way or third party calls are not permitted. Detection by our phone system will result in termination of the call.
 - The inmate will have to contact you via collect telephone call during their walk time; you cannot call the inmate.
 - The inmate telephone system has usage guidelines, limiting the total minutes and call attempts.
 - Each call is automatically charged at the designated rate per call to the phone number, which accepts the collect call.
- Each personal call is programmed to last no more than fifteen (15) minutes.

To set up a phone account, contact Correctional Billing Services (CBS) is responsible for addressing any billing or inmate telephone service issues faced by the friends and family of the inmates.
1-800-844-6591 Toll-Free Number

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If an inmate is using the telephone to harass or threaten another person and you would like to report this, please contact the specific facility the inmate is housed in immediately:

Justice Center Jail (503) 988-3689

Inverness Jail (503) 988-5060

The facility will act on any urgent matter immediately.

A telephone number may be blocked:

At the request of the called party by striking 6 on the phone keypad when you receive a call.

Non-payment to local phone company or inmate telephone provider.
Exceeding daily, weekly or monthly-established dollar/credit amount limits.

Receiving caller attempting a three-way call (phone number becomes automatically blocked).

Court order, request from police, staff, or victims.

To place a block on your phone number, click [HERE](#)

Visiting Guidelines:

The inmate must place you on their visiting list prior to your visit.

You may contact the inmate through a letter via US Postal Service,

Inmate Memo Form or if they contact you via telephone.

For more complete information regarding visiting see our [visiting guidelines](#)

[back to top](#)

MULTNOMAH COUNTY SHERIFF'S OFFICE

WEBMASTER

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EXHIBIT 5

TO
DECLARATION OF KATHERINE CHAMBERLAIN
IN SUPPORT OF PLAINTIFF'S MOTION
FOR PRELIMINARY INJUNCTION

INMATE MAIL RULES AND REGULATIONS

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Mail sent between currently incarcerated inmates within this facility or any other correctional facility will no longer be accepted or forwarded. Mail intended for other inmates to be forwarded via 3rd parties will also not be allowed. Failure to follow this rule may result in inmate discipline.

Exceptions to the rule may be requested if the other inmate is an immediate family member or the correspondence is strictly legal in nature.

**All correspondence must go through the U. S. Mail.
Unacceptable mail will be returned to sender.**

Correspondence is encouraged. It is important for all concerned to communicate and the best means to accomplish this is through the mail. Security staff is required to inspect both incoming and outgoing mail. This generally does not include reading the mail, but the reading of mail may occur when there are concerns for inmate and/or facility safety and security, violations of law or when there is a requirement that the behavior of an inmate be monitored.

Addressing Correspondence to an Inmate at the Lane County Jail:

Offenders Full Name & AIRS Number (*Number can be obtained by calling 541-682-2101*)
Lane County Adult Corrections
 101 West 5th Avenue
 Eugene, OR 97401-2695

Letters are required to have a valid return address.

Postage- Offenders must purchase pre-stamped envelopes through the commissary. If an offender is completely without funds and is considered indigent he or she may order and receive, through commissary, two stamped envelopes per week.

Packages Containing Personal Property- Unless previously authorized by a supervisor, packages addressed to inmates lodged in the Main Jail containing personal property or clothing will be returned to the sender. Packages addressed to Forest Work Camp or Community Correction Center offenders will be forwarded to those locations and processed according to their program rules and specifications.

Books, Magazines and Newspapers- Numerous books and magazines are available to offenders within the common areas of the housing units. Acceptable publications **MUST** be pre-paid, new, soft bound and mailed to the offender directly from a verifiable commercial publishing source or distributor. Publications will not be accepted if mailed or delivered by a second party. Receipt of these items will include a complete inspection or examination for any illegal substance, unacceptable text or any other form of contraband. Lane County is not responsible for the cost incurred for returning unacceptable items. The offender may be charged for the return of unacceptable items.

Acceptable Items- Items that can be received by mail include acceptable publications, written correspondence, plain cards, most photocopies, drawings made of pencil or regular ink and standard photographs (4x6 or smaller, no more than 10 at a time, non-Polaroid).

Unacceptable Items- Items received that include any of the following materials will be refused in their entirety and returned to the sender.

1. Material unacceptable for regular mailing with the US Postal Service.
2. Material that may incite violence or discrimination, based on race, religion, creed or nationality or which may create danger of violence and physical harm.
3. Prohibited items may also include but are not limited to those that contain escape plans, criminal conspiracies, threats of extortion, plans for making weapons, attempts at assaults or plans for introducing contraband.
4. Material that is likely to produce or incite lawless action. Lawless action includes escape, violence, riots or anarchy. Material that depicts methods of manufacturing firearms, explosives or other weapons or that approves their use in a disruptive or illegal manner. Any material that contains life-size and realistic replicas of firearms or other weapons.
5. Material that, if delivered, could compromise the safety or security of this facility, personnel or inmates.

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6. Nude photos or other pictorial depictions of genitalia, including women's breasts. This policy prohibits publications containing photographs or drawings depicting sex, excretion, sadism, masochism, or other material beyond the customary limits of decency.
7. Catalogs, advertisements, brochures, promotional materials, pamphlets, sweepstakes, contests, and other materials where the primary purpose is to sell a product or service and when taken as a whole, lacks serious literary, artistic, religious, political, educational or scientific value are prohibited.
8. Credit or deferred billing transactions: mail involving credit or deferred billing (e.g. "bill me later" or "payment after delivery") transactions for the purchase of/subscription to publications (books, newspapers or magazines) or other items or merchandise is prohibited. Mail prohibited under this subsection includes:
 1. Outgoing requests or purported agreements to enter into a credit or deferred billing transaction.
 2. Incoming publications or other items or merchandise, including promotional (e.g. free gift or premium) items given in exchange for purchase of subscription, which are accompanied by a billing or other statement requiring payment upon delivery or at a later date.
10. Otherwise acceptable mail or publications containing a business reply envelope or reply card will be distributed to you after the envelope or reply card has been discarded.
11. Other examples of prohibited items are: newspaper and magazine clippings; most catalogs; stickers; scratch-and-sniff paper; bookmarks or business cards made with any material other than standard paper cardstock; glitter; drawings made with crayon, colored pencils or other types of art medium; food items; glue; tape; paper clips; rubber bands; cards with glitter, glue or plastic fronts that cannot be inspected; postage stamps; envelopes; blank writing paper or cards; unofficial or decorative ink stampings; etc.
12. Any substance that is foreign to authorized mail items including lipstick, crayon, watercolors, paint, correction fluid, unknown stains, perfume/cologne, etc. is prohibited.

Administrative Review- Pursuant to Lane County Adult Corrections Policy and Procedures, a sender who has received a Mail Violation Notice may obtain an independent review of the rejection of correspondence by writing to the attention of the Security Supervisor at 101 West 5th, Eugene, Oregon 97401-2695, and requesting an administrative review.


Administrative review shall be available to the intended inmate recipient only for correspondence rejected because of its written or pictorial content. A request for an administrative review must be in writing and be received within 7 days of the date of the notice, and should specify the reason(s) the rejection should not be sustained. The rejected correspondence and/or prohibited item(s) must be submitted with the review request. If no review is requested, the sender may correct or remove the portion of mail that violates the Lane County Adult Corrections rules and send the non-violating mail back to the offender.

Any person supplying contraband into a corrections facility is subject to criminal prosecution in accordance with ORS 162.185.

EXHIBIT 6

TO

DECLARATION OF KATHERINE CHAMBERLAIN
IN SUPPORT OF PLAINTIFF'S MOTION
FOR PRELIMINARY INJUNCTION

 STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS POLICY	APPLICABILITY PRISON OFFENDER/SPANISH MANUALS		
	REVISION DATE 7/25/11	PAGE NUMBER 1 of 16	NUMBER DOC 450.100
	TITLE MAIL FOR OFFENDERS		

REVIEW/REVISION HISTORY:

Effective: 2/1/83 DOC 450.020	Revised: 5/1/04
Revised: 9/1/83	Revised: 1/22/07
Revised: 10/24/83	Revised: 4/26/07 AB 07-013
Revised: 2/20/84	Revised: 6/7/07 AB 07-016
Revised: 11/6/87	Revised: 7/30/07 AB 07-022
Revised: 1/1/92 DOC 450.100	Revised: 9/12/07 AB 07-028
Revised: 11/1/92	Revised: 5/19/08
Revised: 11/1/93	Revised: 8/11/08 AB 08-022
Revised: 12/27/93	Revised: 10/1/09
Revised: 11/1/94	Revised: 12/31/09
Revised: 1/10/99	Revised: 9/1/10
Revised: 1/5/00	Revised: 7/25/11

SUMMARY OF REVISION/REVIEW:

I.E.1. and IV.B.3. - Added eMessage applicability
 II.A., IV.A.3., V.E.2., VII.B.1., VIII.B., XI.B. - Added clarifying language
 II.A.5., IV.A.1.b., VIII.A.1. & C., IX.A.2.b., XI.F. - Adjusted language for clarification
 IV.A.1.a.1) - Added that money orders without a DOC number may be accepted if the information can be easily confirmed from the envelope
 Added IV.B.1.a.3) that outgoing offender mail may not contain letters/documents from another offender
 VII.B.2.a. - Adjusted that the Superintendent's decision may be appealed to the Assistant Secretary for Prisons/designee
 VIII.A.2. - Adjusted allowances for used books
 VIII.D.1. - Adjusted that rejected publications will be sent to the Publication Review Committee
 Added VIII.D.2.a. on instructional CDs/DVDs included in publications
 Several adjustments to Attachment 1


APPROVED:

Signature on file

ELDON VAIL, Secretary
 Department of Corrections

6/21/11

Date Signed

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REFERENCES:

DOC 100.100 is hereby incorporated into this policy; RCW 72.02.260; RCW 72.09.450; WAC 137-36; WAC 137-48; ACA 4-4275; ACA 4-4487; ACA 4-4488; ACA 4-4489; ACA 4-4490; ACA 4-4491; ACA 4-4492; ACA 4-4493; ACA 4-4494; ACA 4-4495; ACA 4-4496; DOC 200.000 Trust Accounts for Offenders; DOC 200.210 Facility Offender Stores; DOC 280.510 Public Disclosure of Records; DOC 290.100 Patents, Copyrights, and Royalties; DOC 420.375 Contraband and Evidence Handling; DOC 440.000 Personal Property for Offenders; DOC 450.050 Prohibited Contact; DOC 450.120 Packages for Offenders; DOC 590.500 Legal Access for Offenders


POLICY:

- I. The Department has established procedures governing mail services for offenders, defining staff responsibility for managing mail and maintaining safety and security of the public, staff, offenders, and facilities. [4-4487]

DIRECTIVE:

I. General Requirements

- A. Offenders will be responsible for informing their correspondents regarding the rules governing offender mail, including legal mail.
- B. When the offender bears the mailing cost, there is no limit on the volume of letters s/he can send or receive, or on the length, content, or source of mail or publication, except when there is reasonable belief limitation is necessary to protect public safety or facility order and security. [4-4488]
- C. An offender's writing privileges to a particular person or group may be withdrawn for the following reasons:
 1. At the request of the recipient,
 2. If the recipient is a minor and his/her parent or guardian has requested, in writing, that the privilege be terminated,
 3. To comply with a court ordered restriction, or
 4. For specific cause supported by criteria in this policy.
- D. Offender mail will not be processed or handled by offenders other than the writer or the offender to whom the mail is sent.

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E. [4-4495] Excluding weekends and holidays or emergency situations (i.e., incidents which create a significant disruption of normal facility or Department procedure, policy, or activity caused by riot, escape, fire, natural disaster, employee action, or other serious incident), mail will be processed as follows:

1. Incoming first class mail and eMessages will be distributed to the offender within 48 hours of receipt,
2. Outgoing first class mail will not be held for more than 48 hours, and
3. All other mail will be delivered to the offender within 3 to 5 days.

II. Correspondence Between Incarcerated Offenders

A. There will be no correspondence between offenders confined in a correctional facility in state, Out-of-State, or out of the country, directly or indirectly, except as approved in writing by the appropriate Superintendents/jail administrator or designees. This includes, but is not limited to, Prisons, Work Releases, jails, juvenile facilities, federal correctional centers, and detention facilities. Mail to and from residents of the Special Commitment Center is allowed.

1. Offender to offender correspondence will not be considered, unless:
 - a. The offenders are immediate family members,
 - b. The offenders have a child together, as proven through a birth certificate, and only if the parental rights of neither parent has been terminated by the court or the Department of Social and Health Services,
 - c. The offenders are co-parties in an active legal matter, or
 - d. One offender is providing a relevant witness statement in the other offender's active legal matter.
2. An offender requesting correspondence with another offender will complete DOC 21-746 Request for Offender to Offender Correspondence Approval and submit it to his/her Counselor/Community Corrections Officer (CCO).
 - a. The Counselor/CCO will verify the request meets policy requirements and forward the request to the Superintendent/designee for a final decision.
3. If an offender has been approved to correspond with another offender, the approval may be accepted by any receiving facility upon the offender's


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transfer. Documentation of such approval will be maintained in the offender's central file and a copy sent to the mailroom. The approval may be revoked for cause.

4. A termination date will be set for offender to offender correspondence for co-parties in an active legal matter or for the purpose of providing a witness statement. When this expires, offenders must establish that the basis for correspondence is still active.
 5. Each piece of offender to offender correspondence, excluding legal mail, will be read and approved/denied by the Superintendent/designee. Incoming offender to offender legal mail will be opened in the presence of the offender per legal mail procedures.
 6. Approved correspondence with co-party offenders and witnesses or prospective witnesses will be specifically limited to the legal matter involved. Other than brief greetings, the mail will not include correspondence of a personal nature, discussions of other litigation, or other communications not directly related to the legal matter involved.
 7. In cases where approved co-party communications contain documented security concerns, the Superintendent may seek permission through the appropriate Deputy Director to deny further communications.
- B. Mail received from organizations that specialize in facilitating offender to offender correspondence will be rejected.

III. Inspection

- A. [4-4491] [4-4493] [4-4494] Designated facility staff are authorized to inspect and read incoming and outgoing mail to prevent:
 1. Receiving or sending contraband or any other material that threatens the security and order of the facility through the mail, and
 2. Criminal activity.
- B. Mail will not be censored to eliminate opinions critical of Department policy or staff. [4-4491]
- C. [4-4493] Cash or personal checks will be logged and processed for return/disposal per the Rejection of Incoming and Outgoing Mail section of this policy. Other checks and money orders will be logged and sent directly to the facility Business Office for processing. Receipts will be prepared immediately and forwarded to the offender with the incoming mail.


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IV. Content and Structure of Offender Mail


A. Incoming Offender Mail

1. United States Postal Service (USPS) Mail

- a. Mail sent to offenders via the USPS will be addressed with the full committed name and DOC number. Staff will make reasonable efforts to identify the offender for whom the mail is intended. Mail not adequately addressed and for whom the intended recipient cannot be identified will be returned to the sender with the reason for return noted on the outside of the envelope.
 - 1) Money orders received in mail to offenders must have the receiving offender's name and DOC number on them. Money orders without a DOC number may be accepted if staff can easily confirm the information from the envelope. Offenders are responsible for writing their name and DOC number on all other enclosures (e.g., photographs, newspaper clippings, etc.) immediately upon receipt.
 - 2) Mailroom staff will remove enclosures such as social security cards, marriage/birth/death certificates, and visitor questionnaires and forward to staff designated by the Superintendent (e.g., Visiting Sergeant, Records Manager, etc.) for processing and/or safekeeping. The offender will receive a receipt for the removed item and notice of its disposition.
 - 3) Incoming mail must contain only correspondence/property for the addressed offender. Correspondence/property for a third party is not permitted.
 - 4) Address labels on the outside of the envelope are allowed unless the facility can note or document a security concern.
- b. Incoming mail for offenders must have a return address as defined by the USPS, including an identifiable first and last name. Mail without a return address will be rejected. The intended offender will be notified of the rejection on DOC 05-525 Mail Rejection Notice and will be given the opportunity to provide an address to return the item at the offender's expense.

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- c. Any attempt to use the mail to disseminate large amounts of information to a facility's entire offender population is inherently suspect. If the Superintendent has reasonable cause to believe an attempt is intended to cause disruption or otherwise threaten the order and security of the unit or the facility, the mass mailing material will be restricted.
 2. eMessages
 - a. eMessages that cannot be delivered to an offender will be returned to sender.
 3. Mail in a foreign language will be handled per Attachment 1 of this policy.
- B. Outgoing Offender Mail
 1. United States Postal Service (USPS) Mail
 - a. Letters sent by offenders via the USPS must have a complete return address that includes the full committed name, DOC number, housing assignment, and the full name and address of the facility. The return address may include any other legal name, as long as it is listed below the offender's full committed name. The offender is responsible for instructing his/her correspondents to use the correct address as posted on the return address of the offender. Envelopes will be stamped with the following or similar message: "This was mailed by an offender confined at a Washington State Department of Corrections facility. Its contents are uncensored."
 - 1) The salutation/opening of correspondence other than legal mail must contain the name of the person that appears on the envelope.
 - 2) Offenders must use a kite or the USPS to correspond with staff. Offender use of campus or inter-office mail is prohibited.
 - 3) Outgoing mail from an offender must contain only his/her correspondence/property. Correspondence/property from a third party is not permitted.
 2. eMessages

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- a. Offenders must agree to the terms of service to use the JPay eMessaging system. eMessaging will only be available through the secured JPay kiosks and must be routed through the secured JPay site.
3. Letters and eMessages from offenders must be written in English, unless the offender or recipient is unable to correspond in English. Letters and eMessages in languages other than English may be reviewed by an approved and certified translator.

V. Legal Mail

- A. Offenders have the right to correspond by means of legal mail. Legal mail must meet all of the following requirements:
 1. Legal mail must be:
 - a. Correspondence to or from courts and court staff, attorneys, the Indeterminate Sentence Review Board (ISRB), established groups involved in the representation of offenders in judicial proceedings (e.g., American Civil Liberties Union, Disability Rights Washington, legal services groups, etc.), the President or Vice President of the United States, members of the United States Congress, embassies and consulates, the United States Department of Justice, state attorneys general, governors, members of the state legislature, law enforcement officers in their official capacity, the Washington State Office of Financial Management's Tort Claims Division, and the Prison Rape Elimination Act Unit at Headquarters, or [4-4275] [4-4492]
 - b. Mail between offenders verified to be co-parties to the same legal proceeding who have been approved for offender to offender correspondence, which contains personal legal documents/papers and/or a legal pleading.
 2. Legal mail must be hard copy. eMessages will not be processed as legal mail.
 3. Incoming mail must have the return address on the front of the envelope clearly indicating that it is from one of the above listed sources.
 4. The front of the envelope must be clearly marked "Legal Mail", "Attorney/Client", "Confidential", or similar designating the item as legal mail.

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- a. Mail readily identifiable as being from a court will be handled as legal mail regardless of whether it has been marked legal mail.
- B. [4-4492] Incoming legal mail will be opened in the presence of the offender by designated correctional staff and outgoing legal mail will be sealed in the presence of staff. Staff will be authorized to inspect the contents of the legal mail to ensure they:
 1. Do not contain contraband or any other material that would threaten the security and order of the facility, and
 2. Meet the policy requirements for legal mail. If there is a question whether the mail qualifies as legal mail, it may be retained for not more than 24 hours, excluding weekends and holidays, to resolve the question.
- C. Legal mail containers that permit mailing of 8" x 11" envelopes will be provided in designated areas.
 1. Outgoing legal mail will be handled as follows:
 - a. Offender presents the documents and envelope to staff,
 - b. Staff determines the documents are legal mail and there is no contraband,
 - c. Offender seals the envelope,
 - d. Staff signs or initials over the sealed flap of the envelope,
 - e. Staff logs out the mail in the presence of the offender, and
 - f. Staff observes offender deposit envelope in the legal mail container, or offender observes staff deposit envelope in the legal mail container.
 2. Staff will ensure that outgoing legal mail procedures are followed in the Intensive Management Unit (IMU)/Segregation.
- D. Offenders are required to demonstrate to the appropriate Superintendents/designees that they are co-parties in an active legal matter in order for offender to offender mail to be handled as legal mail.
 1. A copy of the pleading that was submitted to the court with the cause number assigned must accompany such verification requests. Upon verification, the Superintendent/designee will notify the mailroom and/or other Superintendents, as necessary.

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2. Offender to offender legal mail will be scanned, but not read, with closer scrutiny than other legal mail to ensure the correspondence relates solely to legal issues and otherwise complies with this policy.
- E. Video/audio recordings of offender court proceedings and ISRB hearings may be received through the mail directly from the court/ISRB.
1. Video recordings will not be retained by the offender, but will be handled per DOC 590.500 Legal Access for Offenders.
 2. Audio/data CDs may be retained by the offender, provided the CDs have an approved identifying label or emblem containing the offender's name and DOC number.
 3. Recordings will not be available for downloading through JPay.
- VI. Unauthorized Mail
- A. [4-4491] Mail to or from offenders will be rejected based on legitimate facility interests of order and security and/or for any reason identified in Unauthorized Mail (Attachment 1).
 - B. An item printed off the Internet will not be automatically rejected.
 - C. Offenders will not send photocopies in outgoing mail, unless it has been determined the photocopies have been paid for in advance by the offender through appropriate processes identified in facility operational memorandums regarding photocopies, DOC 280.510 Public Disclosure of Records, and DOC 290.100 Patents, Copyrights, and Royalties, or unless the copy has been received by the offender through normal facility channels. Photocopies will not be sent from offender to offender unless they meet the criteria for offender to offender legal mail.
 - D. Offenders may not attach files to outgoing eMessages.
- VII. Rejection of Incoming and Outgoing Mail
- A. If any portion of an offender's incoming or outgoing mail is rejected, mailroom staff will provide written notice to the offender and the sender using DOC 05-525 Mail Rejection Notice or, for rejected eMessages, an equivalent electronic notice. [4-4491] This notice will:
 1. Include the reason for the rejection.
 2. Inform the offender and sender that:

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- a. S/he has the right to appeal the rejection of incoming mail to the Superintendent/designee, in writing, within 10 calendar days of the initial rejection decision,
 - b. Rejected outgoing written correspondence is automatically reviewed by the Superintendent and Secretary/designee and does not require an appeal request, and
 - c. It is the offender's responsibility to notify the mailroom of an appeal for incoming mail to ensure the rejected item(s) are kept secured until the appeal process is completed.
3. Include the name and address of the sender.
- B. The Superintendent's designee will review the rejection within 10 calendar days of the initial rejection decision and either uphold the rejection or allow delivery. If rejection is upheld, the Superintendent/designee will notify the offender on DOC 05-525 Mail Rejection Notice.
1. For rejected outgoing offender correspondence, the Superintendent will forward the letter or eMessage to the Secretary's designee (i.e., the Correctional Manager responsible for Department offender mail operations), who will affirm or reverse the action taken at the facility and notify the offender in writing. Correspondence sent for review will be returned to the sending facility to:
 - a. Mail to the addressee within 7 days of receipt if the rejection is overturned, or
 - b. Retain in a separate file for 2 years if the rejection is upheld, after which it will be destroyed.
 2. For all other mail, if the offender and/or sender appeals, the Superintendent/designee will affirm or reverse the action taken at the facility and notify the offender and/or sender, in writing, within 10 working days of receipt of the written request.
 - a. The offender and/or sender may appeal the Superintendent's decision, in writing, to the Assistant Secretary for Prisons/designee within 10 calendar days of the decision.
 - 1) Offenders may use DOC 21-757 Appeal of Mail Rejection to notify the mailroom an appeal has been made.

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- b. Upon receipt of the appeal, the Assistant Secretary for Prisons/ designee will affirm or reverse the action taken at the facility and notify the offender or sender, in writing, within 10 calendar days of receipt of the written request.
- C. Incarcerated offenders will be financially responsible for disposing of their unauthorized incoming mail by sending it to a non-incarcerated person designated by the offender, at the offender's expense, within 30 days of receipt of the final rejection decision.
 - 1. If the offender is without funds, refuses to pay the required postage, or refuses to designate an individual to receive the items, such items will be donated to charity or destroyed.
- D. If any contraband or illegal item is found within the outgoing correspondence, it will be handled per DOC 420.375 Contraband and Evidence Handling, and the remaining documents will be sent for review after administrative processes have occurred.


VIII. Publications Received by Offenders [4-4490]

- A. Offenders may receive publications as follows, provided they meet the requirements of this policy and facility requirements regarding property retention:
 - 1. Offenders may receive new books, newspapers, and other publications sent directly from the publisher.
 - 2. Offenders may receive used books from a non-profit organization as approved by the Superintendent. Offenders housed in stand-alone minimum facilities may also receive used books from a publisher or approved vendor.
- B. Multiple copies/subscriptions will not be allowed. Offenders may receive only one copy of each book, newspaper, magazine, or other publication (e.g., calendars, posters, etc.).
- C. Books, magazines, and other publications will be rejected for offenders housed in the Reception Diagnostic Centers due to their transient placement.
- D. Publications will be rejected for reasons outlined in Unauthorized Mail (Attachment 1).
 - 1. Publications deemed a threat to legitimate penological objectives, or sexually explicit per Attachment 1, must be immediately sent to the

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Publication Review Committee at Headquarters for a decision on rejecting the publication Department wide.

- a. Mailroom staff will complete and submit DOC 05-809 Publication Rejection Notice along with the publication.
 - b. The decision made regarding a particular issue of a publication will be binding for all Prisons. The Headquarters Correctional Manager will issue a Department wide notice when the decision is made.
 - c. Decisions regarding Department wide publication and catalog rejection may be appealed to the Assistant Secretary for Prisons/ designee.
2. Items such as product samples, CDs, DVDs, etc., will be removed from publications and discarded before delivering to the offender, if they can be removed without altering the publication. If the item cannot be removed without altering the publication (e.g., tearing a page from the publication), or if the item potentially has value (e.g., CDs included with books), the entire publication will be restricted.
- a. Exceptions will be made for publications with an instructional CD included (e.g., "how to" books, lesson/learning CDs). DVDs will not be allowed. However, offenders will be allowed to send the DVD out at their own expense.
 - b. Blown in flyers may be removed based on staffing resources.
- E. No publications will be withheld solely on the basis of their appeal to a particular ethnic, racial, religious, or political group or sexual orientation.
 - F. Items found in an offender's possession/cell that violate the requirements of this policy will be confiscated per DOC 420.375 Contraband and Evidence Handling.
 - G. If subscription mail is rejected because of an offender's custody level, s/he will be notified on DOC 05-525 Mail Rejection Notice.
 - H. Subscription publications will be held for at least 90 days for offenders in IMU who are not permitted to possess subscription publications due to their custody level. If an offender does not promote to a custody level permitting receipt of subscription publications within 90 days, the publication(s) will be disposed of per the Rejection of Incoming and Outgoing Mail section of this policy.

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- I. Offenders may receive gift subscriptions and/or publications from any party other than another offender, or the friends or family of another unrelated offender.

1. While an offender may be the beneficiary of a gift subscription and/or publication, the offender may be temporarily deprived of actual receipt or possession of the publication while in IMU or Segregation, or if s/he is subject to other restrictions regarding property, consistent with the specific temporary property restrictions placed on the offender.

IX. Forwarding Mail

A. First Class Mail

1. Offenders are responsible for informing their correspondents, including publishers, of any change of address.
2. [4-4496] Facilities will forward first class mail for a period of 90 days, consistent with USPS regulations, if the offender has provided the facility with a forwarding address.
 - a. Legal mail will be forwarded daily. Mailroom staff will log the items forwarded and the address to which they were sent.
 - b. Other mail will be forwarded at least weekly.
 - c. Mail for offenders out to court will be forwarded to the county jail where they are being held.
3. If mail is unopened, the new address will be noted on the envelope and returned to the USPS for forwarding. State funds will not be used to forward unopened mail.
4. Opened mail will be placed in an envelope and mailed to the new address at the facility's expense.

B. eMessages

1. eMessages will not be forwarded unless the offender:
 - a. Has transferred to another facility with JPay services, and
 - b. Is eligible to receive eMessages at the receiving facility.
2. eMessages will be forwarded in electronic format.


X. Mail Records

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	APPLICABILITY PRISON OFFENDER/SPANISH MANUALS		
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- A. The Superintendent/designee will be responsible for maintaining a continuous chronological written record of the following types of incoming and outgoing offender mail:
1. Legal mail,
 2. Packages, and
 3. Items of monetary value (e.g., money orders, cash, cashier's checks, etc.).
- B. The continuous written record will show:
1. Source,
 2. Destination,
 3. Date received/sent,
 4. Description,
 5. Printed name and initials of staff person distributing, and
 6. Signature and printed name of offender receiving/sending legal mail, packages, or items of monetary value.
- C. The continuous written record books will be maintained in the mailroom, living unit office, or mail sorting area by the staff designated by the Superintendent to handle mail delivery, receipt, and control.


XI. Mail Costs

- A. Offenders must pay for their own mail costs.
1. Offenders will purchase pre-franked envelopes at cost from the facility offender store to mail first class, one ounce letters. Offenders may possess up to 40 pre-franked envelopes. Envelopes may not be used as currency.
 - a. Offenders will use DOC 02-003 Postage Transfer for additional postage fees.
 2. Offenders will purchase eStamps through the secured JPay kiosk to use the JPay eMessaging system.
- B. Non-indigent offenders will be allowed to incur a postage debt for outgoing legal mail. Specialized services (e.g., certified, return receipt requested, etc.) will not be authorized.
- C. Offenders will be permitted to receive and use pre-paid envelopes if they are received from vendors or public agencies for the purpose of direct return mail service. Direct return mail envelopes with altered addresses will be treated as

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	APPLICABILITY PRISON OFFENDER/SPANISH MANUALS		
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contraband and are prohibited for outgoing mail. This does not include pre-addressed envelopes that require the addition of postage.

- D. Mail arriving at the facility with postage due may, at the Superintendent's option, be delivered to the offender. The facility will either pay the postage due or hold the mail for a reasonable period of time to allow the offender to arrange for payment. If such arrangements are not made within the time provided, the mail/package may be donated to charity or discarded.
- E. Legal mail arriving at the facility with postage due will be delivered to the offender without undue delay.
- F. Indigent offenders with outgoing mail, including legal mail, may receive postage credit up to the equivalent of 5 first class pre-franked envelopes per week for mailing costs. [4-4489] This allowance cannot accumulate from week to week. Indigent postage will not include specialized services provided by the USPS (e.g., certified, return receipt requested, etc.) or eMessaging through the JPay system.
 - 1. An indigent offender who has used all the postage allowed for mailing legal mail may receive postage equal to 15 additional first class pre-franked envelopes per week for legal mail, if s/he:
 - a. Demonstrates to his/her Counselor that the legal document being mailed is a personal restraint petition complaint, amended complaint, answer or reply to an answer in a habeas corpus action, or a civil rights action challenging the offender's conditions of confinement, or
 - b. Has insufficient funds in his/her account to send the legal document and agrees, by filling out a disbursement request, to use all funds currently in his/her account to immediately pay postage for the requested legal mail.
 - 2. An indigent offender meeting these criteria may be granted additional first class pre-franked envelopes with Counselor/Correctional Unit Supervisor approval.
- G. The Department will recoup indigent postage for letters, postage for non-indigent offender legal mail, and any expenditures made by the facility for postage due on incoming mail. Postage recoupment, including indigent postage, will occur at the time the Business Office posts withdrawals from the offender's account. Withdrawals and debts will be handled per DOC 200.000 Trust Accounts for Offenders.

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POLICY						

DEFINITIONS:

The following words/terms are important to this policy and are defined in the glossary section of the Policy Manual: Contraband, Immediate Family, Indigent, Legal Mail, Legal Pleadings, Letters, Mail, Packages, Standard Mail. Other words/terms appearing in this policy may also be defined in the glossary section.

ATTACHMENTS:

Unauthorized Mail (Attachment 1) [4-4490] [4-4491]

DOC FORMS:

DOC 02-003 Postage Transfer

DOC 05-525 Mail Rejection Notice [4-4490] [4-4491]

DOC 05-809 Publication Rejection Notice

DOC 21-746 Request for Offender to Offender Correspondence Approval

DOC 21-757 Appeal of Mail Rejection

EXHIBIT 7

TO
DECLARATION OF KATHERINE CHAMBERLAIN
IN SUPPORT OF PLAINTIFF'S MOTION
FOR PRELIMINARY INJUNCTION

TABLE 1A
AVERAGE DAILY POPULATION AND CAPACITY**
BY MONTH FOR FISCAL YEAR 2011

DEPARTMENT OF CORRECTIONS FACILITY	JUL		AUG		SEP		OCT		NOV		DEC		JAN		FEB		MAR		APR		MAY		JUNE	
	ADP	CAP	ADP	CAP	ADP	CAP	ADP	CAP	ADP	CAP	ADP	CAP	ADP	CAP	ADP	CAP	ADP	CAP	ADP	CAP	ADP	CAP	ADP	CAP
Washington Corrections Center-Intelligence	1,000	948	1,402	948	1,314	948	1,256	948	1,225	948	1,217	948	1,180	948	1,155	880	1,158	880	1,108	880	1,232	880	1,220	880
Washington Corrections Center-Institution	845	250	847	250	844	250	852	250	843	250	845	250	843	250	834	250	840	250	833	250	835	250	823	250
Washington Corrections Center/Youman	888	742	847	742	885	742	883	742	871	742	852	742	847	742	877	742	872	742	864	742	854	742	867	742
Washington State Penitentiary	2,508	1,988	2,508	1,988	2,508	1,988	2,507	1,988	2,508	1,988	2,508	1,988	2,509	1,988	2,507	1,988	2,508	1,988	2,508	1,988	2,508	1,988	2,508	1,988
Menrose Correctional Complex	2,537	2,486	2,527	2,486	2,500	2,486	2,497	2,486	2,506	2,486	2,516	2,486	2,514	2,486	2,483	2,486	2,474	2,486	2,490	2,486	2,508	2,486	2,508	2,486
McNeil Island Corrections Center	739	748	826	748	520	512	514	512	512	512	397	512	347	256	10	70	0	70	0	0	0	0	0	0
Clallam Bay Corrections Center	897	800	900	800	897	800	895	800	893	800	897	800	896	800	889	800	884	800	900	800	898	800	900	800
Coyote Ridge Corrections Center	1,846	1,856	1,868	2,212	2,081	2,212	2,157	2,440	2,151	2,440	2,281	2,440	2,351	2,528	2,351	2,528	2,346	2,528	2,372	2,528	2,400	2,528	2,420	2,528
Alway Heights Corrections Center	2,379	2,138	2,174	2,136	2,118	2,136	2,185	2,136	2,189	2,136	2,166	2,136	2,172	2,136	2,174	2,136	2,171	2,136	2,167	2,136	2,178	2,136	2,184	2,136
Stafford Creek Corrections Center	1,582	1,536	1,557	1,536	1,561	1,536	1,553	1,506	1,545	1,536	1,547	1,536	1,554	1,536	1,550	1,536	1,540	1,536	1,558	1,536	1,569	1,536	1,571	1,536
MAJOR INSTITUTION TOTAL	15,055	13,120	15,086	14,380	14,899	14,110	14,983	14,186	14,940	14,186	14,883	14,186	14,437	14,021	14,765	14,176	14,765	14,176	14,727	14,106	14,722	14,106	14,709	14,106
Larch Corrections Center	244	240	241	240	238	240	236	240	240	240	240	240	238	240	240	480	480	480	477	480	479	480	478	480
Cedar Creek Corrections Center	473	480	474	480	475	480	474	480	476	480	475	480	471	480	468	480	473	480	474	480	476	480	475	480
Olympic Corrections Center	376	340	378	340	378	340	376	340	376	340	378	340	376	340	377	340	369	340	375	340	378	340	379	340
Albion View Corrections Center	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Mission Creek Corrections Center-Youman	288	300	287	300	288	300	282	300	288	300	287	300	295	300	295	300	300	300	295	300	291	300	294	300
Pine Point Corrections Center for Women	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MINOR INSTITUTION TOTAL	3,728	3,360	3,380	3,360	3,381	3,360	3,340	3,360	3,389	3,360	3,381	3,360	3,384	3,360	3,448	3,600	3,457	3,600	3,472	3,600	3,419	3,600	3,427	3,600
UNIT CAPACITY (as determined)																								
STATEWIDE EMERGENCY BEDS	632		632		632		632		632		632		632		632		632		632		632		632	
COMPLEMENT FACILITY TOTAL	18,483	16,102	18,468	16,438	18,480	16,152	18,353	16,438	18,320	16,438	18,374	16,438	18,311	16,254	18,328	16,408	18,312	16,408	18,349	16,378	18,381	16,386	18,410	16,386
Work Release, Inmates																								
Work Release, CCI																								
Work Release, JAIL																								
Work Release, Probation/Parole																								
WOMEN RELEASE TOTAL	628	674	628	674	702	674	718	674	626	674	636	674	676	674	631	674	630	674	700	674	635	674	630	674
GRAND TOTAL	17,071	16,856	17,150	17,112	17,082	16,816	17,071	17,112	17,023	17,112	16,970	17,112	16,887	16,928	16,920	17,142	17,023	17,142	17,046	17,072	17,067	17,060	17,070	17,060
IN-STATE RENTED BEDS	1,275	835	1,266	835	1,282	835	1,252	835	1,155	835	1,035	835	1,441	835	1,250	835	1,273	835	1,268	835	1,285	835	1,314	835
OUT-OF-STATE RENTED BEDS	8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
GRAND TOTAL	18,448	17,749	18,415	18,005	18,364	17,749	18,319	18,005	18,169	18,005	18,025	18,005	18,028	17,811	18,028	18,035	18,076	18,035	18,037	17,983	18,051	17,958	18,004	17,953

*NOTES: ADP is calculated by summing the number of inmate days on (in-hospital), (in-custody), (in-county jail), and (in-county jail), then dividing by the number of days in the month. Capacity is defined as the number of persons the facility is designed to hold measured against space, staffing and program standards. Capacity figures are reviewed for accuracy by Prison budget staff on a monthly basis.

Department of Corrections
Planning and Research

EXHIBIT 8

TO
DECLARATION OF KATHERINE CHAMBERLAIN
IN SUPPORT OF PLAINTIFF'S MOTION
FOR PRELIMINARY INJUNCTION



U.S. Department of Justice
Federal Bureau of Prisons

Program Statement

OPI: CPD
NUMBER: 5266.10
DATE: 1/10/2003
SUBJECT: Incoming Publications

1. [PURPOSE AND SCOPE § 540.70. Except when precluded by statute (see § 540.72), the Bureau of Prisons permits an inmate to subscribe to or to receive publications without prior approval and has established procedures to determine if an incoming publication is detrimental to the security, discipline, or good order of the institution or if it might facilitate criminal activity. The term publication, as used in this subpart, means a book, booklet, pamphlet, or similar document, or a single issue of a magazine, periodical, newsletter, newspaper, plus such other materials addressed to a specific inmate such as advertising brochures, flyers, and catalogs.]

Section 7 of this Program Statement contains procedures to implement Sec. 615 of The Commerce, Justice, State Appropriations Act of 2000 (P.L. 106-113) (hereinafter referred to as "the Ensign amendment").

2. **PROGRAM OBJECTIVES.** The expected results of this program are:

a. Inmates will be permitted to receive and retain publications which do not threaten security, good order, or discipline of the institution or that may facilitate criminal activity, or are otherwise prohibited by law.

b. Publications determined detrimental to the security, good order, or discipline of the institution or that may facilitate criminal activity, or are otherwise prohibited by law, will be excluded from Bureau facilities.

[Bracketed Bold - Rules]

Regular Type - Implementing Information

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c. A safer environment for staff and inmates will be provided by strengthening procedures designed to prevent the introduction of contraband.

3. DIRECTIVES AFFECTED

a. Directive Rescinded

_____ PS 5266.09 Incoming Publications (7/29/99)

b. Directives Referenced

PS 1330.13 Administrative Remedy Program (12/22/95)
PS 1350.02 Donations, Acceptance of (6/29/98)
PS 5265.11 Correspondence (7/9/99)
PS 5360.08 Religious Beliefs and Practices (5/25/01)
PS 5580.06 Personal Property, Inmate (7/19/99)
PS 5800.10 Mail Management Manual (11/3/95)

c. Rules cited in this Program Statement are contained in 28 CFR 540.70 through 540.72.

4. STANDARDS REFERENCED

a. American Correctional Association 2nd Edition Standards for Administration of Correctional Agencies: 2-CO-5D-01

b. American Correctional Association 3rd Edition Standards for Adult Correctional Institutions: 3-4432

c. American Correctional Association 3rd Edition Standards for Adult Local Detention Facilities: 3-ALDF-5D-04

d. American Correctional Association Standards for Adult Correctional Boot Camp Programs: 1-ABC-5D-04

5. MCC/MDC/FDC/FTC APPLICATION. Procedures in this Program Statement apply to Metropolitan Correctional Centers, Metropolitan Detention Centers, Federal Detention Centers, and Federal Transportation Centers, all of which are referred to as "administrative institutions" for the purposes of this Program Statement.

6. PROCEDURES § 540.71

[a. (1) At all Bureau institutions, an inmate may receive hardcover publications and newspapers only from the publisher, from a book club, or from a bookstore.

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The sender's address shall be clearly identified on the outside of the package.

(2) At medium security, high security, and administrative institutions, an inmate may receive softcover publications (for example, paperback books, newspaper clippings, magazines, and other similar items) only from the publisher, from a book club, or from a bookstore.

(3) At minimum security and low security institutions, an inmate may receive softcover publications (other than newspapers) from any source.

(4) The Unit Manager may make an exception to the provisions of paragraphs (a) (1) and (2) of this section if the publication is no longer available from the publisher, book club, or bookstore. The Unit Manager shall require that the inmate provide written documentation that the publication is no longer available from these sources. The approval of any request for an exception is to be documented, in writing, on an Authorization to Receive a Package which will be used to secure the item.

[b. The Warden may reject a publication only if it is determined detrimental to the security, good order, or discipline of the institution or if it might facilitate criminal activity. The Warden may not reject a publication solely because its content is religious, philosophical, political, social or sexual, or because its content is unpopular or repugnant. Publications which may be rejected by a Warden include but are not limited to publications which meet one of the following criteria:

(1) It depicts or describes procedures for the construction or use of weapons, ammunition, bombs or incendiary devices;

(2) It depicts, encourages, or describes methods of escape from correctional facilities, or contains blueprints, drawings or similar descriptions of Bureau of Prisons institutions;

(3) It depicts or describes procedures for the brewing of alcoholic beverages, or the manufacture of drugs;

(4) It is written in code;

(5) It depicts, describes or encourages activities which may lead to the use of physical violence or group disruption;

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(6) It encourages or instructs in the commission of criminal activity;

(7) It is sexually explicit material which by its nature or content poses a threat to the security, good order, or discipline of the institution, or facilitates criminal activity.]

Only the Warden may reject an incoming publication. In the Warden's absence, only the Acting Warden may perform this function.

Section 7 of this Program Statement contains procedures to implement the Ensign Amendment. In that Section, "sexually explicit" and "nudity" are defined in terms of pictorial depictions only. Publications not subject to return under Section 7 (for example, material which does not meet a definition in that section) are still subject to rejection under this section.

To assist staff in determining which materials may pose the type of threat which warrants exclusion, the following guidelines are given.

(a) A Warden may determine that sexually explicit material of the following types is to be excluded, as potentially detrimental to the security and good order, or discipline of the institution, or as facilitating criminal activity:

- Sado-masochistic
- Bestiality
- Involving children

(b) Additionally:

- The Warden must prohibit a sexually explicit publication if it is determined to pose a threat to the institution or is contrary to law. Child pornography materials, which are prohibited by law, are examples.
- Sexually explicit material does not include material of a news or information type. Publications concerning research or opinions on sexual, health, or reproductive issues, or covering the activities of gay rights organizations or gay religious groups, for example, should be admitted unless otherwise a threat to legitimate institution interests.

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- Literary publications should not be excluded, solely because of homosexual themes or references, if they are not sexually explicit in a manner which threatens legitimate institution interests.
- Sexually explicit material may nonetheless be admitted if it has scholarly value, or general social or literary value.

[c. The Warden may not establish an excluded list of publications. This means the Warden shall review the individual publication prior to the rejection of that publication. Rejection of several issues of a subscription publication is not sufficient reason to reject the subscription publication in its entirety.

d. Where a publication is found unacceptable, the Warden shall promptly advise the inmate in writing of the decision and the reasons for it. The notice must contain reference to the specific article(s) or material(s) considered objectionable. The Warden shall permit the inmate an opportunity to review this material for purposes of filing an appeal under the Administrative Remedy Program unless such review may provide the inmate with information of a nature which is deemed to pose a threat or detriment to the security, good order or discipline of the institution or to encourage or instruct in criminal activity.]

In questionable cases, institution staff should consult with legal staff.

[e. The Warden shall provide the publisher or sender of an unacceptable publication a copy of the rejection letter. The Warden shall advise the publisher or sender that he may obtain an independent review of the rejection by writing to the Regional Director within 20 days of receipt of the rejection letter. The Warden shall return the rejected publication to the publisher or sender of the material unless the inmate indicates an intent to file an appeal under the Administrative Remedy Program, in which case the Warden shall retain the rejected material at the institution for review. In case of appeal, if the rejection is sustained, the rejected publication shall be returned when appeal or legal use is completed.]

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See Notification to Inmate and Publisher/Sender of **Rejected** Publication (Attachment A) for a sample notification to inmate and publisher/sender.

- The Warden must retain the rejected publication for 20 days from the date that the inmate is sent written notification of the rejection.
- This 20-day period is to allow the inmate the opportunity to file an appeal under the Administrative Remedy Program. If the inmate does not file an appeal within 20 days, the rejected publication may be returned to the publisher.
- If the inmate does file an appeal, the Warden must retain the rejected publication at the institution.
- The rejected publication or the offensive portion of it must be reviewed prior to a staff response being prepared for the BP-9 or, when applicable, for a BP-10 and/or BP-11.

The regional office and Central Office should not respond to a BP-10 or BP-11 appeal of a rejected publication without first reviewing either the rejected publication or a copy of the offensive portion of it.

[f. The Warden may set limits locally (for fire, sanitation or housekeeping reasons) on the number or volume of publications an inmate may receive or retain in his quarters. The Warden may authorize an inmate additional storage space for storage of legal materials in accordance with the Bureau of Prisons procedures on personal property of inmates.]

7. STATUTORY RESTRICTIONS REQUIRING RETURN OF COMMERCIALY PUBLISHED INFORMATION OR MATERIAL WHICH IS SEXUALLY EXPLICIT OR FEATURES NUDITY § 540.72. The Ensign amendment states:

"None of the funds made available in this Act to the Federal Bureau of Prisons may be used to distribute or make available any commercially published information or material to a prisoner when it is made known to the Federal Official having authority to obligate or expend such funds that such information or material is sexually explicit or features nudity."

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- Procedures for this section affect those publications received on or after **August 28, 1999**. Publications distributed/authorized prior to that date shall be retained and transferred in accordance with the Program Statement on Inmate Personal Property.

[a. When commercially published information or material may not be distributed by staff or made available to inmates due to statutory restrictions (for example, a prohibition on the use of appropriated funds to distribute or make available to inmates information or material which is sexually explicit or features nudity), the Warden or designee shall return the information or material to the publisher or sender. The Warden or designee shall advise the publisher or sender that an independent review of the decision may be obtained by writing to the Regional Director within 20 days of receipt of the notification letter. Staff shall provide the inmate with written notice of the action.]

(1) The Warden's authority to return publications prohibited under this section may be delegated to Mail Room staff.

(2) Mail Room staff are to return publications found to be non-distributable on the basis of the definitions listed in subsection (b) below.

(3) The publications must be returned along with the appropriate attachment.

(4) Ordinarily, the outside cover is to be used to assess content or the need for further review.

(5) Non-distributable publications may be returned to the sender or publisher in bulk annotating the number of returned copies (see Notification to Publisher of **Return** of Publication (Attachment B)).

(6) Materials extracted, photocopied, or clipped from such publications must also be returned to the sender with a Notification to Sender of **Return** of Materials (Attachment C).

(7) Under subsection (a) of this section, there is no need to delay the return of non-distributable publications or materials even when an inmate files an appeal under the Administrative Remedy Program because the statutory restriction on making the material available precludes any inmate review of the material.

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(8) Inmates are to be notified via use of the Notification to Inmate of **Return** of Publication or Materials (Attachment D).

(9) Although the publication or material is to be returned, the Warden is to insure that a copy of the publication cover and one page of the banned information or material is copied and retained at the institution in the event of a subsequent appeal by the inmate or publisher/sender.

Inmates may use the Administrative Remedy Program to appeal return of materials under this section. However, insofar as the Ensign amendment prohibits the Bureau from distributing the material, inmates may not review copies of returned materials in connection with their administrative remedy filings.

The Warden needs make only one copy of the retained, statutorily prohibited information, even if that publication is received by many inmates.

- For example, if 20 inmates receive the April 1999 publication of XYZ, and that publication cannot be made available under Section 7., only one set of the materials needs to be retained.
- A copy of the notification sent to each inmate would then be attached to the retained material.

[b. Definitions. For the purpose of this section:

(1) Commercially published information or material means any book, booklet, pamphlet, magazine, periodical, newsletter, photograph or other pictorial depiction, or similar document, including stationery and greeting cards, published by any individual, organization, company, or corporation which is distributed or made available through any means or media for commercial purposes. This definition includes any portion extracted, photocopied, or clipped from such items.

(2) Nudity means a pictorial depiction where genitalia or female breasts are exposed.

(3) Features means the publication contains depictions of nudity or sexually explicit conduct on a routine or regular basis or promotes itself based upon such depictions in the case of individual one-time issues. Publications containing nudity illustrative of medical, educational, or anthropological content may be excluded from this definition.]

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The following are examples of commercial publications which, based on current practices of the publisher, may be distributed to inmates even though they may contain nudity because the publication does not **feature** nudity as defined above:

- National Geographic
- Our Body, Our Selves
- Sports magazine swimsuit issues
- Lingerie catalogs

Any publication may change a single issue or its general policies and practices at any time which would allow it to become acceptable or non-acceptable for distribution. The above examples are guidelines only and are subject to change.

[(4) Sexually explicit means a pictorial depiction of actual or simulated sexual acts including sexual intercourse, oral sex, or masturbation.]

For purposes of this section, written text in the publication does not qualify a publication as sexually explicit.

Publications with sexual content which are not returned under these procedures are still subject to rejection through application of the procedures in Section 6.b.(7) of this Program Statement.

For example, publications which:

- contain sexually explicit text,
- feature sado-masochism,
- feature bestiality, or
- involve children

may not meet the definitions in this Section for "sexually explicit" or "nudity," but may be considered detrimental to the security and good order of the institution, under Section 6.b.(7).

/s/
Kathleen Hawk Sawyer
Director

PS 5266.10
1/10/2003
Attachment A

NOTIFICATION TO INMATE AND PUBLISHER/SENDER OF **REJECTED**
PUBLICATION (TO BE USED WHEN REJECTING A PUBLICATION UNDER
SECTION 6.a. - 6.e. OF THIS PROGRAM STATEMENT)

Inmate: _____

Register Number: _____

Institution: _____

RE: _____ Issue: _____

The above named publication/material from [publisher/sender name] has been rejected in accordance with the Bureau's Program Statement on Incoming Publications (PS 5266.10), which provides in part:

A publication may be rejected only if it determined detrimental to the security, good order, or discipline of the institution or if it might facilitate criminal activity.

The above named publication has been rejected because [provide reference to the specific article(s) or material(s) considered objectionable and the reason(s) for the decision to reject].

A copy of this notification has been sent to the publisher/sender who may obtain an independent review of this rejection by writing to the Warden [name, address] within twenty (20) days of receipt of that copy.

Warden

Date

cc: [Publisher/Sender name and address]

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Attachment B

NOTIFICATION TO PUBLISHER OF RETURN OF PUBLICATION
(TO BE USED WHEN RETURNING A PUBLICATION UNDER SECTION 7.a.(3)
OF THIS PROGRAM STATEMENT)

[Date]

XXX Enterprises
Box 2345
ANYTOWN, STATE ZIP

Re: XXX Magazine, December '99 Issue

The above mentioned publication was received addressed to inmate(s) confined in the custody of the Federal Bureau of Prisons. This publication is being returned in accordance with the Bureau of Prisons appropriations act, formerly known as the Ensign Amendment, which states:

None of the funds made available in this Act to the Federal Bureau of Prisons may be used to distribute or make available any commercially published information or material to a prisoner when it is made known to the Federal official having authority to obligate or expend such funds that such information or material is sexually explicit or features nudity.

The enclosed publication(s) contain(s) sexually explicit information or material or features nudity and is being returned to you as explained above. If you desire an independent review of this action you may write Regional Director [Name, Address] within 20 days of receipt of this letter.

Sincerely,

Warden

PS 5266.10
1/10/2003
Attachment C

NOTIFICATION TO SENDER OF RETURN OF MATERIALS
(TO BE USED WHEN RETURNING A PUBLICATION UNDER SECTION 7.a.(4) OF
THIS PROGRAM STATEMENT)

[Date]

John Doe
123 Anywhere St.
ANYTOWN, STATE ZIP

Re: Return of Materials

The above mentioned material(s) was received addressed to inmate(s) confined in the custody of the Federal Bureau of Prisons. This material is being returned in accordance with the Bureau of Prisons appropriations act, formerly known as the Ensign Amendment, which states:

None of the funds made available in this Act to the Federal Bureau of Prisons may be used to distribute or make available any commercially published information or material to a prisoner when it is made known to the Federal official having authority to obligate or expend such funds that such information or material is sexually explicit or features nudity.

The enclosed material(s) contain(s) sexually explicit information or material or features nudity and is being returned to you as explained above. If you desire an independent review of this action you may write Regional Director [Name, Address] within 20 days of receipt of this letter.

Sincerely,

Warden

PS 5266.10
1/10/2003
Attachment D

NOTIFICATION TO INMATE OF RETURN OF PUBLICATION OR MATERIALS
(TO BE USED WHEN RETURNING A PUBLICATION UNDER SECTION 7.a.(8) OF
THIS PROGRAM STATEMENT)

Inmate: _____

Register Number: _____

Institution: _____

RE: _____ Issue: _____

The mail room has returned the above mentioned publication/material to the publisher/sender in accordance with the Bureau of Prisons appropriations act, formerly known as the Ensign Amendment, which states:

None of the funds made available in this Act to the Federal Bureau of Prisons may be used to distribute or make available any commercially published information or material to a prisoner when it is made known to the Federal official having authority to obligate or expend such funds that such information or material is sexually explicit or features nudity.

If you are dissatisfied with this decision, you may file an appeal through the Bureau of Prisons' Administrative Remedy Procedure, Bureau of Prisons' Program Statement 1330.13. A member of your institutional unit team may be able to provide assistance or answer any questions you may have in filing your appeal.

Signature/Title


Date

EXHIBIT 9

TO
DECLARATION OF KATHERINE CHAMBERLAIN
IN SUPPORT OF PLAINTIFF'S MOTION
FOR PRELIMINARY INJUNCTION

BOP: Quick Facts


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Federal Bureau of Prisons
 An agency of the U.S. Department of Justice

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Inmate Population[back to top](#)

Total population: 217,582

Total sentenced population: 198,575

Inmates in BOP facilities: 180,322

Inmates in privately-managed secure facilities¹: 22,908Inmates in other contract facilities²: 14,352

¹ Includes inmates housed in privately-managed secure facilities under contract with the BOP or with a state or local government that has an Intergovernmental Agreement (IGA) with the BOP.

² Includes inmates housed in community corrections centers, home confinement, jail/short-term detention, contract juveniles, and long-term boarders.

Inmate Breakdown[back to top](#)**Inmates By Security Level**

Minimum: 17.2 %
 Low: 38.5 %
 Medium: 29.4 %
 High: 10.8 %
 Unclassified¹: 4.0 %

Inmates By Gender

Male: 203,394 (93.5 %)

Ethnicity

Hispanic: 74,472 (34.2 %)

Inmate Age

Average Inmate Age: 39

Citizenship

United States: 159,012 (73.1 %)

Mexico: 40,135 (18.4 %)

BOP: Quick Facts

Female: 14,188 (6.5 %)	Colombia: 2,507 (1.2 %)
	Cuba: 1,713 (0.8 %)
Inmates By Race	Dominican Republic: 2,538 (1.2 %)
White: 127,568 (58.6 %)	Other/Unknown: 11,677 (5.4 %)
Black: 82,371 (37.9 %)	
Native American: 3,992 (1.8 %)	
Asian: 3,651 (1.7 %)	

¹These inmates have not yet been assigned a security level.

Sentence Imposed[back to top](#)

Less than 1 year: 4,049 (2.0 %)	More than 20 years: 19,597 (9.6 %)
1-3 years: 25,222 (12.4 %)	Life: 6,156 (3.0 %)
3-5 years: 29,612 (14.5 %)	Death: 57
5-10 years: 59,289 (29.1 %)	
10-15 years: 41,425 (20.3 %)	
15-20 years: 18,228 (9.0 %)	

* Data is only calculated for cases where sentencing information is available.

Types of Offenses[back to top](#)

Drug Offenses: 102,580 (50.6 %)
Weapons, Explosives, Arson: 30,756 (15.2 %)
Immigration: 24,311 (12.0 %)
Robbery: 8,403 (4.1 %)
Burglary, Larceny, Property Offenses: 7,161 (3.5 %)
Extortion, Fraud, Bribery: 10,480 (5.2 %)
Homicide, Aggravated Assault, and Kidnapping Offenses: 5,563 (2.7 %)
Miscellaneous: 1,800 (0.9 %)
Sex Offenses: 9,697 (4.8 %)
Banking and Insurance, Counterfeit, Embezzlement: 892 (0.4 %)
Courts or Corrections: 630 (0.3 %)
Continuing Criminal Enterprise: 517 (0.3 %)
National Security: 95 (0.0 %)

* Data calculated for those with offense-specific information available.

Staff Breakdown[back to top](#)

BOP: Quick Facts

Staff By Race/Ethnicity

White (Non-Hispanic):	24,265 (63.9 %)
African American:	8,045 (21.2 %)
Hispanic:	4,313 (11.4 %)
Asian:	813 (2.1 %)
Native American:	520 (1.4 %)
Other:	15

Staff By Gender

Male:	27,534 (72.5 %)
Female:	10,434 (27.5 %)

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EXHIBIT 10

TO
DECLARATION OF KATHERINE CHAMBERLAIN
IN SUPPORT OF PLAINTIFF'S MOTION
FOR PRELIMINARY INJUNCTION

12/28/11

County Jail Inmate Population List

This information is provided to promote community safety.

Any harassment of the offender *will not be tolerated* and may be prosecuted to the full extent of the law.

[Return to Sheriff's home page.](#)

Date : 12/28/2011 Time : 07:32:44		COLUMBIA COUNTY SHERIFF'S OFFICE CURRENT INMATE LISTING			
Inmate Count : 143					
#	Inmate Name	Book Date	Charge	Bail	Scheduled Release Date
1	ADAMS, STEVEN LEE	12/13/2011	UNLAWFUL POSS METH	0.00	07/06/2012
2	AGUIRE-SANCHEZ, JESUS	07/08/2011	USM HOLD	0.00	//
3	ALBERT, MARCUS CHARLES	12/06/2011	USM HOLD	0.00	//
4	ALCAZAR-TAPIA, SILVIANO	12/28/2011	USM HOLD	0.00	//
5	BABCOCK, DUANE JAY	11/18/2011	USM HOLD 62058-065	0.00	//
6	BAHR, RICHARD ROOSEVELT JR	02/15/2011	USM HOLD	0.00	//
7	BARBOSA-BARRERA, ARTURO	07/08/2011	USM HOLD	0.00	//
8	BARRAGAN-SANCHEZ, MARCO	05/12/2010	USM HOLD	0.00	//
9	BATES JR, ARTHUR LEE	11/15/2011	CRIMINAL MISCHIEF-2 X5	0.00	04/12/2012
10	BEELER, RICHARD SCOTT	12/20/2011	FTA/DUII 10-6193	625.00	//
11	BELLO-CUEVAS, ALEJANDRO	12/06/2011	USM 71103065	0.00	//
12	BENNETT, JAMES JOSEPH	01/18/2011	USM HOLD	0.00	//
13	BERG, BRADLEY LAWRENCE	02/15/2011	USM HOLD	0.00	//
14	BERMUDEZ-ORTIZ, DIERO	12/06/2011	USM HOLD	0.00	//
	BERTASSO, TONI				

12/28/11

County Jail Inmate Population List

15	<u>ALYSE</u>	12/06/2011	PROBATION VIOLATION	0.00	05/17/2012
16	<u>BONILLA-FLORES, LUIS</u>	12/06/2011	USM 75913065	0.00	//
17	<u>BRECHT, HOLLY NICHOLE</u>	12/16/2011	PROBATION VIOLATION	0.00	//
18	<u>BUSTOS, ANTONIO</u>	01/25/2011	USM HOLD	0.00	//
19	<u>BUSTOS-ESPANA, EDUARDO</u>	05/11/2011	USM HOLD	0.00	//
20	<u>BUTTS, DANIEL ARMAUGH</u>	01/05/2011	AGGRAVATED MURDER	0.00	//
21	<u>CARRASCO-SOTO, AUDEL</u>	07/08/2011	USM HOLD	0.00	//
22	<u>CENTRE, WILLIAM MARLON</u>	12/06/2011	USM 57106065	0.00	//
23	<u>CLEMENT, ROBERT CHARLES</u>	10/18/2011	PAROLE VIOLATION	3200.00	//
24	<u>CONNELLY, ANTHONY PATRICK</u>	10/21/2011	ASSAULT 4	10000.00	//
25	<u>COSTA, BRIAN</u>	12/16/2011	USM HOLD	0.00	//
26	<u>CRUZ-GARCIA, MAURICIO</u>	12/06/2011	USM 73910065	0.00	//
27	<u>CRUZ-ORTIZ, BERNABE</u>	11/22/2011	USM HOLD	0.00	//
28	<u>DAMIAN-GRANO, GUADALUPE</u>	11/02/2010	USM HOLD	0.00	//
29	<u>DAVIS, GERALD RYAN</u>	11/30/2011	SEX ABUSE II X 15, SODOMY II X 15, PROBATION VIOL	10000.00	//
30	<u>DAWSON, ZERICK JEMEL</u>	06/10/2011	USM HOLD	0.00	//
31	<u>DEAVALOS, MINERVA</u>	12/28/2011	USM HOLD	0.00	//
32	<u>DEHERRERA, ANTHONY MICHAEL</u>	08/20/2011	ROBBERY IN THE FIRST DEGREE	9325.00	//
33	<u>DELANO, THOMAS LEE</u>	12/28/2011	WARRANT CONTEMPT OF COURT, CRIMINAL TRESPASS, FORG	2550.00	//
34	<u>DILLARD, NIKOLAS RYAN</u>	11/03/2011	THEFT I 06-1187	0.00	01/09/2012
35	<u>DRAIN, MATTHEW</u>	11/29/2011	USM HOLD	0.00	//

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County Jail Inmate Population List

36	<u>BRADEN EISENSCHMIDT, SUMMER POLLY- AMBER</u>	09/18/2011	CRIMINAL TRESPASS I	0.04	02/10/2012
37	<u>ENGLE, DENNIS JASON</u>	10/19/2011	BURGLARY 1	23000.00	//
38	<u>ESCALERA-VALENCIA, HERMENEJIDO</u>	09/21/2010	USM HOLD	0.00	//
39	<u>EVANGELISTA, JUAN</u>	10/04/2011	USM HOLD	0.00	//
40	<u>EVANGELISTA-SALAS, JAHASIEL</u>	11/22/2011	USM HOLD	0.00	//
41	<u>FAZIO, JAMES ANTHONY</u>	12/06/2011	PROBATION VIOLATION	0.01	01/19/2012
42	<u>FIGUER-MONTES, FREDY</u>	07/08/2011	USM HOLD	0.00	//
43	<u>FLORES, ANDREW ROY</u>	12/11/2011	PROBATION VIOLATION	0.01	01/11/2012
44	<u>GARCIA-YAPEZ, RAMON</u>	12/28/2011	USM HOLD	0.00	//
45	<u>GARCIA-ZAVALA, JOSE LUIS</u>	12/06/2011	USM HOLD	0.00	//
46	<u>GILSTRAP, BRIAN GABRIEL</u>	12/17/2011	FEON IN POSS FIREARM	4000.00	//
47	<u>GONZALEZ, JAVIER EDWARD</u>	11/18/2011	USM HOLD 67918-065	0.00	//
48	<u>GONZALEZ-PASAYE, ADRIAN</u>	12/06/2011	USM HOLD	0.00	//
49	<u>GONZALEZ-PASAYE, HUGO CESAR</u>	12/06/2011	USM 73909065	0.00	//
50	<u>GUTERREZ-LOPEZ, ARMANDO</u>	12/16/2011	USM HOLD	0.00	//
51	<u>HADERLY, CHAD MICHEAL</u>	10/02/2011	RECKLESSLY ENDANGERING ANOTHER	0.00	01/20/2012
52	<u>HALL, TAMMY L</u>	06/09/2011	USM HOLD	0.00	//
53	<u>HANSEN, SHANE DAVID</u>	12/20/2011	PROBATION VIOLATION	0.00	01/02/2012
54	<u>HAYNES, KENNA LEANN</u>	10/27/2011	BURGLARY	16000.00	//
55	<u>HAYWARD, CHAD ALLAN</u>	11/23/2011	PROBATION VIOLATION	0.00	//

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County Jail Inmate Population List

56	<u>HICKS, DOUGLAS</u>	12/16/2011	USM HOLD	0.00	//
57	<u>HUCK, DANIEL</u> <u>ROBERT</u>	11/19/2011	PROBATION VIOLATION	0.00	02/02/2012
58	<u>JACKSON, SKY THE</u> <u>MILES NMN</u>	12/20/2011	USM HOLD 73336-065	0.00	//
59	<u>JEREMIAH, DUANE</u> <u>DAVID</u>	12/24/2011	DRIVING WHILE SUSPENDED	0.00	//
60	<u>JOHNSON, JEFFREY</u> <u>FLOYD</u>	12/19/2011	VIOLATION OF RELEASE AGREEMENT	1875.00	//
61	<u>LANDRETH, ROBERT J</u>	12/16/2011	USM HOLD	0.00	//
62	<u>LARSON, BRANDON</u> <u>JAMES</u>	12/15/2011	FAIL TO APPEAR	0.00	03/16/2012
63	<u>LATHAN, ANTHONY</u> <u>LYNN</u>	03/10/2011	USM HOLD	0.00	//
64	<u>LAVELLE, SCOTT</u> <u>DAVID JR</u>	12/06/2011	ATTEMPT TO COMMIT CRIME/ASSAULT I	1500.00	//
65	<u>LAVOIE, LUKE</u> <u>BARDON</u>	12/05/2011	ASSAULT IN THE FOURTH DEGREE	4000.00	01/03/2012
66	<u>LOPEZ-OSORIO,</u> <u>GLORIA</u>	12/28/2011	USM HOLD	0.00	//
67	<u>LORENZO-</u> <u>CASARRUBIAS,</u> <u>ALBERTO</u>	11/22/2011	USM HOLD	0.00	//
68	<u>LUPIS, VICTOR</u>	10/04/2011	USM HOLD	0.00	//
69	<u>MABE, SHAWN LEROY</u>	08/23/2011	RAPE IN THE 1ST DEGREE	51000.00	//
70	<u>MACE, KAYLA DENISE</u>	12/23/2011	POST PRISON VIOLATION	0.00	//
71	<u>MACIAS-CABRERA,</u> <u>HECTOR</u>	04/26/2011	USM HOLD	0.00	//
72	<u>MAGANA-SOLIS,</u> <u>EDWIN</u>	12/06/2011	USM 73912065	0.00	//
73	<u>MALIMON,</u> <u>ALEKSANDR N</u>	04/12/2011	USM HOLD	0.00	//
74	<u>MARSH, DARREN</u> <u>JAMES</u>	12/14/2011	CONTEMPT OF COURT	0.00	01/19/2012
75	<u>MARTINEZ, HERNAN</u> <u>ESTRADA</u>	12/03/2011	PROBATION VIOLATION	0.00	05/04/2012
76	<u>MCCULLEN, ROBERT</u> <u>LINN</u>	12/16/2011	USM HOLD	0.00	//
77	<u>MCNUTT, DAVID</u> <u>JAMES</u>	11/06/2011	PROBATION VIOLATION	12000.00	//

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County Jail Inmate Population List

78	<u>MEJIA, ELLIOTT</u>	11/08/2011	USM HOLD	0.00	//
79	<u>MENDEZ, ROBERT VINCENT</u>	12/06/2011	USM HOLD	0.00	//
80	<u>MENDOZA, MILAGROS FARIBA</u>	06/09/2011	USM HOLD	0.00	//
81	<u>MENDOZA, RICK SANCHEZ</u>	11/18/2011	USM HOLD 11687-085	0.00	//
82	<u>MENDOZA-BUSTOS, ARNOLDO</u>	07/20/2010	USM HOLD	0.00	//
83	<u>NELSON, BILLY ROY</u>	06/25/2011	BURGLARY IN THE 1ST DEGREE	0.05	05/09/2012
84	<u>NELSON, JONALYNN GYPSIE</u>	09/27/2011	USM HOLD	0.00	//
85	<u>NEWBERRY, JESSICA RENAY</u>	09/27/2011	USM HOLD	0.00	//
86	<u>OCHOA, JESUS</u>	10/13/2011	ATTEMPTED MURDER WITH A FIREARM	89500.00	//
87	<u>OESTER, SAMUEL THOMAS</u>	10/15/2011	ROBBERY I	13723.42	05/30/2012
88	<u>OLSEN, JOHN TODD</u>	12/27/2011	MANUFACTURE MARIJUANA	0.00	01/20/2012
89	<u>ORNELAS, MYKAL BRANDON</u>	07/19/2011	USM HOLD	0.00	//
90	<u>OSEMWENGIE, KINGSLEY IYARE</u>	04/14/2011	USM HOLD	0.00	//
91	<u>PARKER, CHAD AMES</u>	12/07/2011	PAROLE VIOLATION	4000.04	01/05/2012
92	<u>PENROD, JONATHAN WILLIS</u>	10/05/2011	PROBATION VIOLATION	0.00	01/18/2012
93	<u>PLATERO-SALADO, FIDEL</u>	01/04/2011	USM HOLD	0.00	//
94	<u>QUINONEZ-BELTRAN, CESAR</u>	11/22/2011	USM HOLD	0.00	//
95	<u>RAMIREZ-BALDENEBRO, AARON ANTONIO</u>	12/16/2011	USM HOLD	0.00	//
96	<u>RAMOS-GONZALEZ, CHRISTIAN</u>	07/08/2011	USM HOLD	0.00	//
97	<u>RETFERFORD, GARY LEE</u>	10/20/2011	FAIL TO APPEAR	0.00	//
98	<u>REYES-GARCIA, JUAN</u>	01/18/2011	USM HOLD	0.00	//

12/28/11

County Jail Inmate Population List

99	<u>RONTTY, LARRY ALYN</u> <u>EUGENE</u>	12/22/2011	WARRANT POSS METH	10000.00	//
100	<u>ROSHAK, DAVID</u> <u>SHAWN</u>	09/27/2011	USM HOLD	0.00	//
101	<u>SALTER, LORRAINE</u> <u>MICHELLE</u>	09/27/2011	USM	0.00	//
102	<u>SANCHEZ-NUNEZ,</u> <u>ADRIAN</u>	10/05/2011	USM HOLD	0.00	//
103	<u>SANCHEZ-SANCHEZ,</u> <u>RENE</u>	09/23/2011	USM HOLD	0.00	//
104	<u>SARDINA, ANA</u> <u>KRISTINA</u>	12/02/2011	POST PRISON VIOLATION	0.00	12/30/2011
105	<u>SEASTONE, CINDY M</u>	04/15/2011	RAPE IN THE 2ND DEGREE	0.00	//
106	<u>SHAFT, BARRY DEVON</u>	03/18/2011	ASSAULT IN THE 4TH DEGREE	0.00	04/16/2012
107	<u>SILVAMENDOZA, LINO</u>	12/06/2011	USM	0.00	//
108	<u>SMITH, JAMES ALLEN</u>	10/10/2011	RAPE I	131000.00	//
109	<u>SOLORIO-BARRAGAN,</u> <u>SALVADOR</u>	12/16/2011	USM HOLD	0.00	//
110	<u>SOSA-GASCON, IVAN</u>	11/22/2011	USM HOLD	0.00	//
111	<u>SOTO-CHAVEZ,</u> <u>LUCIANO</u>	11/22/2011	USM HOLD	0.00	//
112	<u>SPRIGGS, HOLLIE</u> <u>ROBIN</u>	06/09/2011	USM HOLD	0.00	//
113	<u>SPRIGGS, STANLEY</u>	06/10/2011	USM HOLD	0.00	//
114	<u>TEMPLE, WILLIAM</u> <u>MATHEW</u>	03/08/2011	UNLAWFUL POSSESSION OF METHAMPHATAMINES	0.00	01/01/2014
115	<u>TEXCO-HILLARIO,</u> <u>JOSE</u>	02/24/2011	USM HOLD	0.00	//
116	<u>THOMAS, SHAUN</u> <u>PATRICK</u>	08/25/2011	SODOMY IN THE 1ST DEGREE	40000.00	//
117	<u>THOMETZ, CHARITY</u> <u>ANN</u>	06/09/2011	USM HOLD	0.00	//
118	<u>THOMPSON, JOHN</u> <u>HUGH</u>	11/23/2011	ASSAULT IV	0.00	//
119	<u>TOVIO, TOVIO</u>	12/06/2011	USM 73905065	0.00	//
120	<u>TRUJILLO-</u> <u>EVANGELISTA,</u>	11/22/2011	USM HOLD	0.00	//

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County Jail Inmate Population List

121	<u>FRANCISCO, TURNER, TIMOTHY RANDALL</u>	10/30/2011	WARRANTS 096239,096399/FTA,FTA	0.00	06/01/2012
122	<u>VALDEZ JR. JOSE RUBEN</u>	12/27/2011	FELON POSSESS WEAPON X 3	526.00	//
123	<u>VANDOLAH, ALISHA ROBIN</u>	10/18/2010	ATTEMPT TO COMMIT CRIME-MURDER	25000.00	//
124	<u>VANDOLAH, HARLEY CRAIG</u>	11/25/2011	POST PRISON VIOLATION	0.00	12/27/2011
125	<u>VANMETER, DONALD ALBERTLEE</u>	06/10/2011	USM HOLD	0.00	//
126	<u>VARGAS-TORRES, MOISES</u>	12/21/2010	USM HOLD	0.00	//
127	<u>VASQUEZ, TOMMY</u>	12/15/2011	USM HOLD	0.00	//
128	<u>VETTER, DANIEL</u>	10/04/2011	USM HOLD	0.00	//
129	<u>VILES, TIMOTHY OWEN</u>	12/27/2011	BURG I	6000.00	//
130	<u>VIRUET, FRANK ROSS</u>	07/19/2011	USM HOLD	0.00	//
131	<u>WALL, ROY JOSEPH</u>	12/22/2011	FAIL TO REPORT	7000.00	//
132	<u>WARINER, RANDALL K</u>	09/27/2011	USM HOLD	0.00	//
133	<u>WEISENBERGER, JOHN WILLIAM</u>	05/12/2010	USM HOLD	0.00	//
134	<u>WILCOXSON, ERIC STEVEN</u>	03/08/2011	USM HOLD	52500.00	//
135	<u>WILLARD, BRIAN JOHN</u>	12/23/2011	PRBATION VIOLATION	0.00	//
136	<u>WILLIAMS, ROBERT ALLEN</u>	12/06/2011	USM HOLD	0.00	//
137	<u>WILLIAMS, SHAUGHNESSY</u>	03/09/2011	USM HOLD	0.00	//
138	<u>WOLD, JOHN EDWIN</u>	12/27/2011	PV/DISORDERLY CONDUCT 2008CR000178	0.01	01/06/2012
139	<u>WOODALL, VERNON LOUIS</u>	11/29/2011	USM HOLD	0.00	//
140	<u>YOUNG, JOSHUA TYLER</u>	11/16/2011	PCS	18000.00	12/16/2011
141	<u>YOUNG, SARA JOAN</u>	11/16/2011	PCS X 2	18000.00	//
142	<u>ZAPATA-FALCON, RENE</u>	12/29/2010	USM HOLD	0.00	//

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County Jail Inmate Population List

143	<u>ZIMMERMAN,</u> <u>GREGORY MICHAEL</u>	11/29/2011	USM HOLD	0.00	//
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EXHIBIT 11

TO
DECLARATION OF KATHERINE CHAMBERLAIN
IN SUPPORT OF PLAINTIFF'S MOTION
FOR PRELIMINARY INJUNCTION



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SHERIFF'S OFFICE**

Jeffrey M. Dickerson, Sheriff



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EXHIBIT 12

TO
DECLARATION OF KATHERINE CHAMBERLAIN
IN SUPPORT OF PLAINTIFF'S MOTION
FOR PRELIMINARY INJUNCTION

Prison Education Program Participation and Recidivism: A Test of the
Normalization Hypothesis

May 1995

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Prison Education Program Participation and Recidivism: A Test of the
Normalization Hypothesis

Abstract

I argue that prison education programs are representative of a larger number of what I call normalizing prison programs and operations found in many contemporary prisons that serve to increase prison safety and decrease recidivism. Normalizing programs and operations achieve these goals, I argue, by reducing prisonization and by nurturing prosocial norms. Using data for a cohort of Federal prison releasees, I test the hypothesis that inmates who actively participate in education programs have lower likelihoods of recidivating, defined as a rearrest or parole revocation within 3 years after release, controlling for several background and post-release measures, including post-release employment. Results show that inmates who actively participate in education programs have significantly lower likelihoods of recidivating. Because this effect is independent of post-release employment, I argue that results support the normalization concept.

Prison Education Program Participation and Recidivism: A Test of the
Normalization Hypothesis

Introduction

This study argues that prison education programs are representative of a larger number of "normalizing" prison programs serving to increase prison safety and to decrease recidivism. Normalizing programs and operations achieve these goals, I argue, first, by reducing prisonization and, second, by nurturing prosocial norms supporting rule/law abiding behavior.¹

Gresham Sykes (1958) identified five pains of imprisonment: isolation from the larger community; lack of material possessions; blocked access to heterosexual relationships; reduced personal autonomy; and reduced personal security. Sykes argued that these deprivations foster what is currently referred to as prisonization, that is, alienation from the prison staff and management, and from the larger society. Additionally, criminologists argue that many inmates bring to prison a commitment to criminal subcultures and criminal norms (Irwin and Cressey 1962). Both the deprivations of imprisonment and the imported criminogenic norms, criminologists argue, facilitate the growth of inmate subcultures favoring a normative orientation hostile to prison management and supporting a continuation of criminal behavior after release from prison (Thomas and Petersen 1977; Kassebaum et al. 1971; Thomas and Foster 1972; Thomas and Poole 1975).²

While prisons, given their statutory mandate, cannot directly eliminate the pains of imprisonment, either by freeing inmates or by making life in prison nearly identical to life in the larger community, prisons can be organized in ways that simultaneously mitigate these pains and offer inmates seeking relief opportunities to find it in ways that promote their adoption of prosocial norms. This is done in many prisons today, by breaking down the barriers between staff and inmates, providing rolemodels of prosocial behavior, and by importing, when possible, institutional programs such as

schooling and work, which in the community, serve partly to socialize/normalize toward prosocial norms and behavior.

In practice, these normalizing programs and operations can take many forms, including emphasis on staff use of a human relations approach when working with inmates; a unit management style of prison operation; prison industries and other work programs; female correctional officers in male institutions; social furlough programs; use of effective classification techniques; a formal policy guaranteeing inmates' due process rights when charged and adjudicated for rule violations; guidelines for sanctioning misconduct that eliminates disparity; and education programs, to mention only some of what I see as normalizing policies, programs, and operations found in many modern prisons. All of these programs facilitate humane treatment of inmates, open lines of communication between staff and inmates, and provide opportunities for diversion from the pains of imprisonment in ways that legitimate and reinforce law-abiding norms. My perspective is similar to that of Robert Johnson (1987) who argues for prison operations that provide inmates with encouragement and opportunities to find "niches," as he calls them, in which inmates can "maturely cope" with the "pains of imprisonment." Johnson claims that inmates who learn "mature coping" in prison will also cope more maturely with life in the community after release and, therefore, will be less likely to recidivate.

Movement Toward Normalization in American Prisons

After evaluations of rehabilitation programs rooted in a psychopathology model of criminal behavior and experimented with in the 1970's showed little, if any, treatment effect, American correctional treatment philosophy turned pragmatic. Policy emphasis shifted from a medical model of rehabilitation to strategies for managing safe and humane prisons in which inmates are provided opportunities and encouragement to strengthen their

social bonds (i.e., normalization) through programs emphasizing work, education, substance abuse treatment, strengthened family and community ties, and wellness. By design, this new policy emphasizes individual responsibility and targets prison conditions and inmate needs that from professional judgment and sound empirical research, have been identified to contribute to positive prison adjustment and to a productive non-criminal, life after release from prison.

Within this new normalization paradigm, progressive efforts, in many American prisons, have turned to improving the quality of program delivery, and experimentation with operational and programmatic modifications directed toward increasing inmate adjustment within safe and humane prisons, while simultaneously reducing the recidivism rate. Examples of recent efforts to improve management quality, within the Federal Bureau of Prisons, are the adoption of strategic planning and improved management information systems. An example of a recent programmatic experiment is the development of the discipline hearing program, which created a group of specially trained and independent discipline hearing officers who adjudicate serious inmate misconduct.

As indicated, prison education programs are one critically important component in this new normalization paradigm. Prison education program participation normalizes by offering relief from the pains of imprisonment and by helping inmates to appreciate and adopt prosocial norms. Since at least as far back as the time of Aristotle, philosophers and scholars of education have argued that education creates the socially good (i.e., moral) person (Aristotle; Durkheim 1911). These scholars view the educated person as having both the knowledge and reasoning ability synonymous with the truly free and moral human being. Uneducated, unsocialized/contrasocialized persons, incapable of informed moral reflection, are the truly imprisoned.

A Test of the Normalizing Effects of Education Programs

Since disproportionate numbers of prisoners have both low educational attainment and poor work histories, it is not surprising that prison administrators justify education programs on the grounds that such programs contribute to the employment prospects of inmates and will thus reduce recidivism rates. While this linkage between education and employment is hypothesized as reducing recidivism, I do not test this hypothesis here. Instead, I aim to test the normalizing effects of prison education program participation. That is, does the normalizing experience of prison education programs reduce recidivism? Education programs serve to occupy the inmate's time productively, thus limiting the negative influence of prisonization, and further serve to socialize/resocialize inmates toward acceptance of prosocial norms. In order to isolate the normalizing effects of participation in prison education programs from those of increased employment prospects, I control for post-release employment when testing the effect of education program participation on recidivism.

Methods

Although Federal prison inmates without a high school or General Educational Development (GED) diploma are required to take at least one literacy course, and all other inmates are encouraged to participate in educational programs, and various incentives exist to promote participation, both participation and successful completion remains largely voluntary.³ The researcher cannot randomly assign inmates to successfully complete educational programs for experimental purposes; rather, inmates self-select themselves into and through programs. Therefore, the researcher must rely on statistical techniques to isolate the recidivism-reducing effect, if any, of prison education program participation. The primary concern is, guided by theory and past research, to identify empirical measures of the self-selection process

that can be used as statistical controls when evaluating program impact.

The research literature suggests several statistical methods for handling selection bias (see Berk 1987). I report results for two of these methods here. First, I use multivariate models to predict recidivism in which a measure of program participation is included along with all variables thought to predict program participation and recidivism. I refer to this approach as the full multivariate approach. Second, I separately estimate propensity scores predicting likelihood of not participating in education programs. I then use these propensity scores to control for selection bias, in place of the separate variables predicting program participation used in the full multivariate approach. I refer to this as the propensity score approach.

With the multivariate approach, the intention is to identify and measure all the individual and environmental factors thought to influence both program participation and recidivism, and control for these measures in a regression model when assessing program effects.

The propensity score approach (Berk and Newton 1985; Rosenbaum and Rubin 1984) involves modeling the selection process with a set of measures predicting program participation to arrive at a single measure called a propensity score that is then used to control for selection bias. Ideally, researchers use theory and prior research to select measures thought to predict program participation. However, the ideal is seldom realized, and the researcher usually selects variables predicting program participation by using available measures in a stepwise regression. The predicted, or conditional, probabilities, the propensity scores, are used to control for the self-selection process in further regressions predicting outcome (Rosenbaum and Rubin 1984). Several advantages of the propensity score approach over direct multivariate control are described by Berk and Newton (1984). One advantage Berk and Newton cite is that measures found useful in modeling selection bias provide insight into the selection process. I would add that these insights

may guide the development of theories and measures allowing improved ability to model and subsequently control for the selection process in future evaluation research on similar programs. Additionally, an understanding of the selection process may also help correctional and education program personnel to develop operations and policies for attracting more inmates to become involved in prison education programs.⁴

Data and Variables

The data used in this analysis are from a 35-percent random sample (N = 1,205) of all inmates who were released, between January 1 and June 30, 1987, directly from Federal prison or through halfway houses to the community in the United States and who had received prison sentences greater than 3 months. My analysis is conducted on a subsample (N=619) of this group and contains only persons having a prison stay of more than 1 year. This was done because those in prison for less than a year may have had insufficient opportunity to participate meaningfully in education programs.

Table 1 provides the variable names and definitions. The outcome measure is labeled RECID and is a dummy variable coded "1" if the person recidivated (i.e., was rearrested or had parole revoked during the 3-year followup period) and "0" otherwise. The program measure is labeled EDUCPRG and is a dummy variable coded "1" if the person successfully completed at least one-half (.5) of an education course per 6 months of the prison term and "0" otherwise. This measure was chosen for two reasons: first, it provides a measure of treatment dosage, something that is often missing from evaluation studies and, second, the bivariate association between education program participation and recidivism suggests that .5 courses per 6 months of the prison term was a tipping point for reduced recidivism rates. I control for employment at release with the variable labeled RELEMP, coded "1" if the person was employed at release from prison and "0" otherwise. The remaining variables listed in Table 1 were examined in developing the final model. The variables were chosen from research on individual and structural predictors of criminal behavior, recidivism, and community crime rates (Schmidt and Witte 1988; Farrington, Sampson, and Wikström 1993). To arrive at the specification of the regression models used in the analysis, I conducted an exhaustive analysis using all the predictor variables listed in Table 1, in various combinations, including interactions.

Table 2 provides variable means and standard deviations for the full sample and subsample for those variables used in the analysis.

Mode of Analysis

I begin the analysis using the full multivariate method in which discrete time hazard rates of recidivating, in six semiannual periods following release, are simultaneously regressed (logistic regression) on the program measure and all control variables (see Allison 1984, pp 16-22). I also examine accelerated failure time models predicting the log of time to recidivism in months, assuming an exponential distribution for failure times. I conclude with the propensity score analysis.

The logistic models were each subjected to a number of diagnostic tests (see Hosmer and Lemeshow 1989, pp. 149-170). I discovered no problems that would invalidate the findings reported.

In what follows, I first present, for the interested reader, results from analyzing recidivism predictors for the entire sample of 1987 releasees. I then move on to the main topic of the paper, testing the normalizing effects of educational program participation among inmates spending a year or more in prison.

A Preliminary: Recidivism Predictors for the entire 1987 Release Sample.

Before proceeding to analysis limited to releasees spending a year or longer in prison, it will be informative, especially for those wishing to formulate appropriate normalizing prison policies, operations, and programs, to examine recidivism predictors for the entire sample of 1987 releasees. Table 3 presents results for a discrete time hazard model. I arrived at the model's specification guided by past research and theory on recidivism and after exhaustive analysis using all the variables listed in Table 1 in various combinations, including interactions.

Results shown in Table 3 reveal that the following variables significantly (at the .05 level or less) increase the risk of recidivating: number of prior convictions; heroin abuse; alcohol abuse; and having been under some type of criminal justice system supervision at the time the current offense was committed. Variables significantly related to a lower risk of recidivating are a high Salient Factor Score (the Salient Factor Score is heavily weighted with prior convictions and is designed to be inversely related to recidivism risk); stable employment prior to prison; receiving a social furlough while in prison; employment at release; age (the older the releasee, the lower the risk); living with a spouse after release; and, nearly significant at the .05 level, prison education program participation. While the variable measuring education program participation is not significant at the .05 level, it is nearly significant at that level, with a p value of .0637 in model 1 and .0766 in model 2. This may be due to the extremely short prison stay for many of the inmates in the full sample. Shorter term inmates who participated in education programs may simply not have had sufficient exposure to have benefited from that participation.

These measures suggest normalizing prison policies, operations, and programs and inmate actions that could reduce prisonization and increase post-release success. For example, the link between prior record and recidivism indicates a possible link between prior record and prison misconduct (the correlation between both prior convictions and the Salient Factor Score with prison misconduct are 0.24 and -.26 respectively, with both significant at the .05 level) suggesting, therefore, the need for placement into an institution with both more intensive custody practices and more intensive programming. The effect of prison education program participation suggests the need for well managed prison education programs and for efforts to increase inmate participation in them. Heroin and alcohol abuse need to be addressed with well managed drug treatment programs designed along the lines of programs

shown to be effective in reducing substance abuse. Well managed programs that improve work skills, work habits, and job search skills are needed for all inmates. Policies and programs promoting family stability and community contact such as parenting classes, visitations, social furloughs, and locating inmates close to their home residences should be maintained.

I now move on to a more complete analysis of the normalizing effects of education program participation.

Results

Table 4 provides some basic information about the relationship between education programs and recidivism, showing the three-way relation between education program participation, educational attainment at prison admission, and recidivism.

Looking first at the bottom row of Table 4, we see that 15.0 percent of the sample had an 8th grade education or less and an additional 27.9 percent had between an 8th and 12th grade education for a total of 42.9 percent without a high school degree. The Census Bureau reported that in 1987 only 14.0 percent of the population age 25 years or over had less than a high school education. If we take a high school degree as the basic educational attainment needed to function adequately in modern society, then we see that a much larger percentage of persons sentenced to Federal prison are in need of further education than persons in the community.

Also, in the bottom row, we see that except for a slight rise from those with less than an eighth grade education to those with some high school, the percent recidivating declines steadily from 54.9 percent recidivating among those with some high school to 7.7 percent among those with a college degree.

The last column of Table 4 displays the frequency of education program participation, measured by the number of courses successfully completed for each 6 months confined. Courses reflected here include Adult Basic Education

(ABE), General Educational Development (GED), Adult Continuing Education (ACE), Post Secondary Education (PSE) including college courses and vocational training, and social skills courses (e.g., parenting).⁵ We see a definite decline in recidivism rates -- from 44.5 percent recidivating among those completing no courses during their prison term to 30.1 percent among those completing at least .5 courses during each 6 months of their prison term.

In the body of Table 4, we see that within every educational attainment category, except college graduate (of which there are only 13), that the greater the educational program participation, the lower the recidivism rate. The greatest decline in recidivism, with educational program participation, is among those who come to prison with a high school degree. Among high school graduates, the recidivism rate for those who took no courses was 39.2 percent compared to 24.5 percent among high school graduates who participated in at least .5 education courses each 6 months of their term, or a drop of 14.7 percentage points in the recidivism rate. However, even those who came to prison with an eighth grade education or less experienced a 7.9-percentage-point drop in their recidivism rate between those who took no courses and those who actively participated in education programs.

The question that needs to be answered is: Are these declines in recidivism due to the normalizing effects of participating in education programs? I must try to rule out two alternative explanations for this relationship: first, that it is due to the increased employment prospects that more education allows for and, second, that other characteristics of inmates explain both education program participation and lower recidivism. To accomplish this objective, I first use the full multivariate approach and then the propensity score approach.

I begin the full multivariate approach by estimating logistic regression models predicting discrete time hazard rates for the six semiannual periods making up the 3-year followup period, while controlling for all variables

thought to affect both educational program participation and recidivism, including post-release employment. Table 5 provides the coefficient estimates for two models. The models differ only in the criminal momentum measure used in each, the U.S. Parole Commission's Salient Factor Score SFSCORE (in Model 1) and the number of prior felony convictions NPRIOR (in Model 2). Separate models are estimated because of the very high correlation between the SFSCORE and NPRIOR. As we can see, in both models, EDUCPRG or educational program participation significantly (at the .01 level) reduces the hazard of recidivating.

I tested for the combined significance of the variables measuring time (PRD1-PRD5) and found they do not add significantly to the models, indicating a constant hazard rate. Therefore, I assumed an exponential distribution for hazard when estimating accelerated failure time for the variables used in Table 5, Models 1 and 2. Coefficient estimates for the two models are provided in Table 6. We see that education program participation significantly (at the .0001 level) increases the time until first recidivating event in both models.

To summarize, using the full multivariate approach to control for selection bias and predictors of recidivism including post-release employment, we find strong evidence that education programs reduce recidivism, possibly through normalization.

Estimating Propensity Scores Measuring Self-Selection Into and Through Prison Education Programs

To provide greater insight into the self-selection process, I then estimated propensity scores predicting who is not likely to participate in education programs, using these propensity scores to control for selection bias when evaluating the effect of program participation. I also estimated propensity scores that predict who participates, rather than non-participants.

As I expected, the variables selected (i.e., MALE, HEROINMS, LSCHYRS, HFHOUSE, LAGEREL, MILDOTH) were the same as those predicting lack of participation; however, the coefficient signs were just the opposite from those reported below. The steps required to estimate propensity scores provide insight regarding the self-selection process.

I estimated propensity scores by conducting a stepwise logistic regression of all the variables in Table 1 excluding NPRIOR and PRD1-PRD5 on the educational program participation measure EDUCPRG. I required a .05 significance level for a variable to remain in the model. Table 7 presents the final model. We see that males are less likely to participate than females; persons for whom there is missing information on heroin dependency (N=60) are less likely to participate; persons with higher educational attainment at admission are more likely to participate; persons released through a halfway house were more likely to participate; older inmates were less likely to participate; and inmates who were in the military and discharged other than for honorable or dishonorable reasons (e.g., medical reasons) were more likely to participate.

The means, standard deviations, minimum and maximum values, and box plots for the propensity scores for those who participated in more than .5 courses semiannually during their term and for those who did not are presented separately in Table 8. The important item to note is that for almost all persons (actually 98.5 percent) taking .5 courses or more, there is a nearly matching propensity score among persons taking less than .5 courses during their prison term. Only at the low end of the propensity score distributions are propensity scores for non-participants truncated relative to the distribution for participants, with 2.5-percent of participants having scores below the lowest score for non-participants.

Using logistic regression, I regressed a measure of whether or not a person recidivated on the propensity scores separately for the participants

and non-participants. Figure 1 shows a plot of the predicted values from these logistic regressions (Y axis) by the propensity scores (X axis). The plot indicates that among participants, the slope for probabilities of recidivating is relatively flat, but for the non-participants, the likelihood of recidivating increases with the probability of not participating in educational courses. What this plot indicates is that even those persons least inclined to participate in education programs would be less likely to recidivate if they participated in at least one-half of a course per half-year during their prison term.

Tables 9 and 10 reproduce the analysis of Tables 5 and 6 respectively, with the variables used to estimate propensity scores replaced by the single propensity score variable PSCORE. Again, we see that education program participation significantly reduces the recidivism hazard rate (Table 9) and increases the time until recidivism (Table 10).

Estimated Cost Savings From Education Programs

To estimate potential cost savings from reduced recidivism due to education course participation, I first used a logistic regression model using all the variables for Model 2 in Table 6 to predict the log odds of recidivating in the 3-year followup period (results not shown). Then, with the coefficients from the regression, and by setting the control variables at their sample means, I estimated recidivism rates for the sample under the condition that no inmates took at least .5 education courses during each 6 months of the prison term and under a second condition that all inmates took courses at that rate or higher. Under the first condition (no participation), the estimated recidivism rate is 45.73 percent and under the second condition (total participation), the recidivism rate is 38.54 percent, reflecting a difference of 7.19 percentage points, or a 15.7-percent reduction in recidivism. With these estimates, we can get a crude estimate of the potential cost savings from prison education programs in Federal prison. Let us assume an annual release cohort of 5,000 inmates who served at least 1 year in prison. Then, with the recidivism rates from above, we can compute that if none of these inmates participated in at least .5 courses per 6 months served, the estimated number recidivating is 2,287. We can then compute that with all inmates participating in education programs at this rate or higher, the estimated number recidivating is 1,927, or a difference of 360 recidivists, again, a 15.7-percent reduction in recidivism. Now, assuming recidivists spend an average of 1 year in prison for their recidivating offense, and using a conservative estimate of \$22,000 as the annual per inmate cost of incarceration, we see that the prison savings alone come to \$7.9 million. This does not include costs to victims, law enforcement costs, court costs, welfare costs, and lost income taxes -- all of which would no doubt be substantial and bring the total savings somewhere well above \$10 million. Additional cost savings would most likely accrue due to lower custody costs

for prisons providing education programs, due to reduced prisonization and associated reduced misconduct. However, sufficient data are not available here for directly testing the hypothesis that education programs reduce prisonization and, thereby, misconduct.⁶ In sum, only focusing on the effects of educational program participation on recidivism, we see that potential dollar savings from prison educational programs could be quite large.

Conclusions

Results of this analysis provide substantial evidence that prison education program participation reduces the likelihood of recidivating irrespective of post-release employment. I interpret this result as support for the normalization hypothesis, which posits that many policies, operations, and programs found in modern prisons reduce prisonization and nurture prosocial norms supporting rule/law abiding behavior. Therefore, results reported here for the education program and recidivism relationship may be generalized as showing that other prison policies, operations, and programs (e.g., unit management, prison industries, furlough programs, female corrections officers, due process in handling misconduct) that have normalization as a goal may also reduce recidivism. Additional analysis suggests that the monetary savings from reduced recidivism, due to prison education program participation, are substantial.

Future Research

Clearly, additional research is needed not just to determine, in a very broad sense, whether education programs reduce recidivism, but also to consider the following:

- 1) Use of subjective measures of commitment to criminogenic norms, as intermediate measures of prison program effects.

- 2) Use of pre- and post-achievement test scores to measure change in educational skills due to participation in educational programs.

- 3) The particular types of education courses (e.g., GED, Literacy, Adult Basic Education, college, vocational, social) that are most effective for increasing commitment to prosocial norms increasing educational skills and reducing recidivism.
- 4) The types of program delivery that are most effective for normalizing the prison environment, increasing educational ability, and reducing recidivism.
- 5) The type and amount, if any, of conflict between custody goals and educational program delivery.
- 6) The relative effectiveness, if any, of various educational program providers (e.g., prison education departments, colleges or universities, local school districts, private contractors).
- 7) The educational needs of inmate populations.
- 8) The methods used to encourage inmates to participate in appropriate educational programs.
- 9) The effects of other normalizing prison operations and programs on both in-prison adjustment and post-release success.

Table 1. List of Variable Names and Their Definitions.

RECID	Coded 1 if the person was rearrested or had parole revoked within 3 years of release from prison, 0 if otherwise.
NPRIOR	Number of prior convictions. This is one measure of what I call criminal momentum; the second is the Salient Factor Score. ⁷
SFSCORE	United States Parole Commission Salient Factor Score. The Salient Factor Score is determined by combining points assigned for prior convictions, prior incarcerations, age, the incarceration free period, and criminal justice status at the time of the current offense, and heroin dependency. See Appendix A, for a copy of the Salient Factor Score computation form.
BLACK	Code 1 if black, 0 if white.
HISPAN	Coded 1 Hispanic, 0 if not Hispanic.
MALE	Coded 1 if male, 0 if female.
EDUCPRG	Coded 1 if completed .5 or more courses per each 6 months of prison term, 0 if less than .5 courses for each 6 months of prison term.
PScore	The propensity score measuring the conditional probability that a person will not participate in at least .5 courses per each 6 months of his or her prison term.
CODRUG	Coded 1 if incarcerating offense was a drug trafficking offense, 0 if other offense. The comparison group is the miscellaneous offense category.
COPROP	Coded 1 if incarcerating offense was a property offense (e.g, larceny theft, burglary, possession stolen goods), 0 if other offense. The comparison group is the miscellaneous offense category.
COFRGFRD	Coded 1 if incarcerating offense was for forgery or fraud, 0 if other offense. The comparison group is the miscellaneous offense category.
COPERSON	Coded 1 if incarcerating offense was a person crime other than robbery (e.g., assault, rape), 0 if other offense. The comparison group is the miscellaneous offense category.
COROBB	Coded 1 if incarcerating offense was for robbery (most often bank robbery), 0 if other offense. The comparison group is the miscellaneous offense category.
HEROIN	Coded 1 if the person used heroin five or more times in the 2 years prior to admission to prison for the instant offence, 0 if otherwise.
HEROINMS	Coded 1 if there is missing information regarding heroin use, 0 if otherwise.

Table 1. continued

ALCOHOL	Coded 1 if the person is an alcohol abuser as evidenced by prior arrests for alcohol related crimes (e.g., DUI, public drunkenness); or presentence report accounts of referral to alcohol abuse treatment or other references to a drinking problem, 0 if otherwise.
ALCOHOLMS	Coded 1 if information regarding alcohol abuse is missing, 0 if otherwise.
LSCHYRS	Natural log of the self-reported number of school years completed at the time of admission to prison for the instant offense.
VPPEMPLY	Coded 1 if the person worked full time or was a full-time student for at least 6 months during the 2 years prior to admission to prison for the instant offense, 0 if otherwise.
CJSUPER	Coded 1 if the person was under criminal justice supervision (e.g., parole, probation) at the time he or she committed the instant offense, 0 if otherwise.
LMISCOND	Natural log of the number of misconduct charges plus 1.
FURLOUGH	Coded 1 if the person received at least 1 social furlough during the prison stay, 0 if otherwise.
LTIMESRV	Natural log of the number of days served in prison.
RELEMP	Coded 1 if the person was employed at release from prison, 0 if otherwise.
HFWHOUSE	Coded 1 if the person was released from prison through a halfway house, 0 if otherwise.
LAGEREL	Natural log of the person's age (in years) at the time of release.
FAMILY	Coded 1 if the person resided with a spouse after release, 0 if otherwise.
USCTZ	Coded 1 if the person is a United States citizen, 0 if otherwise.
MISCTZ	Coded 1 if citizenship information is missing, 0 if otherwise.
MILHON	Coded 1 if the person had an honorable discharge from military service, 0 if otherwise. The comparison group is persons with no military service.
MILDIS	Coded 1 if the person had a dishonorable discharge from the military, 0 if otherwise. The comparison group is persons with no military service.
MILDOTH	Coded 1 if discharge from the military was other than honorable or dishonorable (e.g., medical), 0 if otherwise. The comparison group is persons with no military service.
MILDMIS	Coded 1 if military service information is missing, 0 if otherwise. The comparison group is persons with no military service.

COMMUNITY This is the first principal component from a principal component analysis of the following variables for the inmates' home residence ZIP Codes: the Gini Coefficient for household income distribution for 1979; the median household income in 1979; the percent of families with incomes below the poverty level in 1979; the population size in 1980; and the percent of the 1980 population that was black. This variable is used to measure urban socio-economically deprived community background. It is similar to a measure used by Land, McCall, and Cohen (1990) in an analysis of community crime rates. The first principal component explains 79 percent of the common variance. The correlations between the Community measure and each of the variables making it up are the following: 0.434 with the Gini; -0.414 with median household income; 0.533 with poverty; 0.375 with population; and 0.996 with percent black.

ZIP Code Data were obtained from CACI Marketing Systems in Arlington Virginia. The methodology used to obtain ZIP Code estimates was to overlay centroids, defined by latitude and longitude coordinates, of census tracts or, for rural areas, Block Numbering Units (BNA's) on ZIP Code boundary coordinates. If the Tract/BNA centroid fell within a ZIP Code, the Tract or BNA was assigned to that ZIP Code, and 1980 Census data are assigned to the ZIP Code based on the proportion of its area falling within it. The remaining proportion of Tract/BNA data, if any, was assigned to adjacent ZIP Codes according to the proportion of the Tract/BNA area falling within them.

PRD1-PRD5 Dummy variables measuring the successive semiannual periods following release. Each is coded 1 if the observation is for a period, and 0 if otherwise. The reference category is the last semiannual period before the end of the 3-year followup period.

Table 2. Means and Standard Deviations for Variables.

Variable	Full Sample N=1205		Time Served Greater Than 1 Year N=619	
	Mean	Standard Deviation	Mean	Standard Deviation
RECID	0.407470	0.487250	0.386110	0.487250
NPRIOR	3.683817	5.103785	3.810985	5.217733
SFSCORE	5.707884	3.248712	5.733441	3.257309
BLACK	0.282158	0.450237	0.274637	0.446692
HISPAN	0.137759	0.344790	0.129241	0.335737
MALE	0.887137	0.316557	0.930533	0.254452
EDUCPRG	0.292116	0.454924	0.295638	0.456698
CODRUG	0.390871	0.488148	0.439418	0.496718
COPROP	0.165145	0.371466	0.143780	0.351151
COFRGFRD	0.224896	0.417687	0.192246	0.394384
COPERSON	0.029046	0.168004	0.025848	0.158810
COROB	0.071369	0.257548	0.095315	0.293887
HEROIN	0.204149	0.403246	0.203554	0.402967
HEROINMS	0.054772	0.227629	0.058158	0.234232
ALCOHOL	0.338589	0.473426	0.340872	0.474386
ALCOHOLMS	0.054772	0.227629	0.054927	0.228023
LSCHYRS	2.393269	0.282162	2.393816	0.270431
VPPEMPY	0.513693	0.500020	0.536349	0.499080
CJSUPER	0.369295	0.482814	0.305331	0.460920
LMISCOND	0.334995	0.580612	0.482594	0.682517
FURLOUGH	0.250622	0.433551	0.436187	0.496312
LTIMESRV	5.881878	0.817957	6.526442	0.406882
RELEMP	0.457261	0.498377	0.542811	0.498567
HFHOUSE	0.509544	0.500116	0.668821	0.471018
LAGEREL	3.582375	0.261801	3.604833	0.254731
FAMILY	0.332780	0.471404	0.318255	0.466176
USCTZ	0.833195	0.372956	0.852989	0.354404
MISCTZ	0.147718	0.354967	0.129241	0.335737
MILHON	0.236515	0.425118	0.247173	0.431717
MILDIS	0.043154	0.203287	0.048465	0.214921
MILDMIS	0.059751	0.237123	0.045234	0.207986
MILDOTH	0.023237	0.150716	0.019386	0.137989
COMMUNITY	0.000000	2.217000	0.000000	2.241130

Table 3. Coefficient Estimates for Logistic Models Predicting the Probability of a First Recidivating Event for the Entire Sample of 1987 Releasees (N = 1205), 5778 Person Half-Years.

Variable	Coef. Est.	Std. Error	P Value	Coef. Est.	Std. Error	P Value
INTERCPT	2.2795	1.0242	0.0260	1.7689	1.0187	0.0825
SFSCORE	-0.1541	0.0262	0.0001	-----	-----	-----
NPRIOR	-----	-----	-----	0.0434	0.00954	0.0001
BLACK	0.0833	0.1361	0.5405	-0.1344	0.1351	0.3198
MALE	0.2081	0.1690	0.2180	0.2529	0.1678	0.1319
EDUCPRG	-0.2211	0.1192	0.0637	-0.2107	0.1190	0.0766
COPROP	0.2017	0.1294	0.1190	0.2363	0.1294	0.0679
HEROIN	0.3143	0.1255	0.0123	0.5721	0.1202	0.0001
HEROINMS	0.3126	0.2556	0.2214	0.2986	0.2618	0.2540
ALCOHOL	0.3128	0.1114	0.0050	0.3359	0.1123	0.0028
ACOHOLMS	0.1235	0.2559	0.6295	0.1644	0.2605	0.5279
LSCHYRS	0.0660	0.1944	0.7344	0.0398	0.1943	0.8376
VPPEMPY	-0.2664	0.1206	0.0272	-0.3320	0.1202	0.0058
CJSUPER	-0.0167	0.1312	0.8987	0.3392	0.1137	0.0029
LMISCOND	0.1401	0.0905	0.1218	0.1518	0.0906	0.0937
FURLOUGH	-0.4558	0.1628	0.0051	-0.5006	0.1623	0.0020
LTIMESRV	0.0227	0.0755	0.7641	0.0510	0.0760	0.5022
RELEMP	-0.3317	0.1243	0.0076	-0.3567	0.1240	0.0040
HFWHOUSE	0.1258	0.1293	0.3304	0.1284	0.1295	0.3213
LAGEREL	-1.1785	0.2325	0.0001	-1.4078	0.2426	0.0001
FAMILY	-0.3274	0.1436	0.0226	-0.3449	0.1438	0.0165
MILHON	-0.2739	0.1472	0.0627	-0.2406	0.1476	0.1031
MILDIS	0.0672	0.2225	0.7625	0.0489	0.2222	0.8257
MILDMIS	-0.1443	0.2302	0.5308	-0.1742	0.2306	0.4499
MILDOTH	-0.5198	0.3803	0.1717	-0.5106	0.3846	0.1842
COMMUNITY	0.0256	0.0290	0.3774	0.0233	0.0289	0.4203
PRD1	-0.1091	0.1837	0.5527	-0.0973	0.1835	0.5958
PRD2	0.2095	0.1817	0.2490	0.2132	0.1816	0.2402
PRD3	-0.0145	0.1932	0.9400	-0.0113	0.1930	0.9531
PRD4	-0.1607	0.2041	0.4312	-0.1600	0.2039	0.4326
PRD5	0.0325	0.2037	0.8731	0.0384	0.2033	0.8502
-2 LOG L			441.037			425.429
Hosmer and Lemeshow						
Goodness-of-fit Statistic			9.1599			10.382
			(p=0.3290)			(p=0.2392)
RSquare*			0.0735			0.0710
Adjusted RSquare*			0.1681			0.1623

* See Nagelkerke (1991) for an interpretation of RSquare and Adjusted RSquare.

EXHIBIT 13

TO
DECLARATION OF KATHERINE CHAMBERLAIN
IN SUPPORT OF PLAINTIFF'S MOTION
FOR PRELIMINARY INJUNCTION



From the Classroom to the Community

*Exploring the Role of Education
during Incarceration and Reentry*

Diana Brazzell
Anna Crayton
Debbie A. Mukamal
Amy L. Solomon
Nicole Lindahl



THE URBAN INSTITUTE
Justice Policy Center

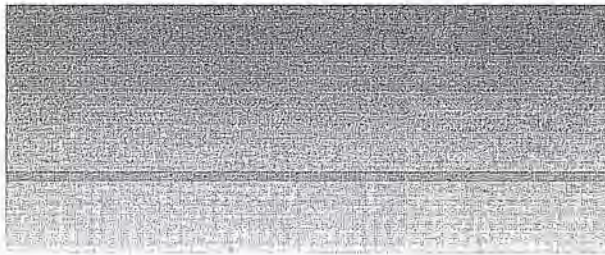


JOHN JAY COLLEGE
THE CITY UNIVERSITY OF NEW YORK
OF CRIMINAL JUSTICE

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Acknowledgments



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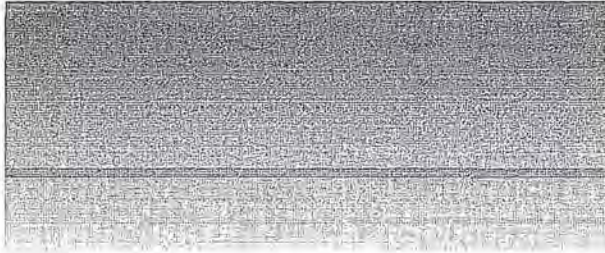
First, we would like to thank Jeremy Travis, the president of John Jay College of Criminal Justice, for serving as the facilitator of the Reentry Roundtable on Education, which serves as the basis for this report. We would also like to thank the Roundtable participants whose thoughtful discussion over the course of the meeting shaped the content of the report. We owe a special thanks to the following individuals who prepared discussion papers and presentations that framed the meeting and greatly influenced this monograph: Christopher Mumola, U.S. Department of Justice, Bureau of Justice Statistics; Theodore M. Shaw, Columbia University School of Law; Bruce Western, Harvard University; Gerry Gaes, Florida State University; Aik Boon Ng, Singapore Prison Service; Doris MacKenzie, University of Maryland; Cindy Borden and Penny Richardson, Northstar Correctional Education Services; Peter Leone and Michael Wilson, University of Maryland; Michael P. Krezmien, University of Texas; Rosa Cho and John Tyler, Brown University; Jeanne Contardo, Business-Higher Education Forum; Michelle Tolbert, MPR Associates; and Suzanne Neusteter, John Jay College of Criminal Justice.

We would also like to thank Gwynne Cunningham, Virginia Department of Correctional Education; Jody Lewen, Prison University Project; and Anne Charles, Transforming Lives Network, Correctional Education Association, for facilitating access to incarcerated students. These students' input on the Roundtable papers was extremely valuable and offered a critical perspective to the Roundtable discussion, and we thank them for their contributions.

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Introduction

Education, Incarceration, and Reentry

The United States now has both the highest incarceration rate and the largest total number of people behind bars of any country in the world: 2.3 million. For the first time in U.S. history, more than one in every 100 adults is currently incarcerated in jail or prison (The Pew Charitable Trusts 2008). The impact of this level of incarceration is acutely concentrated within particular communities, classes, and racial groups. In 2005, the national incarceration rate for whites was 412 per 100,000, compared with 2,290 per 100,000 for blacks and 742 per 100,000 for Hispanics (Mauer and King 2007). Recent studies demonstrate that young black men, particularly those without college educations, are the population most affected by incarceration (The Pew Charitable Trusts 2008; Western 2006).

Nearly 95 percent of the nation's incarcerated population will eventually be released and will return home to communities across the country (Travis 2005). This year alone, more than 700,000 people will leave state and federal prison (West and Sabol 2008) and more than 9 million individuals will cycle in and out of local jails (Solomon et al. 2008). When they are released, many of these individuals will return to some of the most impoverished neighborhoods in the country (La Vigne, Cowan, and Brazzell 2006; Lynch and Sabol 2001). They will confront serious challenges as they struggle to reconnect with their families and neighbors and become productive members of

FROM THE CLASSROOM TO THE COMMUNITY

Inmates would like to have the same educational opportunities as people on the streets.

Exercising our minds with healthy educational opportunities and preparing ourselves to transition back into society is . . . important for everyone.

— FRANK, A STUDENT
INCARCERATED
IN VIRGINIA

society. The likelihood of these individuals returning to criminal activity is high: within three years of release, 68 percent of people released from state and federal prison are rearrested and over half return to prison (Langan and Levin 2002). Identifying effective strategies for reintegrating the thousands of men and women who return home from prison and jail each year is critical not only for them, but also for the health and stability of their families and the safety and well-being of their communities. Given the potential impact on public safety, community well-being, and criminal justice budgets, prisoner reintegration should be an important priority for national, state, and local governments.

While there has been increasing discussion about the intersection of prisoner reentry and issues of workforce development, housing, health, and public safety, insufficient attention has been paid to the role that in-prison and post-prison education can play in facilitating successful reentry. Education has been widely recognized as a pathway to assimilation and

economic mobility for immigrant and other disadvantaged populations throughout U.S. history (Isaacs, Sawhill, and Haskins 2008). For people involved in the criminal justice system, education offers a path to increased employment, reduced recidivism, and improved quality of life (Gaes 2008).

Access to education is particularly important given current economic trends. Economists predict that the labor market will tighten in the next decade and that labor market inequality, particularly among unskilled workers, will continue to grow if the demands for skilled labor are not met (Holzer and Nightingale 2007). An ever-increasing share of jobs in the U.S. economy requires postsecondary preparation, and college-educated workers earn 26 to 36 percent more than individuals who have not attended college (Decker et al. 1997). If properly designed and implemented, education programs in correctional facilities and communities can provide individuals involved in the criminal justice system with the academic instruction, vocational training, and cognitive and life skills they need to succeed in today's economy.

Despite its potential for changing lives, high-quality education is not readily accessible to many people involved in the justice system. Adults returning from prison and jail and those on community supervision are still overwhelmingly undereducated compared with the general population, with lower levels of formal educational attainment and poorer performance on tests of basic literacy (Crayton and Neusteter 2008). Fortunately, opportunities to address the educational needs of criminal justice populations may expand as policymakers increasingly recognize the limitations of the nation's narrow approach to crime and public safety issues. The passage of the federal Second Chance Act in April 2008, for example, indicates a remarkable shift in the political will to address the challenges facing currently and formerly incarcerated individu-

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als and encourage their potential to contribute to society.¹ Instead of threatening community safety and draining economic resources, formerly incarcerated people with educational preparation and other supports can provide for themselves and their families and contribute to the economic and social well-being of their communities.

The Reentry Roundtable on Education

Recognizing the pressing need to explore the issues surrounding education, incarceration, and reentry, the Prisoner Reentry Institute at John Jay College of Criminal Justice and the Urban Institute hosted the Reentry Roundtable on Education on March 31 and April 1, 2008, at John Jay College of Criminal Justice in New York City. The two-day meeting examined the current state of education during incarceration and reentry and identified promising programmatic and policy directions. Twenty-nine individuals participated in the Roundtable, along with more than 100 observers. As a starting point for the discussion, seven papers were commissioned on various topics related to the intersection of education, incarceration, and reentry. A list of the papers and the meeting participants can be found in the text boxes on pages 4 and 5. The Roundtable also benefited from the input of several incarcerated students with whom the papers were shared before the event. The students provided comments, suggestions for discussion, and questions that were shared with the Roundtable participants during the sessions. Comments from the incarcerated students as well as the Roundtable attendees are included throughout this monograph.

Monograph Roadmap

The Reentry Roundtable on Education provided a valuable opportunity to assess the state of knowledge and practice and identify promising new approaches, issues of concern, and opportunities for collaboration and innovation. This monograph synthesizes the findings of the Roundtable papers and

The whole enterprise of correctional education—the teachers, the volunteers, the classrooms, the books, the computers—helps humanize correctional facilities and plays a key role in relieving inmate stress and frustration by focusing incarcerated individuals on positive and constructive activities and relationships. Students benefit directly from these programs by improving their skills and knowledge, and staff—particularly correctional officers—benefit from working with individuals who are more cooperative and better adjusted to their circumstances. More than that, educational programs help elevate the mission and professionalism of corrections from one of warehousing individuals to one of preparing individuals for their futures.

— STEFAN LOBUGLIO,
CHIEF OF PRE-RELEASE AND REENTRY
SERVICES, MONTGOMERY COUNTY
(MARYLAND) DEPARTMENT OF
CORRECTION AND REHABILITATION

¹ Erik Eckholm, "U.S. Shifting Prison Focus to Re-entry Into Society," *New York Times*, April 8, 2008.

FROM THE CLASSROOM TO THE COMMUNITY

the discussion generated throughout the sessions. It offers examples of innovative strategies being employed across the country to provide high-quality services, and it aims to contextualize correctional education within broader trends in the fields of education and criminal justice. Although the intent is to explore education during both incarceration and reentry, much of the material in the monograph focuses on correctional education because research on education for former prisoners in the community is limited.

To begin, the monograph surveys the current landscape of correctional education, discussing both the educational needs of people involved in the criminal justice system and the programs being provided to meet those needs. It then reviews research on the effectiveness of correctional education and guiding principles for effective programming, as well as gaps in the research literature. The subsequent section discusses the issues involved in providing education in correctional settings and identifies some potential responses to these challenges. The monograph then explores education during reentry and the connections between educational programs provided during incarceration and educational and employment opportunities available in the community. The report closes by looking to the future and highlighting key issues and new directions in research, policy, and practice.

ROUNDTABLE PAPERS

Seven commissioned papers were presented at the Reentry Roundtable on Education and findings from the papers were incorporated into this monograph. The papers are available online at <http://www.urban.org/projects/reentry-roundtable/roundtable10.cfm> and at <http://www.jjay.cuny.edu/centersandinstitutes/pri/1932.php>.

The Current State of Correctional Education, by Anna Crayton and Suzanne Rebecca Neusteter

The Impact of Prison Education Programs on Post-Release Outcomes, by Gerald G. Gaes

Structure and Components of Successful Educational Programs, by Doris Layton MacKenzie

Understanding and Responding to the Education Needs of Special Populations in Adult

Corrections, by Peter E. Leone, Michael Wilson, and Michael P. Krezmien

The Effective Use of Technology in Correctional Education, by Cindy Borden and Penny Richardson

Prison-Based Adult Basic Education (ABE) and Post-Release Labor Market Outcomes, by Rosa Cho and John Tyler

Prison Postsecondary Education: Bridging Learning from Incarceration to the Community, by Jeanne Contardo and Michelle Tolbert

Video recordings of two Roundtable sessions are also available online, at <http://johnjay.jjay.cuny.edu/reentry/part1> and <http://johnjay.jjay.cuny.edu/reentry/part2>.

"Bridging Learning from Incarceration to the Community," presented by Jeanne Contardo and Michelle Tolbert

"Race, Poverty and Education: Intersections with Incarceration and Reentry," presented by Bruce Western and Ted Shaw


INTRODUCTION

ROUNDTABLE PARTICIPANTS

Twenty-nine individuals participated in the Roundtable, including policymakers, practitioners, and researchers representing the criminal justice and education fields.

Steve Aos, Associate Director, Washington State Institute for Public Policy
 Jimmy Santiago Baca, Founder, Cedar Tree, Inc.
 James T. Barry, President, Mount Marty College
 Joe Baumann, Chapter President, California Rehabilitation Center, California Correctional Peace Officers Association
 Theodis Beck, Secretary, North Carolina Department of Correction
 Onaje Benjamin, Transition Counselor, Dutchess County Jail Transition Program
 Cindy Borden, Cofounder, Northstar Correctional Education Services
 Nancy Compton, Principal, Charles A. Jones Skill Center
 Jeanne Contardo, Director of Programs, Business-Higher Education Forum
 Mindy Feldbaum, Director of Workforce Development Programs, National Institute for Work and Learning
 Brian Fischer, Commissioner, New York State Department of Correctional Services
 Gerry Gaes, Visiting Researcher, College of Criminology and Criminal Justice, Florida State University
 Kathy Goebel, Program Administrator, Corrections Education, Washington State Board for Community and Technical Colleges
 Jodina Hicks, Vice President of Public Policy and Community Partnerships, Safer Foundation
 J. Scott Johnston, Chief State Supervisor, Division of Parole and Probation, Missouri Department of Corrections
 Cheryl Keenan, Director, Division of Adult Education and Literacy, Office of Vocational and Adult Education, United States Department of Education
 Peter Leone, Professor, Department of Special Education, University of Maryland, College Park
 Jody Lewen, Director, Prison University Project
 Stefan LoBuglio, Chief of Pre-Release and Reentry Services, Pre-Release Center, Montgomery County Department of Correction and Rehabilitation
 Doris Mackenzie, Professor of Criminology, University of Maryland, College Park
 John Nally, Director of Education, Indiana Department of Correction
 Vivian Nixon, Executive Director, College and Community Fellowship
 Steve Schwalb, President and CEO, Pioneer Human Services
 Steve Steurer, Executive Director, Correctional Education Association
 Michelle Tolbert, Associate Director of Adult Education and Literacy, MPR Associates
 Jeremy Travis, President, John Jay College of Criminal Justice (Facilitator)
 John Tyler, Associate Professor of Education and Public Policy, Brown University
 Reginald Wilkinson, President and CEO, Ohio College Access Network
 Jeanne Woodford, Chief Adult Probation Officer, San Francisco County Adult Probation Department

(Note: Individuals are listed with their titles and affiliations at the time of the Roundtable.)



The Current Landscape of Education during Incarceration and Reentry

People involved in the criminal justice system are significantly less educated than the general population, as measured by both formal educational attainment and educational performance. Justice-involved individuals typically have lower literacy levels than the general population and are less likely to have a high school diploma or general educational development (GED) certificate or to have received any postsecondary education. Many prisons and jails offer education programs in an attempt to address these disparities, although typically only a portion of inmates actually receives programming. Commonly available correctional education programs include academic instruction at all levels, special education courses for students with disabilities, and vocational training and life skills programs that provide concrete skills. This section examines the educational needs of individuals involved in the criminal justice system, the programs available to meet those needs, and the funding sources used to finance education for this population.²

² In their paper for the Roundtable, "The Current State of Correctional Education," Anna Crayton and Suzanne Neusteter (2008) thoroughly review much of the information covered in this section.

THE CURRENT LANDSCAPE OF EDUCATION DURING INCARCERATION AND REENTRY

Formal Educational Attainment by Population (percent)				
Population	Less than high school	High school diploma	GED	Any postsecondary
General population (2003)	19	26	5	51
Federal prisoners (2004)	26	17	29	27
State prisoners (2004)	37	17	32	14
Jail inmates (2002)	44	26	17	13
State parolees (1999)	51	42		7
State/local probationers (1995)	42	40		18

Sources: For general population, Greenberg, Dunleavy, and Kutner (2007); federal and state prison, Crayton and Neusteter (2008); jail, James (2004); state parole, Hughes, Wilson, and Beck (2001); and state and local probation, Bonczar (1997).

Note: Data for state and federal prisoners, jail inmates, and parolees represent educational level at prison intake. The general population comprises adults age 16 and older.

The Need for Education: Prisoner Profile

The disparities in educational attainment between incarcerated individuals and the general population are striking (table 1), though the gap has recently been narrowing. In 1997, 61 percent of state and federal prisoners and 82 percent of the general population had high school diplomas or GEDs (Harlow 2003). By 2003–04, 65 percent of prisoners had diplomas or GEDs, while the rate among the general population held steady at 82 percent (Crayton and Neusteter 2008; Greenberg, Dunleavy, and Kutner 2007). The growth in high school or equivalent educational attainment among prisoners has primarily been in GEDs. Between 1997 and 2004, the share of prisoners with GEDs increased from 28 to 31 percent, while the share with high school diplomas declined by nearly 5 percentage points (Harlow 2003; Crayton and Neusteter 2008).³ Further, 7 in 10 prisoners who had a GED reported obtaining it while in prison (Crayton and Neusteter 2008). These statistics suggest that a GED is increasingly the vehicle by which incarcerated individuals obtain high school credentials, although obtaining a GED typically provides a different educational experience than attending and graduating from high school.

The largest disparity in educational attainment between prisoners and the general population has been and continues to be in postsecondary education, with a gap that is almost twice that of high school/GED attainment. In 2004, 17 percent of state and federal prisoners had some level of postsecondary education, up from 12 percent in 1997 but still far behind the rate of 51 percent among the general population (Crayton and Neusteter 2008; Greenberg et al. 2007; Harlow 2003). According to former U.S.

³ These statistics do not include individuals who had gone beyond their high school attainment to obtain postsecondary education.

FROM THE CLASSROOM TO THE COMMUNITY

Department of Education Secretary Margaret Spellings, “90 percent of the fastest-growing jobs require postsecondary education or training” (Spellings 2007). As GED completion rates among prisoners continue to rise and a college degree becomes increasingly essential in the U.S. job market, the case for providing postsecondary educational opportunities to prisoners becomes more compelling.

Data on educational attainment among jail inmates and individuals on probation and parole are much more limited and less recent. Like state and federal prisoners, these populations are significantly less educated than the general U.S. population (table 1). Jail inmates, state parolees, and people on state or local probation are also less likely to have completed high school than state and federal prisoners (although the figures for jail inmates, parolees, and probationers are less recent and may have changed). Historical data indicate that, as with state and federal prisoners, education levels have increased among jail inmates and state parolees over the past several years (historical data are not available for people on probation).⁴ These gains were primarily in the share of individuals receiving a high school diploma or GED; unlike state and federal prisoners, jail inmates and state parolees did not see increased rates of postsecondary education.

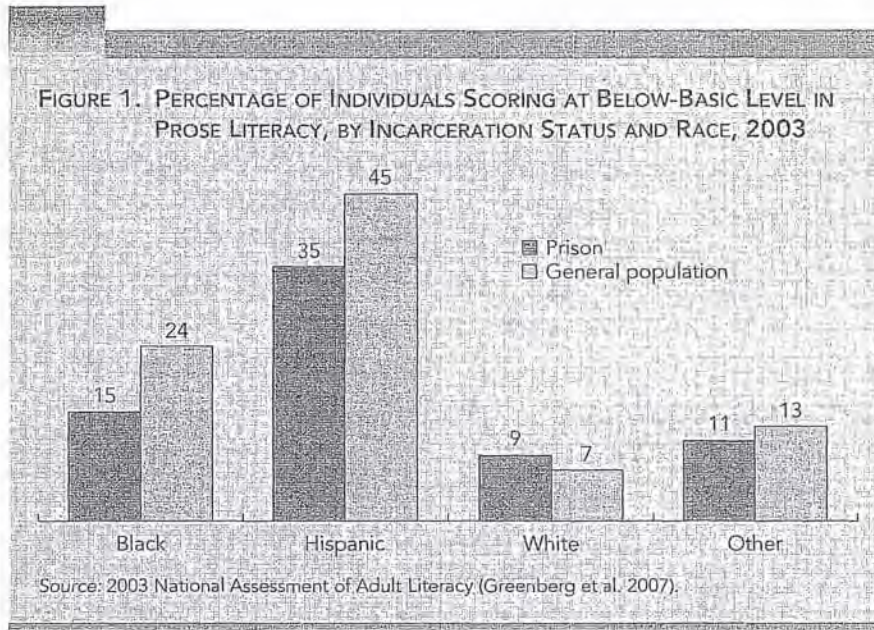
Incarcerated individuals lag behind the general population not only in formal educational attainment, but also in educational performance and abilities. According to the National Assessment of Adult Literacy (NAAL), people who are incarcerated have lower literacy rates than those who are not. The NAAL attempts to measure individuals’ abilities to “us[e] printed and written information to function in society, to achieve [their] goals, and to develop [their] knowledge and potential,” and it assesses literacy in three areas: prose, document, and quantitative (Greenberg et al. 2007). State and federal prisoners score significantly lower than the general population in all three domains, although prisoner scores did improve between 1992 and 2003. Some of the most interesting findings from the 2003 NAAL are the trends within racial groups. Unlike white prisoners, black and Hispanic adult prisoners had *better* literacy scores in some areas than black and Hispanic adults in the general population (see figure 1 for an example). This is an interesting and unexpected finding, but it has not yet been confirmed by other studies.⁵

Another important facet of the educational profile of the incarcerated population is the high prevalence of learning disabilities, emotional and behavioral disorders, and mental illness. These issues frequently go undiagnosed or misdiagnosed and untreated or improperly treated, which is part of the reason many incarcerated individuals have had difficulty succeeding in the public education system in the past. Unfortunately the same problem often occurs within correctional facilities, as evidenced by the lack of

⁴ James (2004) documents educational attainment among jail inmates in 1996 and 2002. Hughes and colleagues (2001) address attainment among people on state parole in 1990 and 1999.

⁵ There are some methodological issues with the NAAL study that make interpreting these findings difficult. Individuals who are not literate in English or who have cognitive or mental disabilities that prevent them from being tested are not included in the NAAL sample. It is possible that illiteracy and disability rates—and thus the rate of exclusion from the study—among the incarcerated population differ from rates among the general population.

THE CURRENT LANDSCAPE OF EDUCATION DURING INCARCERATION AND REENTRY



reliable data on the number and types of disabilities among inmates. Most correctional systems do not maintain data on special needs individuals, and often the numbers they have are grossly underestimated owing to low diagnosis rates (Leone, Wilson, and Krezmien 2008). The only existing national figures come from self-reported data from inmate surveys. In the 2003 NAAL survey, 17 percent of incarcerated individuals reported being diagnosed with some type of learning disability, compared with 6 percent of the general population (Greenberg et al. 2007). According to Harlow (2003), 40 percent of state prisoners report having a disability of some type, including 10 percent who report having a learning disability. Both these studies, however, are based on self-reported diagnoses and may not be accurate.

In a more rigorous study, Krezmien and colleagues assess more than 500 boys in a juvenile facility and find that 45 percent have a disability (Krezmien, Mulcahy, and Leone 2008). Of those with a disability, 44 percent have an emotional disturbance and 26 percent have a learning disability. While none of the studies just described provide a definitive answer regarding disability rates among the nation's incarcerated population, they indicate a high prevalence of learning disabilities and other special needs and suggest that more accurate data are needed.

Access to Education during Incarceration and Reentry

The statistics outlined in the previous section clearly indicate a need for educational services among the incarcerated population. Several types of programs exist to meet

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this need, including academic instruction from the most basic levels to the more advanced, as well as practically oriented trainings such as vocational and life skills. The array of programs typically included under the umbrella of correctional education⁶ can be categorized as follows:

- ▣ *Adult Basic Education (ABE)*: Basic skills training in arithmetic, reading, writing, and, when needed, English as a second language (ESL).
- ▣ *Adult Secondary Education*: Instruction to complete high school or prepare for a certificate of high school equivalency, usually the GED.
- ▣ *Postsecondary Education*: Advanced, college-level instruction that in some cases may provide college credit.
- ▣ *Special Education*: Educational training designed for individuals who have learning disabilities or other special needs.
- ▣ *Vocational Education*: Training in general employment skills as well as skills for specific jobs and/or industries.
- ▣ *Life Skills Education*: Programs that focus on providing individuals with the skills needed to function successfully in everyday life, in areas such as goal-setting and decisionmaking, obtaining and maintaining a job, financial management, communication and interpersonal relationships, stress and anger management, and conflict resolution (Crayton and Neusteter 2008).

Most (84 percent) state prisons offer some type of correctional education program, and nearly all (98 percent) federal prisons offer a full range of programs (table 2). (Note that, even in the facilities that offer programming, only a portion of inmates are receiving these services.) In state prisons, adult basic and secondary education and life skills programs are the most common offerings, followed by vocational training. Postsecondary offerings are less common, as are special education programs. Between 2000 and 2005, the percentage of state prisons offering programming shrank in every category except postsecondary and life skills programs, which expanded (Stephan 2008; Stephan and Karberg 2003).

Compared with state and federal prisons, far fewer local jails offer educational programming, likely because of limited resources and the difficulty of providing programming to individuals in custody for short and unpredictable periods. In 1999, 60 percent of local jails offered some type of educational programming. As in state prisons, the most common offerings were adult basic and secondary education and life skills programs. Special education was less common, and postsecondary and vocational programs were rare.

Although the statistics outlined here document the prevalence of different types of programming, they tell us nothing about what the programs actually look like on the ground. Program curricula and methods, staffing and quality of instruction, participa-

⁶ For the purposes of this report, programs that attempt to improve individuals' thinking skills using cognitive behavioral methods are not considered correctional education but instead fall under the domain of counseling and treatment.

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TABLE 2 Availability of Correctional Education Programs by Type			
	% of facilities offering programs		
	Federal prisons (2005)	State prisons (2005)	Local jails (1999)
Any correctional education program	98	84	60
Adult basic education	98	66	25
Adult secondary education	98	76	55
Postsecondary education	98	32	3
Special education	98	33	11
Vocational training	98	50	6
Life skills	98	77	21

Sources: For federal and state prisons, Stephan (2008); for jails, Stephan (2001).

Note: The statistics for "Any correctional education program" include some types of programs not listed in this table, such as ESL and study release, and do not include life skills programs.

tion and completion rates, and other components vary widely from program to program and facility to facility. For example, some correctional education programs meet once a week while others meet five days a week for six to eight hours a day. Unfortunately, little national data are available beyond the number of programs offered by facilities within each category of programming.

Though the vast majority of state and federal prisons and a significant number of jails offer some type of educational programs, only a limited share of inmates in these facilities receive programming. As of 2004, the share of state and federal prisoners who received programming during their current incarceration was highest—between 20 and 30 percent—for adult secondary education and vocational and life skills training (table 3). (Note that the categories of programming are not mutually exclusive; for example, an inmate student may be engaged in both adult secondary education and vocational training.) Interestingly, although adult basic education is offered in most prisons and some jails, few inmates (less than 2 percent) receive these services. The NAAL literacy scores outlined in the previous section suggest that a greater share of inmates may need basic education than are receiving it.

The share of state prisoners receiving educational programming during their current incarceration decreased slightly between 1997 and 2004, with the largest drops occurring in vocational training (a decrease of 5 percentage points) and adult secondary education (a decrease of 4 percentage points) (Crayton and Neusteter 2008; Harlow 2003).⁷ During this time, the prison population expanded so rapidly that although participation rates fell, the actual number of inmates receiving educational programming may have

⁷ Historical data on participation in life skills programs are not available.

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TABLE 3 Involvement in Correctional Education Programs by Type			
	% of inmates who received programming since admission to prison, by facility type		
	Federal prisons (2004)	State prisons (2004)	Local jails (1996)
Adult basic education	2	2	1
Adult secondary education	21	19	9
Postsecondary education	10	7	1
Special education	—	—	—
Vocational training	31	27	5
Life skills	29	24	—

Sources: For federal and state prisons, Crayton and Neusteter (2008); for jails, Harlow (2003).

increased. The reason for stagnant or declining participation rates is unclear, but what is clear is that inmate engagement in educational programming has not grown alongside the expanding prison population.

In a number of jurisdictions, participation in certain types of educational programming is mandatory for inmates who have not reached a specified level of achievement. In 1982, the Federal Bureau of Prisons adopted the first policy mandating participation in educational programming for inmates below a certain level (McGlone 2002). After this change, participation rates increased significantly.⁸ As of 2007, 16 state systems required GED attainment, and a 2002 study found that 12 states required completion of the equivalent of 6th grade (Corrections Compendium 2008; McGlone 2002).

The discussion thus far has centered on education inside correctional facilities, primarily because little data are available on the involvement of formerly incarcerated individuals in educational programs in the community. Recent findings from the Urban Institute's Returning Home study of 740 men released from prison in Illinois, Texas, and Ohio shed some light on participation in programming in the community (Visser, Debus, and Yahner 2008). Six percent of respondents reported participating in an adult basic education or GED program and 11 percent participated in a vocational training program at any time in the first eight months after release. The low participation rates may be due to a lack of available programs or a lack of awareness about program opportunities on the part of potential participants (in addition, some individuals may not need these particular programs, for example, if they already have a GED). Less than 20 percent of respondents reported knowing of available adult basic education or GED programs and vocational training programs in their communities. On the other hand, low rates of

⁸ Stefan LoBuglio, Chief of Pre-Release and Reentry Services, Montgomery County (Maryland) Department of Correction and Rehabilitation, e-mail communication with the authors, April 2, 2009.

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participation may also result from the many competing demands faced by former prisoners, from earning income to fulfilling supervision requirements, which may take precedence over obtaining education. A 2006 survey of incarcerated men also suggests that access to programming may be an issue. The survey found that while over 90 percent of respondents reported they would like to attend a technical school or college after release if given the opportunity, less than 40 percent actually had plans to do so (Hanneken and Dannerbeck 2007).

Funding for Correctional Education

Funding for correctional education comes from several sources and varies from system to system. At the state level, funding may come from general fund appropriations to state departments of corrections, labor, or education, or special revenue sources such as "inmate welfare" funds or prison industry profits. States can also access various sources of federal funding to be used for education in state prisons and in some cases jails. Federal funding sources include

- funding for adult basic and secondary education, English literacy classes, and special education under Title II of the Workforce Investment Act (WIA), one of the largest federal sources of financial support for correctional education;
- money for vocational and technical training through the Carl D. Perkins Vocational and Applied Technology Education Act;
- grants for academic and vocational postsecondary education through the Workplace and Community Transition Training for Incarcerated Individuals State grant;
- funding geared toward juveniles and incarcerated youth (up to age 21 in some cases) such as the Title I State Agency Neglected and Delinquent Program under the Elementary and Secondary Education Act; and
- funds for educating youth (up to age 21) with disabilities from The Individuals with Disabilities Education Act (Crayton and Neusteter 2008; Tolbert 2002).

Private organizations and individuals have also been known to contribute funding, resources, and volunteer time to support the provision of correctional education programs (Corrections Compendium 2008; Crayton and Neusteter 2008).

A BRIEF HISTORY OF CORRECTIONAL EDUCATION

Education has had a consistent presence in correctional facilities over the past 200 years, though the form it has taken and the rationale behind its provision have changed over time. In 1798, education was introduced in the nation's first correctional facility—the Walnut Street Jail—in the context of religious instruction intended to help individuals repent for their crimes and develop spiritually and morally. The late 1800s marked the rise of the reformatory era, and educational offerings expanded beyond religious instruction to emphasize literacy and communication skills, as well as the inclusion of secular courses such as astronomy, geography, and history. Education was further entrenched within correctional institutions with the introduction of indeterminate sentences, which required evidence of self-improvement as a condition of release. Through the 1970s, often considered the "golden age" for rehabilitative programs, educational instruction proliferated, eventually including high school courses and GED preparation, vocational training in specific trades, life skills programs, academic higher education, and study release.

Sources: Coley and Barton (2006); Crayton and Neusteter (2008); Gehring (1997); MacKenzie (2008).

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Differences in accounting among states and the range of funding streams used to pay for programs make it difficult to quantify state expenditures on correctional education (Klein et al. 2004). In a recent study of all state systems, state corrections agencies reported budgeting an average of \$12 million annually for correctional education programs (this may not include correctional education funds managed by other agencies such as departments of education). The figure varied widely depending on the size of the system, from around \$500,000 in some small state systems to over \$67 million a year in Texas (Corrections Compendium 2008). An informal survey by the authors of seven state jurisdictions and one large urban jail found that these systems were typically spending approximately 1 to 3 percent of their corrections budgets on education. The jurisdictions reported a number of funding sources including general fund or state legislature monies, legislative member items, state departments of labor and education, federal grants, inmate welfare funds, and private or nonprofit sources.

As states face increased budget pressures, the amount spent on correctional education may drop, and there is less federal funding available than in the past to fill the gap. The trend in recent years has generally been toward reduced federal spending on education for incarcerated populations (see text box on the next page). For example, the Adult Basic Education Act previously required that *at least* 10 percent of its allocated funds be used for correctional education; the Workforce Investment Act that replaced it in 1998 states that now a *maximum* of 10 percent of the funds can be used for this purpose.

Perhaps the most widely discussed reductions in federal funding have been in postsecondary education, specifically the 1994 elimination of access to Pell Grants for students incarcerated in state and federal prisons.⁹ Up to that point, Pell Grants had been the primary source of funding for higher education programs in correctional facilities. In the year following the ban, the number of incarcerated individuals receiving postsecondary education dropped 44 percent (Tewksbury, Ericson, and Taylor 2000). Some states responded by developing new funding streams or offering loan programs to fill the gap (Crayton and Neusteter 2008). A recent national assessment by Erisman and Contardo (2005) finds that the percentage of incarcerated individuals enrolled in postsecondary education has returned to pre-1994 levels. However, a much larger share of these students is now enrolled in vocational rather than academic courses.

⁹ Pell Grants were not eliminated for people in jails or treatment centers (Erisman and Contardo 2005).

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TRENDS IN FEDERAL FUNDING FOR CORRECTIONAL EDUCATION

- In 1964, Title II B under the Economic Opportunity Act authorized the first federally funded adult basic education program through the Adult Basic Education Act (ABEA). The Adult Education and Family Literacy Act (AEFLA), Title II of the Workforce Investment Act (WIA), replaced the ABEA in 1998 and remains one of the largest sources of federal funding for correctional education. While ABEA required that a *minimum* of 10 percent of appropriated funds be used for correctional education, WIA changed this to a *maximum* of 10 percent. Because of the statutory language, in actuality only 8.25 percent of the total appropriation may be allocated to correctional education. In 2004, \$30 million in WIA funding was allocated for programs in correctional facilities.
- The Carl D. Perkins Vocational and Applied Technology Education Act is another source of federal funding for correctional education programming. Before 1998, the Perkins Act required states to use a *minimum* of 1 percent of the funds toward correctional education programs. However, in 1998 the Perkins Act was amended and states can now spend *no more than* 1 percent of funds on correctional education.
- Federal funding streams are also available to states to fund postsecondary educational programs in correctional institutions. One such program is the Workplace and Community Transition Training for Incarcerated Youth Offenders State grant, now the Workplace and Community Transition Training for Incarcerated Individuals State grant. Once reserved for individuals age 25 and younger who were within five years of release, these funds have now been extended to include incarcerated individuals up to the age of 35 who are within seven years of release. Despite this expansion of eligibility, funding for the program was cut by 25 percent between 2008 and 2009.

Sources: Crayton and Neusteter (2008); Spangenberg (2004); Tolbert (2002); and John Linton, Director of the Office of Correctional Education, U.S. Department of Education, e-mail communication with the authors, April 3, 2009.



Research on the Effectiveness of Correctional Education

Research indicates that correctional education can reduce recidivism and increase employment after release from prison. Theory and anecdotal evidence suggest that education may also improve in-prison behavior and promote positive reentry outcomes beyond recidivism and employment. Education promotes rehabilitation in several ways, through tangible benefits such as formal certifications and concrete skills, as well as intangible gains like improved decisionmaking abilities and pro-social values. This section examines existing theory and research on the impact of correctional education on inmate students. It also explores principles of successful correctional and adult education programs that may help guide the development of correctional education program models.

Theoretical Foundations: The Purpose of Education During Incarceration and Reentry

There are several pathways by which education can improve outcomes for individuals both in prison and after release. Education improves decisionmaking skills and promotes pro-social thinking, thereby improving in-prison behavior and facilitating adjustment to prison. It keeps inmate students engaged and active, avoiding idleness and opportunities for misbehavior. Education also increases human capital, improving general cognitive functioning while providing specific skills. After release, these gains

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can help people obtain and maintain employment and avoid engaging in criminal activity. Education can also help former prisoners build pro-social identities after release and become better family and community members. In addition to these positive outcomes, many people view education as an inherent right, a process that is valuable in and of itself, and an important component of a full and enjoyable life.

Education can improve in-prison behavior and promote reentry success by changing students' thinking patterns, attitudes, and behaviors. Research indicates that deficits in social cognition (understanding social interactions and the behavior of others), executive cognitive functioning (the ability to plan and implement goal-directed behavior), problem-solving abilities, and self-efficacy are all cognitive issues associated with criminal and antisocial behavior (Andrews and Bonta 2003; Foglia 2000; Giancola 2000; MacKenzie 2008). By enhancing cognitive abilities and decisionmaking skills, education can help formerly incarcerated people avoid criminal activity and engage in positive behavior. Many scholars believe that education can also increase pro-social attitudes and moral reasoning, improve self-esteem and self-efficacy, and help individuals develop a pro-social identity (Batiuk, Moke, and Rountree 1997; Fine et al. 2001; Harer 1995; Winterfield et al. forthcoming). These positive developments can serve as a direct counterweight to "prisonization," the process whereby people who are incarcerated become acculturated to the negative values of prison subculture (Harer 1995).

By expanding students' general abilities and providing specific skills, education can make it easier for returning prisoners to find stable, well-paying jobs. In addition, education has a signaling effect to employers, serving as a formal indicator of an individual's abilities and achievement (Gaes 2008). Formal educational attainment can combat the negative signaling effect of incarceration, whereby conviction and incarceration send a negative message to employers about an individual's character and abilities (Western 2007). The receipt of a GED, college degree, or vocational certificate is thus valuable not only for the skills and abilities developed in the course of receiving such certification but also for the certification itself. Education's effect on employment is particularly important because employment has been demonstrated to reduce recidivism among former prisoners (Harer 1994; Sampson and Laub 1997; Uggen 2000). Level of compensation also influences reentry outcomes, as those making higher wages are less likely to recidivate (Bernstein and Houston 2000; Grogger 1998; Visser et al. 2008). In addition to lowering recidivism rates, employment helps former prisoners support their families and pay child support and other debts.

Education in the prison setting provides far more than a degree and lower recidivism rates . . .

Through its transformational powers, it provides for a socialization and self-actualization process that no other treatment program can offer. It allows offenders to better understand their own self-worth and potential, and most often has offenders reaching out to their own children to encourage them to continue their education.

— BRIAN FISCHER, COMMISSIONER,
NEW YORK STATE DEPARTMENT
OF CORRECTIONAL SERVICES

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In all likelihood, education affects incarcerated students in a number of ways, and disentangling all these pathways is challenging. Yet considering the mechanisms by which education may affect in-prison and reentry outcomes is valuable because it can help guide research on the effectiveness of correctional education. It can also influence the development of education programs, since a program's purpose and design are likely to vary depending on the outcomes the program is attempting to influence. For example, policymakers and correctional administrators concerned only with employability and economic outcomes might focus their programming on providing specific vocational skills. While valuable, such programming might miss the benefits that a liberal arts or other, more generalized curriculum could provide in improved cognitive functioning. All these programming decisions are complicated by the fact that incarcerated students have a range of needs, and programs that are successful for certain students may not be for others.

The Impact of Correctional Education on Student Outcomes

Research on the effectiveness of correctional education primarily focuses on two sets of outcomes: (1) recidivism, in terms of reoffending, rearrest, or reincarceration, and (2) employment-related measures such as labor market participation and wages (Gaes 2008). A handful of mostly qualitative studies have also explored the effect of correctional education on in-prison behavior and adjustment (see for example Fine et al. 2001 and Winterfield et al. forthcoming). Research examining reentry outcomes beyond employment and recidivism, such as pro-social attitudes, cognitive functioning, family relationships, and civic engagement, could provide a much fuller picture of the impact of correctional education. Unfortunately, the field lacks well-designed studies that address these outcomes. Also missing are evaluations of the impact of adult education provided in the community on outcomes for former prisoners, since many evaluations of these types of programs do not distinguish people with incarceration histories from other participants.

Although the field has not produced a clear understanding of the impact of correctional education on a full range of in-prison and post-release outcomes, there is fairly extensive research on the impact on recidivism and employment, which are often the outcomes of greatest concern to policymakers, criminal justice officials, and the public. Taken together, numerous studies suggest that correctional education can reduce recidivism and increase employment levels and wages. These positive effects have been found for a range of types of programming, including vocational training and adult basic, secondary, and postsecondary education (Gaes 2008).

In a review of the research literature for his Roundtable paper "The Impact of Prison Educational Programs on Post-Release Outcomes," Gerald Gaes (2008) finds that most meta-analyses and systematic reviews of research on the impact of correctional

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THE FINANCIAL BENEFITS OF CORRECTIONAL EDUCATION

\$1,182	can save	\$6,806
in vocational training		in future criminal justice costs
\$962	can save	\$5,306
in academic education		in future criminal justice costs

Source: Aos, Miller, and Drake (2006).

education indicate that it reduces recidivism and improves employment outcomes.¹⁰ The true size of this effect is still unknown, however; across four meta-analyses identified by Gaes, reductions in recidivism ranged from 7 percent to 46 percent. Gaes concludes his review by stating that, despite the methodological issues present in several studies, "the takeaway message is that correctional education does promote successful prisoner reentry." Like Gaes, most researchers who conducted the meta-analyses and systematic reviews discussed in his paper concluded that there was enough evidence from well-designed studies to state that correctional education produces positive outcomes in terms of recidivism and employment. Some researchers, however, felt that there were too many methodological issues to draw definitive conclusions about the impact of correctional education; many of these methodological issues are discussed in greater detail later in this section.

Though we cannot state with certainty the magnitude of the impact of correctional education, a cost-benefit analysis by Aos, Miller, and Drake (2006) suggests that even a 7 to 9 percent reduction in recidivism can result in significant cost savings for taxpayers. Looking simply at the cost of programming versus the cost of incarceration, Aos and his coauthors report that \$1,182 per prisoner invested in vocational training can save \$6,806 in future criminal justice costs, and \$962 per prisoner invested in academic education (adult basic, secondary, and postsecondary) can save \$5,306 in criminal justice costs. If one considers the social benefits of avoiding victimization and the economic benefits from increasing the number of legally employed, taxpaying citizens, the savings are even greater.

¹⁰ The meta-analyses reviewed by Gaes are from Aos, Miller, and Drake (2006); Chappell (2004); Wilson, Gallagher, and MacKenzie (2000); and Ronald E. Wells, "Education as Prison Reform: A Meta-Analysis," unpublished dissertation, Louisiana State University, 2000. The systematic reviews and research summaries Gaes discusses include Cecil et al. (2000); Gerber and Fritsch (1995); Hrabowski and Robbi (2002); Jancic (1998); Jensen and Reed (2006); Taylor (1992); and Vacca (2004). Gaes also reviews individual studies and highlights the strongest evaluations in the field.

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Principles of Effective Practice

The existing body of research has not advanced far enough to identify evidence-based best practices that are specific to education for criminal justice populations. Most evaluations of correctional education programs do not provide the information on program characteristics—such as curricula, dosage, and staffing—that is necessary to determine best practices (MacKenzie 2008). However, scholars have identified some general principles of effective practice in correctional programming more broadly (not specific to education) and adult education in the community (not specific to corrections) that may provide us with an indication of what works in correctional education.

THE IMPORTANCE OF PROGRAM DOSAGE

In their paper for the Roundtable, “Prison-Based Adult Basic Education (ABE) and Post-Release Labor Market Outcomes,” Rosa Cho and John Tyler (2008) emphasize the importance of program dosage. They find that individuals who participate in adult basic education have better employment outcomes than comparable non-participants, but only if they receive a certain minimum amount of programming. In addition, students experience better outcomes if there is little or no interruption in their program participation. These findings suggest that both quantity and continuity of programming are important factors in program effectiveness.

In her Roundtable paper “Structure and Components of Successful Educational Programs,” Doris MacKenzie outlines best practices in programming for incarcerated populations (MacKenzie 2008). After conducting several systematic reviews of evaluations of correctional programs, MacKenzie has drawn some conclusions about what types of programs are most effective in reducing recidivism. She finds the following:

- The most effective programs emphasize individual rehabilitation through skills building, cognitive development, and behavioral change. By their very nature, many correctional education programs fit squarely within this framework. MacKenzie emphasizes that individual-level cognitive and behavioral change must be achieved before other activities can be of value.
- Multimodal programs that address multiple needs are highly effective, which suggests that, for many individuals, correctional education may need to occur in tandem with substance abuse treatment, cognitive-behavioral therapy, job preparation, and other activities. MacKenzie highlights program models, such as Vermont’s Workforce Development Program and Texas’s Project RIO, in which life skills, academic, and vocational education are embedded within multifaceted programs. Unfortunately, the evaluations of these types of programs often examine the program as a whole without attempting to determine the role of individual elements such as education.
- Programs need to be implemented with integrity, meaning the program model is based on a clear theoretical framework, the program elements and methods are grounded in research, and programming is provided by qualified, trained staff following standardized protocols. MacKenzie emphasizes that proper dosage is also important, and even effective programming may fail if it is not provided consistently or for a long enough period of time. (For more on the importance of program dosage, see the text box above.)

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While the principles outlined above apply to correctional programming in general and are not specific to education, they may help guide the development of correctional education programs. In the same way, existing research on adult education in the community may inform education programs for adults who are incarcerated. In a review of the field, John Comings, Lisa Soricone, and Maricel Santos (2006) draw on professional wisdom and empirical evidence to identify critical principles for adult education. They discuss a number of principles in their paper, including several that are relevant to correctional education:

- Programs should have clearly defined recruitment and hiring processes for instructors and policies that identify what constitutes qualified program staff. Instructional staff should have access to professional development opportunities and support services.
- Programs should have comprehensive student recruitment and orientation components. Before participation, staff should assess the goals, skill level, and needs of each student and develop an individual learning plan based on these assessments.
- Programs should be provided in environments supportive of learning in which students feel physically safe and comfortable. Programs should use materials and activities that have been designed especially for adult learners and are "relevant and meaningful to students' life contexts." In addition to print materials, programs should use computers and individual tutoring.
- Programs should have appropriate staff-to-student ratios and avoid mixing different skill levels in the classroom.
- Programs should have well-defined roles within their communities, governing bodies composed of community stakeholders, and open lines of communication with important local agencies. Additionally, strong management systems should incorporate data collection and evaluation processes to ensure program effectiveness and accountability.

The principles outlined above are not specific to correctional education, though they may offer valuable insight into how best to educate incarcerated adults. Clearly, there is still a great deal to learn about what works in correctional education, as well as how successful programs operate and what program models are most effective for different types of students.

Limitations in Existing Research

The body of research on educational programs for incarcerated and formerly incarcerated people is somewhat limited in both scope and rigor. Although several valuable studies exist, many others are plagued by methodological issues that make their findings unreliable. The most significant methodological concerns and research gaps in the field are listed below.¹¹

¹¹ The material in this section comes from the authors' examination of the research literature as well as from Gaes (2008) and MacKenzie (2008).

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Creating Matched Comparison Groups

- Very few studies use random-assignment evaluation designs, though this is not surprising given the difficulty of implementing such evaluations in real-world settings.
- Participation in most programs is voluntary and some studies fail to account for potential selection bias, in terms of factors such as intrinsic motivation and positive attitudes that might set participants apart from nonparticipants. Some of the stronger studies attempt to address selection bias by modeling the selection process and creating carefully matched comparison groups.
- Few studies control for the pre-treatment education and ability levels of participants and nonparticipants, in part because these data are rarely readily available.

Accurately Specifying the Treatment

- The existing research fails to answer questions about what types of programming are effective for different types of participants. Very few studies explore program characteristics such as instructional methods, dosage, and staff qualifications, which can vary significantly across programs.
- In evaluations of multimodal programming, it is difficult to parse out the role education may have played in influencing outcomes from the effect of other services and programs.
- Programs may not be implemented with fidelity to the theoretical program model: participation may be interrupted, dosage may be insufficient, or classroom activities may not follow specified curricula.

Defining and Measuring Relevant Outcomes

- The vast majority of studies conceptualize treatment as participation and/or completion of programming, without examining intermediate outcomes that could indicate how programs actually affect thinking and behavior. Relevant intermediate outcomes might include literacy gains, development of concrete skills, improved cognitive abilities, and reduced criminal thinking.
- As in other studies that use recidivism as an outcome measure, there are diverse opinions about how to best define recidivism (rearrest, reincarceration, etc.) and the period over which to track recidivism.


Examining a Range of Programs and Participants

- Like many studies in the criminal justice field, few evaluations of correctional education include significant samples of women.
- Most evaluations focus on in-prison programming; research on education for former prisoners in the community is virtually nonexistent. Many studies of adult education programs in the community do not distinguish participants with incarceration histories from other participants.

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- Although mandatory participation requirements are common and often increase participation rates, few studies examine whether individuals whose participation in education is required have different experiences and outcomes than individuals who volunteer to participate.

Addressing these methodological issues requires more rigorous studies that incorporate a broader range of data. To facilitate better research, programs and correctional systems should make an effort to collect more extensive data on both participants and program activities. Researchers also need to expand their theoretical frameworks to examine the effect of different types of program activities and program characteristics and explore a range of intermediate and long-term outcomes.



Education Behind the Walls

Challenges and Opportunities

C orrectional facilities present unique challenges for the provision of educational services. Educators are tasked with instructing adults with a wide range of cognitive abilities and previous educational experiences, including many who have consistently been unsuccessful in the broader public education system. Instructors must educate these individuals in the face of limited funding, space, and resources; interruptions to program continuity; and institutional security concerns that significantly constrain programming. Perhaps the biggest challenge is that correctional facilities are, first and foremost, institutions of control and security, not classrooms or schools. Despite these challenges, education can flourish within the prison walls with the support of correctional administrators and a willingness on the part of correctional educators to teach within and around the constraints. In fact, education can contribute to the correctional mission of secure facilities and safe communities by improving inmate behavior on the inside and promoting success after release. The form that successful correctional education programs take varies significantly from jurisdiction to jurisdiction in terms of structure, staffing, teaching methodologies, program delivery, materials and technology, and other components. Yet the best programs often have several features in common: proper assessment and placement of students, well-trained teachers

EDUCATION BEHIND THE WALLS

equipped with the right tools, strategic use of appropriate technology, and effective incentive structures. This section discusses both the challenges and opportunities involved in providing education behind the prison or jail walls.

The Challenges of Providing Education in a Correctional Setting

The correctional environment presents many challenges for the provision of educational services. The most common include the following:

A diverse population with a wide range of cognitive abilities and previous educational experiences. The education levels of incarcerated people vary significantly, from almost total illiteracy to some level of high school education or even postsecondary experience. In addition, formal educational attainment is not always a reliable indicator of skills; an individual may have reached or even completed high school yet be reading at a 6th grade level. Incarcerated students with a full range of formal and actual skill levels can sometimes end up in the same classroom together, depending on the size of the facility, the types of programs offered, and the eligibility requirements for different programs. In addition to the range of educational levels among inmate students, a significant share has learning disabilities, emotional or behavioral problems, and/or mental health issues that complicate their social and educational needs. Unfortunately, learning disabilities and mental health issues are often undiagnosed, misdiagnosed, or improperly treated. Other groups that present special educational needs are students with limited English language skills and juveniles, who make up approximately 1 percent of state and federal prison and local jail populations (Hartney 2006; for more on educating incarcerated juveniles, see the text box on page 26).

Limited funding, materials, space, and other resources. As with education programs in the community, many correctional education systems face serious funding and resource limitations. Consistent, dedicated funding streams for correctional education are often lacking, as funding may come from multiple sources and may be one item among many in a facility's

PUTTING EDUCATION FIRST: LESSONS FROM SINGAPORE

In 1999, Singapore launched the Kaki Bukit Centre, a "prison school" where up to 280 inmates participating in correctional education are housed. Centralizing students and programs in one facility improves efficiency while also creating a supportive environment that is conducive to learning. As Aik Boon Ng of the Singapore Prison Service explained at the Roundtable, the Centre represents a paradigm shift, in that the institution is first a school, then a prison. Safety and security are still top concerns, although these are balanced with the needs of the school environment. The Centre is jointly run by civilian teachers, uniformed corrections officers, and social workers. According to Singapore's Education Minister Tharman Shanmugaratnam, the program has "developed a group of inmates, a group of students, who have confidence and talents and are determined to go far" (Singapore Prison Service n.d.).

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general programming budget. Over the past several years, funding for correctional education generally has not increased as rapidly as the size of the incarcerated population. Education programs are often the first to go during budget cuts, either because they are viewed by correctional administrators as nonessential or because legally required services such as medical care and sanitary living conditions must be given priority. Limited funding restricts the availability of classroom materials; equipment for vocational programs; computers, Internet access, and other technology; and even the availability of sufficient numbers of well-trained instructors. In fact, a number of correctional education programs are operated and staffed by nonprofit organizations or volunteers. Space concerns are also an issue: because many correctional facilities were not designed with programming in mind, classroom space can be limited and cramped. Classrooms may have to be shared with other programs, and space for computers or specialized equipment for vocational training can be scarce.

EDUCATING INCARCERATED JUVENILES

Although people under the age of 18 make up only 1 percent of the population of adult correctional facilities (Hartney 2006), they have distinct educational needs that require significant attention. In most states, correctional agencies are legally required to provide educational services to minors, including appropriate services for those with disabilities. Many incarcerated young people have a recent history of negative experiences with the public school system, and a significant share has learning disabilities, emotional or behavioral disturbances, or mental health issues. Obtaining prior school records for young inmate students can help illuminate their previous educational experiences and inform the provision of appropriate educational services. Correctional education for juveniles often looks different than programming for adult inmates, as the goal for a young person is typically to earn a high school diploma and/or return to school in the community, as opposed to obtaining a GED. For this reason, programs for youth are more likely to use a curriculum that corresponds with one used in local schools. Some correctional agencies partner with local school districts or develop their own internal school systems to educate the juveniles in their custody.

Incarcerated youth need reentry preparation and case management to ensure a smooth transition back to school after release. Such planning is especially important for juveniles who are cycling in and out of the school and criminal justice systems. Communication between corrections and school districts is critical for ensuring successful transitions from the justice system back into the school system.

For more on educating incarcerated juveniles, see the Roundtable paper "Understanding and Responding to the Education Needs of Special Populations in Adult Corrections" (Leone et al. 2008).

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Interruptions to program continuity, including short stays, frequent transfers, and restrictions on inmate movement. Research has demonstrated that dosage is a significant factor influencing program effectiveness, and that continuous participation in programming for a specified period is often essential to success (Cho and Tyler 2008). Yet the needs of the correctional system frequently take precedence over the need for program continuity. Facility lockdowns or restrictions on the movement of certain inmates can interrupt participation. Based on systemwide needs, inmates may be transferred to another facility with little advance notice, and the new facility may or may not offer comparable educational programming. Inconsistent funding streams and teacher vacancies can also interrupt program continuity. Short stays are a significant issue as well, particularly for local jails. Jails typically lag behind state and federal prisons in offering educational services, in large part because of the difficulty of providing programs to a population that changes from day to day and is only incarcerated for a short time.

Institutional security concerns. Correctional administrators have a responsibility to ensure their facilities are safe and secure, which often means restricting inmates' access to various items and to other inmates. Things that may seem simple in community classrooms, such as offering Internet access or providing students with certain equipment or materials, may be nearly impossible in correctional facilities. Even ensuring that outside instructors and volunteers are able to enter and exit the facility quickly and easily can be challenging. Bringing inmate students of different security classifications together in the same classroom may be difficult, and those on segregated security classifications may require one-on-one instruction or some form of computerized programming.

Most of the constraints outlined above result from the fact that a correctional facility is not, first and foremost, a school or a classroom. The vast majority of correctional administrators prioritize a safe and secure facility above all else, with good reason. The challenge for correctional educators is to work within and around the resulting constraints, but also to demonstrate to administrators that educational programming can actually promote institutional security rather than threaten it. Programming occupies and engages students who might otherwise be idle, and education can improve decisionmaking skills and promote pro-social behavior. Many of the correctional administrators who participated in the Roundtable emphasized that, by improving in-prison behavior and promoting adjustment to prison, education programs can play a critical role in maintaining security and order within correctional facilities.

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INSTITUTIONAL MODELS FOR DELIVERING CORRECTIONAL EDUCATION

Every state correctional system has a different institutional structure for delivering educational services. Many correctional education programs are managed by the state department of corrections, although the degree of centralized supervision varies. In many cases, the department of corrections provides funding to facilities for education but leaves the design and management of the programs up to each facility. On the other hand, some systems have a central education director within the department who has significant administrative, personnel, and budgetary authority over educational programs.

Some states have gone further and established independent school systems or educational agencies that have a significant amount of authority and independence from the department of corrections. Texas, for example, created the Windham School District (WSD) to provide educational opportunities to the state's incarcerated population. WSD offers a wide range of academic and vocational programs in Texas correctional facilities, as well as postsecondary opportunities through the Division of Continuing Education. Currently over 80 schools exist within the Texas Department of Criminal Justice (TDCJ). However, the WSD functions as a separate entity from the TDCJ, with its own school board, budget, and staff.

Other state correctional systems contract out the responsibility for inmate education to outside entities such as community colleges. All correctional facilities in North Carolina, for example, have educational services provided by the North Carolina Community College System (NCCCS). The local community colleges provide programs from adult basic education through associate's degrees. All degree- and credit-bearing courses are located on site at the correctional facilities and credits can be transferred to community colleges and four-year institutions after release.

Sources: Contardo and Tolbert (2008); Stephen Steurer, Executive Director of the Correctional Education Association, e-mail communication with the authors, March 31, 2009; and Windham School District web site, <http://www.windhamschooldistrict.org/>, accessed March 31, 2009.

Building Blocks for Program Success

The constraints and challenges of providing educational programming in a correctional setting only complicate the already difficult task of educating adults who have often been unsuccessful in the public education system for many years. Researchers in the field have yet to determine how incarcerated adults best learn, resulting in wide variation in program models across jurisdictions. Programs vary significantly in terms of curricula, instructional methods, quality of instruction, use of technology and other materials, staffing, program delivery, dosage, participation incentives, participation and completion rates, management and organizational structures, and other components. Because little data exist on many of these elements, describing an ideal or even a typical correctional education program is difficult. However, the Roundtable explored some components of effective correctional education in detail, including proper student assessment and placement, well-trained teachers, appropriate use of

technology, and effective incentive structures, all of which are discussed below. While these elements are also components of successful adult education in the community, here we have attempted to explore the dynamics of each within the correctional environment.

Assessment and Program Placement

The educational programming an incarcerated student receives should be tailored to the educational needs and objectives of that student, as well as the correctional system. If the goal is vocational training and employability, programming will look very different than if the objective is GED attainment or a general liberal arts education aimed at expanding cognitive abilities. (Participation in different types of programming is not mutually exclusive, however: an incarcerated student can participate in vocational training while also attending academic courses.) Systems need to accurately screen and assess inmates, ideally at intake, and have guidelines for placing them in education and other programs that suit their needs. Whenever possible, programming should also be gender-responsive, culturally competent, and otherwise appropriate to students' past social and educational experiences.

Proper screening, assessment, and placement can also help ensure continuity of participation. The determination of what programming is appropriate for an incarcerated student should consider that person's anticipated incarceration length and the types of facilities in which he or she is expected to stay during the incarceration. In North Carolina, for example, a prison's educational offerings are determined by the minimum length of stay in the facility. All facilities offer some type of programming, but a matrix is used to ensure that programs are only provided at facilities where inmates will be able to finish them (Contardo and Tolbert 2008). Standardizing course curricula across facilities is another strategy for promoting program continuity and completion. If courses are standardized, incarcerated students may be able to pick up where they left off once they transfer to a new facility.

Assessment also helps identify and properly place individuals with learning disabilities, physical disabilities, emotional or behavioral disorders, mental health issues, or other special needs. These individuals often have difficulty succeeding in

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THE EDUCATIONAL ASSESSMENT PROCESS

The educational assessment process should cover three primary areas:

Academic

- Educational background
- Literacy and basic skills
- Content-area knowledge (for more advanced students)
- English language abilities

Occupational

- Employment history
- Occupational interests and aptitudes
- Job-specific vocational skills and certifications
- Basic, non-specific job skills (customer service, teamwork, handling money, etc.)

Special Needs

- Learning disabilities
- Developmental disabilities and intellectual capability level
- Physical disabilities (vision, hearing, speech, etc.)
- Emotional and behavioral disorders and other mental health issues

Educational assessment may occur in conjunction with other screening activities at intake or classification, or when an inmate expresses interest in educational programming. A wide range of adult assessment tools is available, and correctional education systems should ensure that the tools they use are well-recognized in the broader education community.

Information about specific academic assessment tools designed for use with adults is available at <http://www.nrsweb.org/nrswork/database/default.aspx>.

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a regular classroom and may need specialized programming provided by expert instructors.¹² Federal law and various legal decisions require that correctional facilities make "reasonable accommodations" to provide disabled individuals with access to the same types of educational services as other inmates.¹³ It can be challenging to provide specialized and individualized services, but correctional agencies have some autonomy in determining how to best meet the needs of disabled students. Special needs individuals typically enter the justice system with lower educational attainment than non-disabled individuals (Harlow 2003), and their educational needs and objectives may differ from those of other students. For example, the most valuable goal for someone with a severe learning disability may not be a postsecondary degree or even a GED. Assessment and proper placement will help address these issues and ensure that all individuals are receiving adequate and appropriate educational services.

Assessment is essential not only for placing students into programming, but also for measuring their progress and supporting release planning. Ongoing student assessment can measure the effectiveness of a facility's programs and hold both students and instructors accountable. Assessment shortly before release can provide individuals with information about their current ability level and help them make appropriate educational plans for after their release. Pre-release assessment also provides valuable information about the educational level of the recently released population in a community, including those on probation and parole. Unfortunately, educational assessment at the time of release is rare, as is the transfer of institutional educational records to programs at other facilities or in the community.

If a prison classroom offers inept . . . staff and/or curriculum, it inherits the hostility generated by the entire prison experience. However, if it shines with competency and concern, it shines brighter than its community counterpart could possibly shine. . . . Most prisoners are desperately in need of deserving heroes. Rarely have I seen a prison instructor fully exploit his/her capacity to permanently redirect a life, but the capacity is there nonetheless.

— JUDY, A STUDENT
INCARCERATED IN VIRGINIA

Well-Trained and Well-Supported Teachers

The success of any educational system ultimately rests on having well-trained, engaged teachers who are equipped with the tools needed to educate their students. Many correctional systems require their teaching staff to be formally trained and certified. The Correctional Education Association (CEA), an organization that accredits adult and juvenile correctional education systems across the country, has standards

¹² More information on educating incarcerated students with disabilities is available in the Roundtable paper "Understanding and Responding to the Education Needs of Special Populations in Adult Corrections" (Leone et al. 2008).

¹³ Key legislation governing educational access for people with disabilities, including incarcerated individuals, includes the Americans with Disabilities Act (1990), Section 504 of the Vocational Rehabilitation Act (1973), and the Individuals with Disabilities Education Act (2004) (Leone et al. 2008).

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that require instructors to be certified as public school teachers at a minimum.¹⁴ Even certified teachers may need additional training, however, to prepare them to address the learning needs of incarcerated adults. Incarcerated students have a wide range of ability levels and educational backgrounds, and many have had poor experiences with education in the past. The CEA and other organizations offer courses that provide specific training on teaching correctional populations.¹⁵ Correctional educators may also need preparation for working with students who have learning disabilities or other special needs, given the high prevalence of these issues among the incarcerated population. Systems can hire special education teachers who have received rigorous, specialized training, or they can train general educators in how to modify and adapt instruction for special populations. Even non-disabled students can benefit when their instructors have training in teaching to different learning styles and ability levels.

Finding talented, well-trained teachers interested in working in correctional facilities can be difficult. Prisons are often located far from urban areas or other places with large numbers of potential instructors. The share of correctional employees devoted to education has declined over the past several years. In 1990, 4.1 percent of state and federal prison employees were classified as educational staff; by 2005 that number had dropped to 2.6 percent (Klein et al. 2004; Stephan 2008).¹⁶ Government or private initiatives might increase the pool of potential correctional educators by training teachers and providing incentives for them to work in corrections. Roundtable participant Mindy Feldbaum is currently developing an initiative to train and support a corps of correctional educators, similar to the Teach for America program (see text box).

In many systems, particularly those with limited resources, certified teachers are supplemented with volunteer instructors from the community and inmate instructors and tutors. Although these individuals typically have limited training as educators, they can offer significant support to trained teachers and enhance the classroom environment. They can be particularly valuable in areas such as literacy where one-on-one tutoring has been found to be important for learning. A recent survey of state correctional systems found that some systems have more inmate tutors than paid teachers, suggesting that

DEVELOPING A POOL OF CORRECTIONAL EDUCATORS

Roundtable participant Mindy Feldbaum of the Academy for Education Development (AED) is pursuing an initiative to develop a new pool of talented correctional educators. Drawing on the success of the Teach for America model, the Correctional Education Teaching Corps will seek to attract a diverse group of individuals who will commit to teaching in a correctional setting. Before being placed in a correctional facility, Corps members will participate in an intensive learning lab to gain the knowledge, skills, and abilities necessary to become effective educators. The lab will provide Corps members with a complete understanding of the criminal justice system and will prepare them for the challenges of working in a correctional environment.

¹⁴ Stephen Steurer, Executive Director of the Correctional Education Association, e-mail communication with the authors, January 15, 2009.

¹⁵ For more information on professional development opportunities offered by CEA, visit their web site at www.ceanational.org.

¹⁶ These figures do not reflect the use of outside contractors or partner agencies to provide instruction (such as instructors from local colleges), because these individuals are typically not counted as correctional staff. Also, the data do not distinguish between full-time and part-time staff.

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peer-to-peer learning is an important method of instruction in correctional classrooms (Corrections Compendium 2008). The selective use of volunteers and inmate instructors can be a valuable tool for expanding program capacity and compounding the return on salaried instructors, but these individuals will need to receive some degree of training and may only be able to provide certain types of programming.

Whether they are trained teachers or volunteer instructors, correctional educators need adequate materials, equipment, instructional tools, and space for conducting their lessons. Facility design should take program needs into consideration, and correctional administrators must work to ensure that teachers have the tools and resources they need. Communication between educators and correctional administrators is critical to ensuring that both material and logistical needs are met.

Appropriate Technology

In recent years, promising new computer and communications technologies have slowly been incorporated into correctional education. Multimedia content and interactive learning opportunities can now be delivered via the Internet, closed/restricted computer networks, satellite, closed-circuit television, CDs or DVDs, videotapes, or videoconferencing. Coursework using these technologies ranges from highly structured, prepackaged instruction to self-guided, individualized, and interactive lessons. Technology holds great promise for addressing many of the challenges of providing education in a correctional environment, such as institutional security constraints and inadequate funding and resources.¹⁷

The incorporation of new technological applications can enhance correctional education by

- providing programs specifically geared toward incarcerated populations;
- offering customized instruction that addresses different learning styles and ability levels, as well as special needs;
- delivering simultaneous instruction to large numbers of students in multiple locations, saving money and staff resources;
- serving facilities that are too isolated or have too few students to make face-to-face programming cost-effective;
- providing standardized coursework that is consistent across students and facilities;
- serving incarcerated students who, because of their security classification or for other reasons, cannot be in contact with other inmates;
- linking students to courses being offered in the community; and
- improving training programs for correctional educators.

¹⁷ More information on the use of technology in education for incarcerated populations can be found in the Roundtable paper "The Effective Use of Technology in Correctional Education" (Borden and Richardson 2008).

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Technology is more than simply a mechanism for delivering education; using computers, the Internet, and other communications technologies can be a learning experience in and of itself. Since many incarcerated students have limited exposure to these technologies, any interaction with computers or the Internet can serve as a form of vocational training. Computers and the Internet are also an increasingly essential part of the educational process itself, and both teachers and students rely heavily on these tools for seeking information, locating articles and references, and composing documents. Having technology available in correctional facilities also opens up the opportunity for computer skills classes and other technological training courses.

INNOVATIVE STRATEGIES FOR USING TECHNOLOGY IN EDUCATION FOR CRIMINAL JUSTICE POPULATIONS

- The Transforming Lives Network (TLN) provides education for incarcerated individuals and training for instructors and correctional staff via satellite. This distance learning project is managed by the Correctional Education Association (CEA) and funded by subscriptions from participating institutions. Through a partnership with the Wisconsin Department of Corrections and the Milwaukee Area Technical College's College of the Air program, TLN now offers courses for college credit.
- New Mexico provides academic postsecondary education through partnerships with three state educational institutions. Distance-learning courses are provided using a closed-circuit Internet connection.
- Ohio's London Correctional Facility has a six month interactive media and web design course that teaches students basic design and web development skills. Students have produced several web sites and other products for nonprofit clients.
- Ohio's Transitional Education Program (TEP) is designed to prepare individuals for success after release. The in-prison component offers distance-learning through videoconferencing with instructors located at a central site, along with self-paced learning using a specialized computer program. After release, individuals have access to a specially designed support web site and can connect to a TEP caseworker for support via Internet, e-mail, or telephone.
- The Computer-Based Learning from Prison to Community project, or P2C, provides women in New Jersey with access to computer-based learning opportunities in prison and after release. Participants take courses in basic math and literacy, life skills, and computer skills, including the use of Microsoft Office applications. In prison, participants are given access to a simulated Internet program which allows them to explore and learn about the Internet in a safe environment. Women who successfully complete the first phases are given a home computer with Internet access to continue their training after release.

Sources: Borden and Richardson (2008); Contardo and Tolbert (2008); McKay et al. (2008); Ann Coppola, September 10, 2007, "Accessing the Future," <http://www.corrections.com/news/article/16587> (accessed February 11, 2009); Ohio's Transitional Education Program web site, http://www.drc.state.oh.us/ocss/OCSS_transitional.htm, accessed February 11, 2009; and the Transforming Lives Network web site, <http://www.tln.ceanational.org/>, accessed February 11, 2009.

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Despite many potential benefits, technology can have drawbacks if not used carefully. While exciting new technologies can be appealing, the benefits and appropriate use of a proposed technology should be carefully considered and, if deemed effective, the application should be deliberately and purposefully integrated into the classroom. Giving the latest technology to teachers and students without any support or guidance can be overwhelming and ineffective. These individuals need training in the technology's use and time to adapt to it and integrate it into the educational process. Occasionally, teachers fear that technology will replace them or hinder their preferred instructional methods. Many educators also question whether distance learning, computer-based coursework, or other technology-driven programs can provide the same quality of education as face-to-face instruction. Direct guidance from a teacher, contact with other students, and experience working in group environments are all intangible benefits of traditional classroom instruction. Hybrid models, wherein programs like distance learning are combined with face-to-face classroom instruction and support, may offer a promising compromise.

Technology should serve us, not
the other way around.

— CINDY BORDEN AND
PENNY RICHARDSON,
NORTHSTAR CORRECTIONAL
EDUCATION SERVICES

New technologies also come with security risks, which is why some correctional facilities have strongly resisted allowing Internet access to incarcerated students and even staff. Many of these security concerns can be addressed with careful planning and regulations governing access and use. Software applications such as firewalls and content filters can restrict Internet access, and clear rules and sanctions can deter misuse of technology. Although the security concerns are well-founded, there is fairly widespread agreement that technology must be allowed into correctional facilities in

some form, given the important role computers, the Internet, and other communications technologies play in life outside the walls.

Effective Incentives

Student motivation is a key issue in any educational system, particularly in settings such as correctional facilities where many students have been discouraged by their past educational experiences. Well-designed incentive structures can encourage individuals to participate in and complete education programs. In-prison benefits, such as expanded access to visitation or commissary, and rewards such as good time credits or other forms of sentence reduction can promote participation. In Indiana, certain types of offenders are eligible to receive sentence credits for completing educational programming, with increasing time credits rewarded for higher levels of educational achievement.¹⁸ When developing incentive structures, program administrators should consider both "carrots" (rewards) and "sticks" (sanctions). For example, New Mexico encourages program completion by providing good time credits in a lump sum once

¹⁸ Indiana State Code, <http://www.in.gov/legislative/ic/code/title35/ar50/ch6.html#IC35-50-6-3>, accessed March 30, 2009.

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a program is completed but also by garnishing inmate wages to help pay the cost of a program if the student drops out (Contardo and Tolbert 2008).

Not all incentives need to provide tangible benefits: awards and acknowledgement within the classroom and in special ceremonies may seem trivial but can do a great deal to keep students motivated and make them feel proud of their achievements. Program quality and classroom environment also play a role in student engagement and motivation. Participation and good behavior can also be encouraged by requiring students to sign a participation agreement and/or classroom behavior contract laying out the responsibilities of the student, the instructors, and the correctional system. Even if such contracts are not legally binding, formalizing the educational agreement can encourage all sides to follow through on their commitments.

Because incentives and disincentives affect who is in the classroom and for what reasons, correctional systems should carefully consider the incentive structures they have in place. Some systems require participation in adult basic education, GED preparation, or other courses for individuals functioning below a certain level (Crayton and Neusteter 2008). The goal of such requirements is to ensure that all inmates reach a certain level of literacy and abilities. However, some educators have questioned the value of having students who are being forced to participate in the same classroom with more motivated students. Program administrators also need to consider disincentives that may discourage or prevent individuals from participating. Communication between educators and correctional staff helps ensure that individuals who attend classes do not miss out on perks like recreation time or commissary. Inmates may not have time for education courses because they need the money or other benefits from in-prison jobs. In response, some correctional systems pay people for participation in educational programming, in some cases paying the same wage an individual would have received at an in-prison job. For example, Rikers Island Jail in New York City is experimenting with a program that pays anyone under the age of 24 to participate in educational activities (Crayton and Neusteter 2008).



From Classroom to Community *Education and Reentry*

Educational opportunities should not end at the prison walls, and programs in correctional facilities should be viewed as a first step on an individual's larger educational path. Correctional education should build a foundation that, supplemented with reentry planning and case management, can bring individuals real-world success in continuing education and in employment. Structures and support are needed to help individuals transition from correctional education to education in the community after release, and partnerships and collaborations among key agencies can help build these links. This section explores the transition from education during incarceration to education, employment, and other reentry successes in the community.¹⁹

Promoting Education and Employment Success after Release

Correctional education programs should be structured with reentry in mind, laying the groundwork for students to obtain employment and/or continue their education after release. Correctional education should provide relevant skills and abilities on par with similar programs available in the community, and

¹⁹ More information on education after release is available in the Roundtable paper "Prison Postsecondary Education: Bridging Learning from Incarceration to the Community" by Jeanne Contardo and Michelle Tolbert (2008).

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achievement should be formally recognized via widely accepted credentials. Individuals also need support and planning during the reentry process to help them translate their in-prison education into real world success.

Program designers need to ensure that course credits, certificates, and other credentials obtained during incarceration are recognized by the broader educational community as well as employers. In the realm of academic instruction, programs should provide courses that qualify students for further education (such as the GED) or that transfer to other educational institutions like community colleges and state universities. Often the more centralized and standardized a correctional education system is, the more likely credits are to transfer. Postsecondary education in New Mexico's prisons, for example, follows a standardized curriculum. The most widely available program leads to an associate's degree in general studies that articulates to all the state's public universities and forms the core curriculum for a bachelor's degree (Contardo and Tolbert 2008).

The challenges are ensuring that current and new program credits, certificates, and licenses are not only transferable between prisons and outside institutions, but also in demand by [the local] business community.

— GENO, A STUDENT
INCARCERATED IN VIRGINIA

Vocational programs should also be reentry-relevant, providing skills, abilities, and certifications that will help individuals obtain good-paying, stable employment, ideally in a high-growth industry where jobs are in demand. Creating programming that is relevant to the local and regional job market and suitable for the incarcerated population may require analyzing labor market trends and structuring vocational training and other education programs accordingly. Correctional administrators and educators should also consider legal barriers that prevent people with criminal histories from being employed in certain industries (Samuels and Mukamal 2004). Continual review is important to ensure that training programs provide the most current knowledge and techniques in a field. Vocational training in some facilities is geared toward outdated career paths and uses equipment and techniques that are no longer relevant. To ensure that their educational efforts are effectively preparing students for employment, North Carolina has developed a business and industry advisory committee that advises the state on academic and vocational education for incarcerated students (Contardo and Tolbert 2008).

Even if a strong educational foundation is laid in prison, individuals may encounter significant barriers to continuing their education or obtaining employment after release. Returning prisoners face challenges on many fronts and obtaining education and training may not be their first priority as they struggle to meet their basic needs and reconnect with their families. Those who do pursue education or employment may have difficulty with issues as basic as finding transportation to class or a job and a stable, calm living environment in which to study and rest. Individuals need reentry planning and case management to help them navigate the reentry process and ensure that all the pieces are in place to support their employment and education endeavors. Those who are

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PROVIDING WRAPAROUND SUPPORT FOR CONTINUING EDUCATION: THE COLLEGE AND COMMUNITY FELLOWSHIP

The College and Community Fellowship (CCF) is a New York-based organization that provides formerly incarcerated women with opportunities for educational advancement, professional development, personal growth, public leadership, and civic participation. CCF supports women who are continuing their education through mentoring, financial assistance, peer support networks, academic counseling, leadership training, and referrals to agencies that offer housing, mental health, substance abuse treatment, and other services. Students who maintain a minimum 2.5 grade point average have the opportunity to receive \$600 each semester after they earn their first 12 college credits. Almost 70 percent of CCF participants receive four-year college degrees within four years of starting the program. Since the program began eight years ago, 99 participants have received college degrees ranging from associate's degrees to Ph.D.s.

More information on CCF is available online at <http://www.collegeandcommunity.org/>.

pursuing further education can benefit from assistance in accessing educational opportunities and obtaining funding, academic counseling and mentoring, training in study skills, and peer support. In the realm of employment, formerly incarcerated individuals often need "soft skills" training that covers such topics as arriving at work on time and communicating with superiors and colleagues in the workplace. They also need resume and interview preparation, basic computer skills, and assistance with job development and placement. Vocational and academic education must be supplemented with these types of training activities and support in order for students to reap the full benefits of their education.

One of the most difficult challenges to continuing one's education after release is funding, despite the fact that people just released from prison are often eligible for financial aid.²⁰ In a recent survey of incarcerated men, funding was identified as the biggest obstacle preventing individuals from pursuing education after release (Hanneken and Dannerbeck 2007). Many people return to the community without a job or with a low-paying job, lacking savings or assets, with poor credit histories, and with a significant amount of debt from child support and criminal justice expenses. Yet education can be a valuable investment and, given their low incomes, many former prisoners qualify for need-based financial aid for postsecondary education (see text box on the next page). Unfortunately, formerly incarcerated people are often unaware of public and private funding sources that may be available for continuing their education. Additionally, some colleges have started conducting background checks and making admissions decisions based on applicants' criminal histories (Center for Community Alternatives 2008). There are generally no legal protections against using criminal records in college admissions.

Partnerships to Support Reentry Success

Whether they are seeking education, employment, or both, individuals returning from prison need support and case planning to achieve their goals. Increased collaboration and communication among agencies that work with returning prisoners can enhance educational services and support for this population. For example, when correctional

²⁰In states where postsecondary correctional education is financed in part through loans which students are required to pay off after release, lack of financial resources can also discourage individuals from participating in education programs during incarceration.

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FEDERAL FUNDING FOR EDUCATION AFTER RELEASE

Though eligibility for some forms of federal financial aid for postsecondary education, such as Pell Grants, is revoked during incarceration, for the vast majority of inmates eligibility is reinstated upon release. Those with drug-related convictions, however, may still be disqualified from receiving federal financial aid for postsecondary education even after their release. Drug offenders were once barred completely from receiving aid under the Higher Education Act, but the act was amended in 2006 to apply only to those individuals who were receiving Title IV Federal financial aid *at the time of their drug conviction*. For these individuals, federal loans, grants, and work assistance are suspended on the date of conviction for varying lengths of time, depending on the type of offense and whether it is a repeat offense. However, a person convicted of a drug-related offense may have his or her eligibility for federal funding reinstated before the end of the suspension period if he or she completes specified types of substance abuse treatment and successfully passes two unannounced drug tests. Eligibility for financial aid may also be reinstated if the conviction is reversed, set aside, or otherwise repealed. While the disqualification of individuals who were receiving federal financial aid at the time of their drug conviction only affects a small number of former prisoners, confusion surrounding the ban often discourages eligible individuals from applying.

Source: Dan Klock, U.S. Department of Education, e-mail communication with the authors, December 10, 2008.

educators have information about what happens to their students after release, they can gauge whether their methods are being successful and how they might better prepare their students for reentry. They can also work to link their students to opportunities in the community and design their programs to help facilitate the transition process.

Partnerships between corrections, community supervision, service providers, educational institutions, and employers can strengthen correctional and community education programs and create links between incarceration and the community. Collaborations are particularly valuable for providing multimodal programs that address individual's multiple interrelated reentry needs, from employment and education to physical and mental health, substance abuse treatment, stable housing, and family reconnection. Innovative programs such as education release (similar to work release) inside facilities and education-focused transitional housing after release can help create bridges between incarceration and education in the community. Partnerships like North Carolina's business and industry advisory committee not only bring the expertise of employers into the design of correctional education, they also build buy-in among employers and interest in hiring former prisoners educated in the system. Multi-agency collaborations like the ones described above also help ensure that all partners are working toward a common goal; for example, that stringent supervision requirements are not getting in the way of individuals attending class.

Local jails are both uniquely suited for and in need of community partnerships (Solomon et al. 2008). Because jails are located close to the communities where inmates live, they have promising opportunities to build connections with local educators, employers, ser-

FROM THE CLASSROOM TO THE COMMUNITY

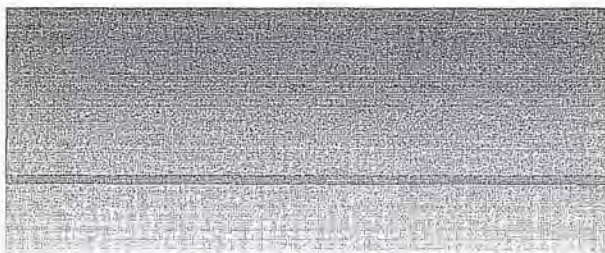
vice providers, and other key partners. Jails have a strong need for these partnerships because their inmate population transitions rapidly and many individuals only stay for a short time, making the provision of meaningful educational opportunities within the jail difficult. Partnerships with community educational institutions might take the form of programs where jail inmates start their coursework during incarceration and transition into a comparable program after release, or "education release" programs where inmates are permitted to leave the jail during their incarceration to receive education in the community. For some jail inmates whose incarceration is likely to be very short, the most appropriate role for the jail may be to assess their educational needs and connect them with appropriate community agencies so they can continue their education upon release.

Just as jails benefit from their proximity to the local community, community colleges are ideally suited for collaborations with the criminal justice system to educate current and former prisoners (Contardo and Tolbert 2008; U.S. Department of Education 2009). They have an explicit goal of providing education to everyone in a community, including nontraditional students and populations that are underserved by other institutions of higher education. Their classes cost less than many other institutions, and their course offerings are often flexible and responsive to student and community needs. Community colleges are, by definition, "uniquely situated within local communities" and have connections to employers, service providers, and others who should be engaged in the reentry process (Contardo and Tolbert 2008). Partnerships between correctional systems and community colleges can also benefit the colleges, as the funds they receive for providing correctional education can help them develop and expand their program offerings. Community colleges across the country are already strongly engaged in correctional education: they provide 68 percent of all postsecondary education behind bars (Institute for Higher Education Policy 2005).

COLLABORATION BETWEEN COMMUNITY COLLEGES AND CORRECTIONS IN NORTH CAROLINA

The North Carolina Community College System (CCS) and Department of Corrections (DOC) partner to provide education to prison inmates in the state, including adult basic education, GED preparation, and postsecondary coursework. CCS provides postsecondary education to an impressive one-third of the state's inmates annually, with a strong focus on vocational training. The program only offers coursework that can lead to a certificate or academic degree, and credits can be transferred to CCS colleges or state universities. The partnership was initiated by the state's General Assembly in 1987, and the Assembly continues to play a role in managing the collaboration. Cooperative agreements govern the relationship and dictate program structures, agency responsibilities, inmate eligibility requirements, and other elements of the collaboration. The state funds the programming through several mechanisms, including tuition waivers, inmate welfare funds, and grants for smaller community colleges (Contardo and Tolbert 2008).

Information on education services offered by the North Carolina DOC is available online at <http://www.doc.state.nc.us/dop/education/index.htm>.



Conclusion

People from all walks of life pursue education for much the same reason: because it provides opportunity—

the opportunity for self-improvement, a better life, and the means to provide for oneself and one's family. That this opportunity should be available to all has been a longstanding American ideal, as demonstrated by the development of the country's public education system, the dedication of government and private funding for higher education, and even the provision of education programs in correctional facilities. Unfortunately, the country's commitment to public education has not always been fulfilled, particularly for low-income people, people of color, and those involved in the criminal justice system. The lack of formal education among the incarcerated population is rooted in a much larger failure of the public education system in communities across the country, a failure that limits

In a country where second chances and opportunity are professed values, democratic access to high-quality higher education must include access for people in prison and people who have been convicted of crimes. We cannot bar the most vulnerable people from the very thing that has the greatest potential to change their lives.

— VIVIAN NIXON, EXECUTIVE DIRECTOR,
COLLEGE AND COMMUNITY FELLOWSHIP

FROM THE CLASSROOM TO THE COMMUNITY

Education for current and former prisoners is a cost-effective solution to reducing reoffending and improving public safety. The effect of education on recidivism has been well-demonstrated, and even small reductions in reoffending can have a significant impact when spread across large numbers of participants.

— GERRY GAES, VISITING RESEARCHER,
COLLEGE OF CRIMINOLOGY AND CRIMINAL
JUSTICE, FLORIDA STATE UNIVERSITY

the economic, political, and social opportunities available to people in these communities. For many individuals, even at the start of the 21st century, the tremendous transformative power of education remains out of reach.

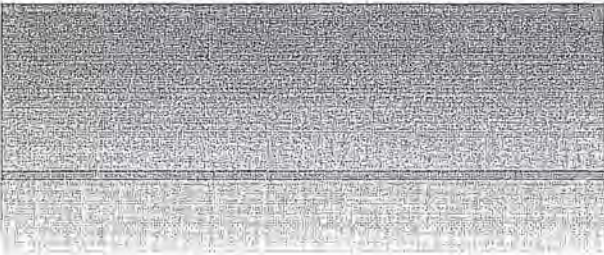
The importance of access to high-quality education for incarcerated and formerly incarcerated people has once again garnered attention as part of a larger conversation on strategies for addressing the social and financial challenges caused by mass incarceration and prisoner reentry. The conversations at the Reentry Roundtable on Education made it clear that education can play a crucial role in rehabilitation and reintegration for people who are or have been incarcerated. Research demonstrates that education can change thinking, encourage pro-social behavior, increase employment, and reduce recidivism. Education's power to transform lives in both tangible and intangible ways makes it one of the most valuable and effective tools we may have for helping people rebuild their lives after incarceration, as well as for combating crime and reducing criminal justice costs.

While providing education within correctional facilities is challenging, education programs can flourish within prisons and jails when dedicated educators are equipped with the necessary resources and are supported by correctional administrators and staff. There is still a great deal to learn about what program models work and what instructional methods, staff training and qualifications, technology applications, participation incentives and other program components are effective for different types of students. There is also work to be done in developing models for providing education during and after reentry and ensuring that education does not stop at the prison walls. Individuals need planning and support to guarantee that the education they receive during incarceration translates into reentry success, employment, and especially opportunities for further education after release. Despite these challenges, the Roundtable demonstrated that there are individuals, from correctional administrators to reentry advocates to researchers, who believe in correctional education and are working to expand and improve it.

The Roundtable was meant to serve as a starting point for conversation and collaboration, and the discussion explored ideas for moving forward on several fronts. Participants highlighted the need to convince correctional administrators, policymakers, and the public that education is a sound investment that can reduce costs, enhance security and improve behavior within facilities, and produce positive outcomes after release. They suggested that the field has more to learn about how best

CONCLUSION

to educate adults involved in the criminal justice system and how to support individuals in shaping their own educational pathways. Roundtable participants focused on the importance of equipping educators with the tools they need and working with them to develop innovative strategies for providing education within prisons and in the community. Perhaps most importantly, participants emphasized the value of building partnerships across the board: between the worlds of education and corrections; between programs within facilities and those on the outside; and between policymakers, researchers, advocates, and practitioners. While more work remains to be done, the authors hope that the Roundtable and this monograph will inform and influence future efforts in the field of correctional education.



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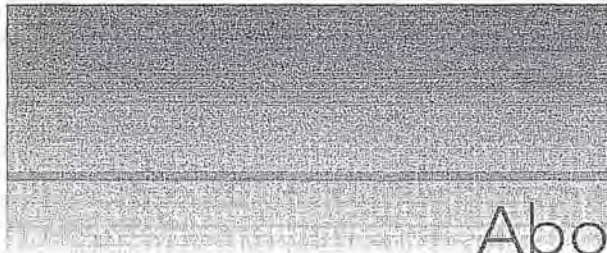
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ANNA CRAYTON is the deputy director of research of the Prisoner Reentry Institute at John Jay College of Criminal Justice. Ms. Crayton has worked on a number of projects pertaining to sentencing, corrections, and reentry, including the development of a national resource guide to assist individuals in planning for their education upon release from prison and a quantitative analysis of the effects of long-term incarceration on reentry. Additionally, she is a candidate for a doctoral degree in criminal justice at the City University of New York Graduate Center.

DEBBIE A. MUKAMAL is the founding director of the Prisoner Reentry Institute at John Jay College of Criminal Justice. She is responsible for overseeing all the Institute's projects including the design and implementation of an innovative neighborhood-based reentry service initiative and the development of research and effective tools in the areas of entrepreneurship, education, long-term incarceration, and reentry from local jails. Before joining John Jay College, Ms. Mukamal served as the director of the National H.I.R.E. Network and a staff attorney at the Legal Action Center, where her work focused on the collateral consequences of criminal records.

AMY SOLOMON is a senior research associate in the Urban Institute's Justice Policy Center. Ms. Solomon has worked in the criminal justice field for 20 years, in federal government, state corrections, and non-profit organizations. She currently directs projects on prisoner reentry, including transition from local jails, community supervision, and innovative reentry practices at the neighborhood level. Ms. Solomon serves on several national criminal justice advisory boards and has published extensively in the area of prisoner reentry.

FROM THE CLASSROOM TO THE COMMUNITY

NICOLE LINDAHL is a graduate student in jurisprudence and social policy at the University of California, Berkeley. Previously, she served as assistant director of the Prisoner Reentry Institute at John Jay College of Criminal Justice, where she developed projects facilitating entrepreneurship and education for currently and formerly incarcerated individuals. She also served as program director and an English instructor for the Prison University Project, which operates the College Program at San Quentin State Prison in California.



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EXHIBIT 14

TO
DECLARATION OF KATHERINE CHAMBERLAIN
IN SUPPORT OF PLAINTIFF'S MOTION
FOR PRELIMINARY INJUNCTION



MACDONALD HOAGUE & BAYLESS
ATTORNEYS AND COUNSELORS AT LAW

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98104-1745

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Kathrin E. Frank
Felicia L. Gittleman
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David J. Whedbee
Jesse Wing

January 13, 2012

VIA EMAIL AND U.S. MAIL

Sarah Hanson
Columbia County Counsel
230 Strand Street
St. Helens, OR 97051

sarah.hanson@co.columbia.or.us

Re: *Prison Legal News v. Columbia County et. al.*

Dear Ms. Hanson:

We represent Prison Legal News (PLN), a publisher and book distributor. Marc Blackman of Ransom Blackman LLP is our local counsel.

Attached is a courtesy copy of the Complaint that PLN filed in federal court today, challenging Columbia County Jail's postcard-only mail policy, its no-magazines policy, and its failure to afford due process to PLN and others—in violation of the First and Fourteenth Amendments of the United States Constitution. As set forth in the Complaint, the Jail censors PLN's monthly publications and other mail sent to detainees at the jail and fails to provide adequate due process notice or an opportunity to be heard to challenge its censorship decisions. Please let us know if you are authorized to accept service of the Summons and Complaint.

By resorting to litigation, PLN seeks the assistance of the Federal Judiciary to ensure that the Jail's unconstitutional policy is permanently abrogated. Because that policy as it presently exists results in on-going unconstitutional censorship of mail and denial of due process, PLN intends to file a Motion for Preliminary Injunction unless Defendants stipulate to appropriate relief. Our motion for preliminary injunction will be accompanied by conclusive evidence that the censorship and denial of due process as alleged in the Complaint have occurred. Attached is a copy of the Consent Decree we obtained in *Prison Legal News v. Spokane County et. al.* involving a substantially similar mail policy. The Consent Decree includes citation to relevant case law. Also attached is a proposed preliminary injunction. In accordance with Local Rule 7-1(a), we will call you on Wednesday, January 18, 2012 at 10:30am to discuss the preliminary

Sarah Hanson
Columbia County Counsel
January 13, 2011
Page 2

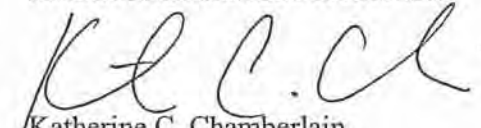
injunction. If you are not available at that time, please let us know and propose another day and time next week for a telephone conference. Time is of the essence.

Our client's goal remains the implementation of a judicially enforceable, constitutional mail policy at the Columbia County Jail. If the County is interested in avoiding a costly—and what we truly believe will prove to be a losing—defense, PLN is willing to resolve this case promptly by a stipulated consent decree that imposes a permanent injunction establishing a constitutional mail policy, payment of damages for the unconstitutional censorship of mail and denial of due process that has existed since 2010, and the payment of attorney fees, and costs incurred to date by PLN.

We look forward to speaking with you about this promptly.

Sincerely,

MACDONALD HOAGUE & BAYLESS



Katherine C. Chamberlain
Jesse Wing

Enclosures

cc: Client
Marc Blackman, Local Counsel

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

PRISON LEGAL NEWS, a project of the
HUMAN RIGHTS DEFENSE CENTER,

Plaintiff,

v.

COLUMBIA COUNTY; COLUMBIA
COUNTY SHERIFF'S OFFICE; JEFF
DICKERSON,

Defendants.

No.

STIPULATION AND (PROPOSED)
PRELIMINARY INJUNCTION

COME NOW the parties and request entry of the following STIPULATION and
PRELIMINARY INJUNCTION:

1. On April 1, 2010, the Columbia County Jail adopted and implemented mail policies and procedures requiring all incoming and outgoing mail to be on a postcard and banning all magazines from the facility. The mail policy does not require the Jail to provide the correspondents and prisoners due process notice or an opportunity to be heard to challenge the censorship decisions.

2. On January 13, 2012, Plaintiff Prison Legal News filed a lawsuit alleging that the Jail rejected mail Plaintiff and others sent to certain prisoners at the Columbia County Jail, and claiming that the Jail's mail policies violate the First Amendment and the Due Process Clause of the Fourteenth Amendment of the United States Constitution.

(PROPOSED) PRELIMINARY INJUNCTION - 1

MACDONALD HOAGUE & BAYLESS
705 Second Avenue, Suite 1500
Seattle, Washington 98104
Tel 206.622.1604 Fax 206.343.3961

1 3. Plaintiff is likely to prevail on the merits of its claims that Defendants' policies
2 prohibiting correspondence by mail other than in the form of postcards and prohibiting delivery
3 of catalogs and magazines violates the First Amendment and that denying Plaintiff, prisoners,
4 and their correspondents procedural due process violates the Fourteenth Amendment.

5 4. Plaintiff and its correspondents will suffer irreparable harm in the absence of the
6 Court entering this injunction because enforcement of Defendants' policies and practices will
7 likely interfere with Plaintiff's protected free speech—namely, Plaintiff's journals, book
8 catalogs, informational brochures, and letters, mailed to prisoners at the Columbia County Jail—
9 without affording Plaintiff and its correspondents due process, resulting in harm to their
10 constitutional rights.

11 5. The balance of equities favors the Plaintiff, in that its constitutional rights to
12 expression and due process will likely be harmed in the absence of an injunction whereas the
13 claimed effect on Defendants of granting preliminary relief is not substantial.

14 6. The public interest is served by the entry of an injunction that prevents likely
15 violations of constitutional rights protected by the First and Fourteenth Amendments pending
16 resolution of this lawsuit.

17 ACCORDINGLY, the COURT HEREBY ORDERS that for the duration of the
18 Plaintiff's lawsuit Defendants are enjoined:

19 (1) from censoring or rejecting mail on the ground that it is not in the form of a
20 postcard;

21 (2) from censoring or rejecting catalogs on the ground that it is a catalog or not a
22 postcard;

23 (3) from censoring or rejecting mail on the ground that it is a magazine; and

24 (4) from denying due process to prisoners and their correspondents when rejecting
25 mail; specifically, for each piece of mail that Defendants censor or reject, the Defendants must
26 give written notice to the sender and addressee of the following:
27

(a) The identity of the mail censored or rejected, described in sufficient detail that the mail can be matched to the mail rejection notices sent the sender and addressee.

(b) Each specific reason the mail was censored or rejected, described in sufficient detail that the sender can cure or challenge it;

(c) The identity and substance of any mail policy on which the Defendants rely as a justification for the censorship or rejection;

(d) The sender or addressee's rights to appeal the censorship or rejection, including the person's name and title to which an appeal may be submitted, any requirements of what must be contained in an appeal, any deadlines or timeframes for appeal, and a timeframe by which the Defendants will issue a decision on the appeal.

IT IS SO ORDERED.

DATED this _____ of January, 2012.

Hon. Michael H. Simon
United States District Court Judge

PRESENTED BY:

MacDONALD HOAGUE & BAYLESS

By: _____
Katherine C. Chamberlain, OSB# 042580
KatherineC@mhb.com
Attorney for Plaintiff

RANSOM BLACKMAN LLP

By: _____
Marc D. Blackman, OSB # 730338
marc@ransomblackman.com
Attorney for Plaintiff

(PROPOSED) PRELIMINARY INJUNCTION - 3

MACDONALD HOAGUE & BAYLESS
705 Second Avenue, Suite 1500
Seattle, Washington 98104
Tel 206.622.1604 Fax 206.343.3961

1 COLUMBIA COUNTY COUNSEL

2 By:

3 Sarah Hanson, OSB # 983618

4 sarah.hanson@co.columbia.or.us

Attorney for Defendants

27 (PROPOSED) PRELIMINARY INJUNCTION - 4

9870.05 R082201

MACDONALD HOAGUE & BAYLESS
705 Second Avenue, Suite 1500
Seattle, Washington 98104
Tel 206.622.1604 Fax 206.343.3961

EXHIBIT 15

TO
DECLARATION OF KATHERINE CHAMBERLAIN
IN SUPPORT OF PLAINTIFF'S MOTION
FOR PRELIMINARY INJUNCTION

Katherine C. Chamberlain

From: Katherine C. Chamberlain
Sent: Tuesday, January 17, 2012 12:26 PM
To: 'Sarah Hanson'; Jennifer King
Cc: Jesse Wing; 'Marc Blackman'; Katherine C. Chamberlain
Subject: RE: FW: PLN v. Columbia County, et al. - USDC District of OR Cause No.

Dear Ms. Hanson:

Thank you for your email. We are available at 2pm on Thursday 1/19. We will give you a call then.

Sincerely,
Katie

Katherine C. Chamberlain
MacDonald Hoague & Bayless
705 Second Avenue, Suite 1500
Seattle, WA 98104
206.622.1604 | Fax 206.343.3961
katherinec@mhb.com | www.mhb.com
Check out our new website at MHB.com

This email is intended only for the individual(s) to whom it is addressed and it may be a confidential communication protected by law. Any unauthorized use, dissemination, distribution, disclosure, or copying is prohibited. If you have received this communication in error, please notify me immediately by return email and delete this message from your system.

From: Sarah Hanson [<mailto:Sarah.Hanson@co.columbia.or.us>]
Sent: Tuesday, January 17, 2012 12:10 PM
To: Jennifer King
Cc: Jesse Wing; Katherine C. Chamberlain
Subject: Re: FW: PLN v. Columbia County, et al. - USDC District of OR Cause No.

Ms. King:

I am not available tomorrow at 10:30. I am available Thursday, 1/19 at 2:00.

Office of County Counsel
230 Strand, Room 318
St. Helens, Oregon 97051
503-397-3839
503-366-3925 (fax)

Beginning July 11, 2011, my office hours are Monday through Thursday 8:30 a.m. to 5:00 p.m.

>>> Jennifer King <JenniferK@MHB.com> 1/17/2012 10:48 AM >>>

This letter was sent out on Friday, but we received a "undeliverable" message that evening after the office closed. I am re-sending this to you in hopes it is delivered this time.

Thank you.

Jennifer D. King | Legal Assistant
MacDonald Hoague & Bayless
705 Second Avenue, Suite 1500
Seattle, WA 98104
☎ 206.622.1604 | Fax 206.343.3961
✉ jenniferk@mhb.com | www.mhb.com

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From: Jennifer King
Sent: Friday, January 13, 2012 3:22 PM
To: sarah.hanson@columbia.or.us
Cc: marc@ransomblackman.com; pat@ransomblackman.com; Katherine C. Chamberlain; Jesse Wing; Carrie Wilkinson; Kara McBride; Brina M. Carranza
Subject: PLN v. Columbia County, et al. - USDC District of OR Cause No.

Please see attached letter from Katie Chamberlain and Jesse Wing. The original will follow by mail.

Jennifer D. King | Legal Assistant
MacDonald Hoague & Bayless
705 Second Avenue, Suite 1500
Seattle, WA 98104
☎ 206.622.1604 | Fax 206.343.3961
✉ jenniferk@mhb.com | www.mhb.com

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EXHIBIT 16

TO

DECLARATION OF KATHERINE CHAMBERLAIN
IN SUPPORT OF PLAINTIFF'S MOTION
FOR PRELIMINARY INJUNCTION

Jan. 19, 2012 4:35PM county counsel

No. 0503 P. 1

Columbia County



OFFICE OF COUNTY COUNSEL

Columbia County Courthouse ♦ 230 Strand, Room 318 ♦ St. Helens, OR 97051-2096
503.397.3839 ♦ 503.366.3925 (Fax) ♦ www.co.columbia.or.us

SARAH HANSON
County Counsel
sarah.hanson@co.columbia.or.us

ROBIN ROJAS MCINTYRE
Assistant County Counsel
robin.mcintyre@co.columbia.or.us

CYNTHIA ZEMAITIS
Paralegal / Natural Resource Administrator
cynthia.zemaitis@co.columbia.or.us

FACSIMILE TRANSMISSION

To:	Katie Chamberlain	Fax:	206.343.3961
Date:	January 19, 2012	Pages:	8, including cover sheet
From:	Cynthia Zemaitis, Paralegal / Natural Resources Administrator	Re:	PLN v. Columbia County, et al

COMMENTS

We are forwarding the Columbia County Jail Operations' Inmate Mail Policy, Policy No. J603-R05 (10.21.11). Let us know if you have any questions.

CONFIDENTIALITY NOTICE

This facsimile transmission (and/or documents accompanying it) may contain confidential information belonging to the sender which is protected by the attorney-client privilege. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please immediately notify us by telephone to arrange for the return of the documents.

S:\COUNSEL\FORMS\LETTERS\FAX CZ.wpd

Jan. 19. 2012 4:36PM county counsel

No. 0503 P. 2

COLUMBIA COUNTY SHERIFF'S OFFICE
Jail Operations
Jaff Dickerson, Sheriff

Effective: October 21, 2011

Supersedes; Inmate Mail Policy
Revised July 19, 2011

INMATE MAIL
Policy J603-R05 (10/21/11)

OJS: D1-A01 thru D1-C04, D1-A05, D2-D01,
D3-A02, F1-A01 thru F1-A03
ACA: 3-ALDF-3D-16 thru 5D-08

Applies to all staff

POLICY

It is the policy of the Columbia County Sheriff's Office to provide for and encourage the maintenance of important ties of inmates with families, friends and the community. The Sheriff's Office reserves the inmates rights to communicate with the courts and their attorneys by use of the U.S. Mail. All incoming and outgoing mail is subject to search and/or scanning for the purpose of safety and security of the jail. All correspondence to and from inmates of the Columbia County jail will be in the form of a post card unless it is privileged or official mail.

Limits may be placed on the mail inmates receive based on volume, its affect on the inmate's rehabilitation or treatment, or on the safety, security and good order of the jail. Corrections staff may open and inspect all mail for contraband and may read all personal mail.

An Inmate Mail Guide will be made available to the public explaining mail rules and what can and cannot be sent through the mail to inmates. Copies of the Inmate Mail Guide will also be made available to inmates upon request. Mail policy shall also be available to the public through the sheriff's office website at www.co.columbia.or.us/sheriff, or by calling the Sheriff's Office at (503) 366-4630.

I. GENERAL INFORMATION

A. Regulations

1. Inmate mail will be picked up and delivered on a daily basis excluding Sundays and holidays.
2. The volume of mail an inmate may send or receive will be limited only to a reasonable amount as it impacts the ability of jail staff to process it.
3. Writing material and postage-paid envelopes (for Privileged material only), special occasion cards, and/or postcards will be available for purchase through commissary for all inmates with funds.
4. Indigent inmates will be provided writing material and postage for a maximum of two (2) personal mail pieces per week. Privileged mail will be limited to a reasonable amount, and may be sent in addition to personal mail. Privileged mail must be clearly marked and appropriately addressed. Privileged mail is defined as correspondence to or from:

Jan. 19. 2012 4:36PM county counsel

No. 0503 P. 3

J603-R05

October 21, 2011

- a. Governor
 - b. Attorney General
 - c. Attorneys
 - d. Courts
 - e. Department of Corrections
 - f. Facility Supervisor
 - g. Civil Rights Organizations
 - h. Editor of any newspaper
 - i. Jail Staff will not obstruct the use of privilege mail between court and council.
5. Inmates in disciplinary or administrative segregation are not restricted from the use of mail to communicate with the courts and counsel in a manner consistent with that available to other inmates.
6. Inmate privileged or official mail will not be limited as to the number of pages in an outgoing correspondence, however:
- a. The letter must fit in a standard 4" X 9" business envelope and,
 - b. The weight of a letter must not exceed one ounce, unless specifically approved by jail officials. Exceptions to the length and weight restrictions may be considered:
 - i. If the inmate can demonstrate a legitimate and adequate need to be exempted from the policy; or
 - ii. To accommodate the special requirements involved with privileged mail.
7. Corrections staff will not hold or censor incoming inmate mail unless there is convincing evidence that such correspondence poses a clear threat to the safety and security of the facility, public officials or the general public.
- a. Any correspondence or publication which is rejected, will be rejected in it's entirety.
 - b. If mail is rejected, the Inmate/addressee will be notified in writing of the rejection and the reason for the rejection. A copy of the notification will be placed in the inmate's file.

Jan. 19. 2012 4:36PM county counsel

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J603-R05

October 21, 2011

8. Inmates may correspond with anyone not specifically prohibited by court order. Inmates may also have no correspondence (verbal, written or third party) with a no-contact directive issued by the court, probation or the arresting officer. Inmates in administrative or disciplinary segregation will not be restricted from the use for communication between courts and council in a manner consistent with other inmates.
 - a. On a case by case bases an inmate in the Columbia County Jail can request in writing to send and receive one letter per week to blood relative, husband or wife who is housed in the Columbia County Jail at the same time. This request must be approved by a Supervisor in writing.
9. Sexually explicit publications or materials will not be accepted. Sexually explicit material is any material that:
 - a. Would violate state obscenity laws;
 - b. By their nature or content would pose a threat to the security, good order, treatment goals, the discipline of the jail or would facilitate criminal activity;
 - c. Would exacerbate tensions and lead directly or indirectly to disorder, even if they did not lead directly to violence; or
 - d. Promote a hostile work environment.
10. Inflammatory publications or material will not be accepted. Inflammatory material is any material that:
 - a. Would violate state law;
 - b. By nature or content would pose a threat to the security, good order or discipline of the jail, or would facilitate criminal activity; or
 - c. Would exacerbate tensions and lead directly or indirectly to disorder, even if they did not lead directly to violence.
11. Books and/or periodicals may be procured from outside the jail, however, any such book, hardbound or otherwise, must be sent directly from the publisher or bookstore via the U.S. Mail.
12. No personal packages will be accepted through the mail or by the Sheriff's Office Clerks.
13. Availability of paper, envelopes, postage and post cards are done through the Columbia County Commissary Program. All inmates housed in the

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October 21, 2011

Columbia County Jail are able to obtain writing material regardless of their custody status are permitted this opportunity including inmates housed in segregation. This is subject to limitations to accommodate safety, security, or other legitimate interests.

II. INCOMING MAIL

- A. The mail is delivered to the Sheriff's Office between 0900 hours and 1100 hours, Monday through Friday, excluding holidays.
- B. Sheriff's Office Staff will sort the mail and place it in the "Jail" basket by 1600 hours on mail delivery days.
- C. Mail received for inmates who are no longer incarcerated in the Columbia County Jail will be returned to sender.
- D. Any non-privileged mail will be retrieved, opened and inspected for contraband, cash or money orders, and scanned for content. The day shift Supervisor will assign the Booking Deputy the responsibility of screening inmate mail in an effort to reduce the number of authorized persons participating in the mail process. This will protect the inmates rights to
 1. Mail may be withheld if it could interfere with the good order and security of the facility, i.e. escape or riot plans or any other plans for disorder.
 - a. Any correspondence rejected for content will be rejected in it's entirety.
 - b. If mail is rejected the inmate/addressee will receive written notification explaining:
 - i. The correspondence has been rejected,
 - ii. The reason it was rejected,
 - iii. The process to informally appeal the rejection to the jail commander

A copy of the notification will be placed in the inmate's file.
 2. Cash and money orders are not accepted. All inmates funds must be added to the inmate trust account via the TouchPay system.
 3. Any contraband will be handled in accordance with the Contraband Control Policy and Procedure (J501)

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J603-R05

October 21, 2011

4. Privileged mail must be clearly marked as such. Such mail may be opened and inspected in the presence of the inmate to whom it is addressed. Privileged mail is prohibited from being read by jail officials shall not be read by jail staff.
5. If Privileged mail is inadvertently opened, jail staff will:
 - a. Advise the inmate of the incident and the circumstances involved,
 - b. Prepare an incident report to document the event and place a copy in the Inmate's file.
- E. The deputy charged with mail duty will log all mail into the Inmate Management Computer and note the inmate's housing assignment on the outside of the post card or envelope.
- F. The Shift Supervisor will ensure that all mail is delivered by 1900 hours on the day of receipt if possible, but in all cases within twenty-four (24) hours of receipt.
- G. The Deputy delivering the mail will:
 1. Enter each housing unit and call the name of each inmate receiving mail.
 2. Hand the mail personally to the inmate.
 3. If the inmate is not present in the housing unit, i.e. out to court, on work assignment, medical appointment, etc., the Deputy will leave the mail with Central Control for delivery upon the inmate's return.

3. OUTGOING MAIL

- A. All outgoing mail from inmates to their family and friends will be in the form of a postcard or special occasion card that has been purchased from the Columbia County commissary account. Inmates will place all outgoing mail in the mail drop located in the day room of each housing unit.
 1. All personal mail will be unsealed to accommodate inspection;
 2. All Privileged mail must be clearly marked and appropriately addressed. Privileged mail may be sealed because it shall not be read by jail staff unless so authorized by a court order. Privileged mail is defined as correspondence to or from:
 - a. Governor
 - b. Attorney General

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October 21, 2011

- c. Attorneys
 - d. Courts
 - e. Department of Corrections
 - f. Facility Supervisor
 - g. Civil Rights Organizations
3. All mail will be picked up by the Rove Deputy after 2200 hours and be logged accordingly.
 4. Graveyard shift will log all outgoing mail in the Inmate Management Computer and may inspect and/or scan all personal mail for contraband and to protect the good order and security of the facility.
 5. All outgoing mail will be delivered to the Mail/Records Room in the Sheriff's Office, and placed in the "Out Basket" by 0800 hours each mail day.

B. Use of Envelopes

Inmates may use an envelope, sold through the commissary, to send the following types of letters:

1. A privileged and official mail letter
2. A privileged and official mail letter that should not or cannot be folded or that is more than one ounce.
3. With staff approval, a personal letter that contains a program-related diploma or certificate that should not or cannot be folded. The inmate must have a deputy confirm the contents of such an envelope before it is sealed.
4. Inmates may not use envelopes for any type of mail that does not meet one of the three criteria listed above. Corrections staff will deduct the cost of the postage from the inmate's account for acceptable manila envelopes.

C. Sending Certified Privileged or Official Mail

Inmates may send a privileged or official letter using U.S. Postal Service Certified and Return Receipt mail services. Inmates will be receipted for the mailing and receiving of such mail. The Jail will charge standard postal rates for these services to the inmate. Any inmate sending certified privileged or official mail

Jan. 19. 2012 4:36PM county counsel

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J603-R05

October 21, 2011

must have money in his/her inmate account to pay these postal rates or have appropriate approval from corrections staff if he or she is indigent. A deputy will supply inmates with a "Request for Certified Mail" form that the inmate will be required to fill out and submit with the mail. Inmates shall be limited to two (2) certified-mail letters in any 30-day period.

EXHIBIT 17

TO
DECLARATION OF KATHERINE CHAMBERLAIN
IN SUPPORT OF PLAINTIFF'S MOTION
FOR PRELIMINARY INJUNCTION

Katherine C. Chamberlain

From: Katherine C. Chamberlain
Sent: Monday, January 23, 2012 12:07 PM
To: 'Sarah Hanson'
Cc: Jesse Wing; Marc Blackman; PatGassner
Subject: RE: PLN v. Columbia Co. et. al.

Dear Sarah:

PLN sent mail addressed to specific prisoners at the Columbia County Jail, not a mass mailing. We confirmed their presence at the Jail through the rosters found on the Columbia County Sheriff's website and communicated directly with prisoners. We have several declarations from prisoners who were in the Jail when PLN mailed materials to them. Finally, in returning the rejected mail the Jail stated the mail was censored because "The Columbia County Jail ONLY ACCEPTS POSTCARDS." The Jail did not claim to return mail because the prisoner was not in custody.

Our experience in successfully handling a number of other prison and jail censorship cases suggests that we will not have a problem showing that the Jail censored PLN's mail for the reasons stated in our Complaint. Do you have reason to believe that the prisoners identified in our Complaint were not in the Columbia County Jail on the dates of the alleged censorship?

Thank you for agreeing to speak by phone at 8am tomorrow. I will send teleconference phone number and password later today.

Sincerely,
Katie

Katherine C. Chamberlain
MacDonald Hoague & Bayless
705 Second Avenue, Suite 1500
Seattle, WA 98104
206.622.1604 | Fax 206.343.3961
katherinec@mhb.com | www.mhb.com
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From: Sarah Hanson [mailto:Sarah.Hanson@co.columbia.or.us]
Sent: Monday, January 23, 2012 9:51 AM
To: Katherine C. Chamberlain
Cc: Jesse Wing; Marc Blackman; PatGassner
Subject: RE: PLN v. Columbia Co. et. al.

Katherine:

Yes, I am available at 8:00 a.m. Before the meeting can you please tell me how you've concluded that the named prisoners were in the Jail at the time PLN and other mailings were received at the County Jail? Are you relying on the County's website, or some other source?
Thanks.

Sarah

"Katherine C. Chamberlain" <KatherineC@MHB.com> 1/23/2012 8:58 AM >>>
Dear Sarah:

Are you available for our phone conference at 8am tomorrow (instead of 9am)? Please let me know if that works for you.

Thanks,
Katie

Katherine C. Chamberlain
MacDonald Hoague & Bayless
705 Second Avenue, Suite 1500
Seattle, WA 98104
206.622.1604 | Fax 206.343.3961
katherinec@mhb.com | www.mhb.com
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From: Katherine C. Chamberlain
Sent: Thursday, January 19, 2012 2:46 PM
To: 'Sarah Hanson'
Cc: 'Marc Blackman'; Jesse Wing; Pat Gassner; Katherine C. Chamberlain
Subject: PLN v. Columbia Co. et. al.

Dear Sarah:

Thank you for speaking with us this afternoon. Since you have tendered this matter to insurance and expect to hear back about that today, and expect the Sherriff to return from vacation on Monday, we agreed to speak by phone again on **Tuesday, January 24 at 9am**. I will plan to initiate the call; I'll let you know ahead of time if we need to use another conference call-in number instead.

Attached is the Columbia County Inmate Mail Policy which I downloaded from the Sheriff's website this afternoon. As you can see, it is the same as the policy that is attached as Exhibit A to the Complaint (in substance but not form). You shared with us that the Sheriff's office provided you with a different policy dated July 2011 and agreed to fax the policy to me. Thank you.

We look forward to speaking with you on Tuesday.

Sincerely,
Katie

Katherine C. Chamberlain
MacDonald Hoague & Bayless
705 Second Avenue, Suite 1500
Seattle, WA 98104

206.622.1604 | Fax 206.343.3961
katherinec@mhb.com | www.mhb.com
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Office of County Counsel
230 Strand, Room 318
St. Helens, Oregon 97051
503-397-3839
503-366-3925 (fax)

Beginning July 11, 2011, my office hours are Monday through Thursday 8:30 a.m. to 5:00 p.m.

Inmate Mail



COLUMBIA COUNTY SHERIFF'S OFFICE

Jeffrey M. Dickerson, Sheriff



Main Menu

- Sheriff's Office Home Page
- Mission
- Contact Us
- Columbia County Website
- Press Releases
- Current Inmate List

Divisions

- Enforcement
 - Patrol
 - Marine
 - Criminal
 - Animal Control
- Corrections
 - Inmate Visiting
 - Inmate Mail
 - Inmate Phones
 - Inmate Money Accounts
 - Inmate Housing Fees
 - Inmate Property
 - Request for Proposals
- Support Services
 - Civil and Records Processing
 - CHL and Fingerprinting

Get Involved

- VIPS
- Search and Rescue
- Mounted Posse
- Reserve Program

Information

- Jail Inmate Census

Facilities

- Firing Range

Inmate Mail

Incoming Mail:

Incoming Mail will be only accepted in the form of commercially-produced postcards or a photograph used as a postcard. The mail is delivered to the Sheriff's Office Monday through Saturday, excluding holidays.

Address
Inmate's Name (Booking Number)
Columbia County Jail
901 Port Avenue
St. Helens, Oregon 97051

Prohibited Mail

Effective April 1, 2010 the Columbia County Sheriff's Office is changing the procedures that apply to inmate mail.

MAIL VIOLATIONS:

(Will result in the post card(s) being returned to sender)

- * No Inmate Name
- * Incomplete Return Address
- * Stickers of any kind (Includes address labels)
- * Rubber Inked Stamps
- * Tape
- * Lipstick
- * Colored Pencils
- * Paperclips / Staples etc.
- * Correction Tape / Fluid
- * Crayon
- * Paint
- * Watercolor or colored markers
- * Food / Beverage Stains
- * Perfume / Cologne
- * Any unidentifiable substance

The following mail will not be received or sent from the facility and will be returned to the sender.

1. Mail from one inmate to another at this facility requires a supervisor's approval.
2. Mail that threatens blackmail or extortion.
3. Mail that concerns sending contraband into or out of our jail.
4. Mail that concerns escape plans.
5. Mail that concerns plans for activities in violation of the jail rules.
6. Mail that concerns plans for criminal activity.
7. Mail that contains information which, if communicated, would create a danger of violence or physical harm to a person.
8. Mail that is sensationalism is writing or other printed material that poses a threat to the security, safety, or good order of the jail.
9. Mail that contains any contraband materials.
10. No personal packages will be accepted through the mail or by the Sheriff's Office Clerks.
11. Polaroid or other instant developing photographs.
12. Picture frames or picture folders.
13. Photographs larger than 5" x 7".
14. Postage stamps, blank writing paper, or blank envelopes.
15. Mail that contains gang-related writings, drawings, or symbols on the outside of the envelope or letter.
16. Mail that contains a foreign substance, bodily fluid, perfume or cologne.
17. Mail written in code or suspected code.
18. Sexually explicit materials.



Recent Headlines

- [Neighbors Thwart Daytime Robbery near Scappoose](#)
- [CCSO requests public assistance in identifying robbery suspect](#)
- [CCSO Search and Rescue Locates Body of Missing Teen](#)
- [COLUMBIA COUNTY SHERIFF REQUESTING PUBLIC'S HELP TO FIND MISSING WOMAN](#)

Your Personal Safety

- CCSO for Kids
- Resourceful Links

facebook

CCSO is on facebook!

CCSO UP CLOSE

[Informational Video on your Sheriff's Office](#)



Inmate Mail

19. Mail that encourages or instructs in a commission of a crime.

20. Mail falsely labeled "Official Mail."

21. Photographs that are not printed by a professional commercial source (photo labs or kiosks) will not be accepted. (home printer produced pictures on regular paper are not allowed.)

22. Stickers, tape, and return address labels.

Legal Professional Mail Rules:

Inmate legal mail and professional mail rules have not changed.

Publications:

We do not accept magazines. Books must be sent directly from the publisher or bookstore. An inmate may receive no more than three books per month.

Mail Definitions and Frequently Asked Questions:

Incomplete return address: Return address is missing either part of the address or first and last name of sender.

No Inmate Name: Inmate's first and last names are NOT on the post card.

Dead Mailed: There is no return address. In this case the postcard is returned to the Post Office.

What happens to the postcard I send to an inmate when it arrives at the Facility?

After the post card has been cleared through administration, it is reviewed for mail violations. If a violation is found, the Deputy will complete a Mail Violation Form and the mail will be placed in the inmate's property until their release, or it will be returned to the sender.

Can I send a care package to an Inmate?

Inmates housed in the Jail cannot receive care packages of any kind through the mail. Care packages which are not mail in can be purchased through www.columbia.jcaredirect.com. We only accept care packages by this method.

Can Inmates have access to Books, Magazines, and Newspapers?

The Columbia County Jail has certain legal publications as well as books for entertainment, and some faith-based materials. Books may be procured from outside the jail, however any such book, hardbound or otherwise, must be sent directly from the publisher or bookstore via the U.S. Mail. Newspapers may be subscribed to in the inmate's name for delivery to the jail.

Magazines: Are not allowed inside the facility.

Religious Materials: Inmates can request a Bible from the Law Library. Inmates can also attend a religious program and receive religious materials from the Columbia County Sheriff's Office Volunteer who facilitates that particular program.

Last Updated on Friday, 06 August 2010 16:48

Valid XHTML and CSS.

Columbia County Sheriff's Office
901 Port Ave., St. Helens, OR 97051
(503) 366-4611 | Emergencies: Dial 911

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EXHIBIT 18

TO
DECLARATION OF KATHERINE CHAMBERLAIN
IN SUPPORT OF PLAINTIFF'S MOTION
FOR PRELIMINARY INJUNCTION



MACDONALD HOAGUE & BAYLESS
ATTORNEYS AND COUNSELORS AT LAW

705 Second Avenue
Suite 1500
Seattle, Washington
98104-1745

Tel 206.822.1604
Fax 206.343.3961

Alec Bayless (1921-1991)
Francis Hoague (1909-1993)

Kenneth A. MacDonald
Retired

Miguel A. Bocanegra
Andrea Brenneke
Katherine C. Chamberlain
Andrew T. Chan
Mel Crawford
Timothy K. Ford
Katrin E. Frank
Felicia L. Gittleman
Ester Greenfield
Elizabeth Poh
Amy M. Royalty
Joseph R. Shaeffer
David J. Whedbee
Jesse Wing

January 25, 2012

VIA EMAIL AND U.S. MAIL

Sarah E. Hanson
Columbia County Counsel Office
230 Strand, Rm 318
St Helens, OR 97051

Re: *PLN v. Columbia County, et al.*
USDC District of OR Cause No. CV-12-71-SI

Dear Sarah:

Thank you for speaking with Jesse Wing, Marc Blackman, and me yesterday. We understand that Steve Kraemer of Hart Wagner will be working with you on this case, so I have copied him on this correspondence.

With respect to our request that the County stipulate to a preliminary injunction, you advised us that although the sheriff is back from vacation you have not spoken with him. You also told us that the Columbia County Inmate Mail Policy that you faxed to us on January 19, 2012 is the current Jail mail policy, and the Sheriff's Office website contains an outdated policy that is no longer in effect. When we asked you how long the new policy has been in effect, you said you did not know. Nevertheless, you said that in light of the Sheriff's new policy you did not see how a preliminary injunction is necessary.

As we explained during the call, a preliminary injunction is still necessary. Both the old and allegedly new policies provide for the continued violation of PLN's First and Fourteenth Amendment rights, as well as the constitutional rights of prisoners and other correspondents. Accordingly, as was the stated purpose of our telephone call with you, we advised you that we would be seeking a preliminary injunction and simply needed to know if we could do so by stipulation. You told us that you would confer with the sheriff by the end of the week and get back to us.

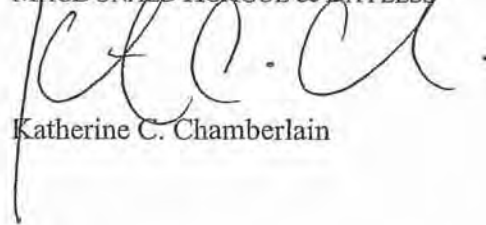
We look forward to speaking with you again by Friday, January 27, 2012, about whether the parties can agree on the terms of a stipulated preliminary injunction. I understand that you will send us an email to set up a mutually agreeable time to speak by phone.

Sarah Hanson
January 25, 2012
Page 2

With respect to service of the Summons and Complaint, you advised us that you will not accept service and we need to formally serve each defendant. We were surprised by your position. Although it will not be difficult to effect service, it will cost money. In any event, we have arranged to have each defendant officially served. We hope that in the future we can work together to avoid incurring unnecessary costs and attorney fees in this litigation—which is in the best interests not only of our client, but also the County, the Sheriff's Office, and Sheriff Dickerson.

Sincerely,

MACDONALD HOAGUE & BAYLESS

A handwritten signature in black ink, appearing to read 'K.C. Chamberlain', is written over the printed name.

Katherine C. Chamberlain

KCC/idm

cc: Client
Marc D. Blackman
Steve Kraemer

EXHIBIT 19

TO
DECLARATION OF KATHERINE CHAMBERLAIN
IN SUPPORT OF PLAINTIFF'S MOTION
FOR PRELIMINARY INJUNCTION

From: Gregory Roberson [mailto:GRR@hartwagner.com]
Sent: Friday, January 27, 2012 5:13 PM
To: Jennifer King; Katherine C. Chamberlain
Cc: Marc Blackman; Pat Gassner; Steve A. Kraemer; Jesse Wing; sarah.hanson@co.columbia.or.us
Subject: RE: PLN v. Columbia County, et al. - USDC District of OR Cause No. CV-12-71-SI

Katie: During our discussion this morning, I said I would send you the Columbia County Jail's new inmate mail policy once I received it. It is attached. This policy is effective and has been implemented. For the reasons we discussed earlier today, it is defendants' position that PLN cannot meet its burden to obtain a preliminary injunction given this new policy. If you have any questions, please let me know.

Per your request due to your firm's recent email problems, I will fax a copy of this policy to your office on Monday.

Greg Roberson
Hart Wagner LLP
1000 SW Broadway 20th Floor
Portland, OR 97205
(tel) (503) 222-4499
(fax) (503) 222-2301

From: Gregory Roberson
Sent: Thursday, January 26, 2012 4:58 PM
To: 'Jennifer King'; Katherine C. Chamberlain
Cc: marc@ransomblackman.com; pat@ransomblackman.com; Steve A. Kraemer; Jesse Wing; sarah.hanson@co.columbia.or.us
Subject: RE: PLN v. Columbia County, et al. - USDC District of OR Cause No. CV-12-71-SI

Katie: Please let me know of a good time I can call you on Friday to discuss the stipulation to a preliminary injunction. I am assisting Steve Kraemer in this matter. He has been tied up in depositions and asked me to handle. I look forward to speaking with you.

Greg Roberson
Hart Wagner LLP

1000 SW Broadway 20th Floor
Portland, OR 97205
(tel) (503) 222-4499
(fax) (503) 222-2301

From: Jennifer King [<mailto:JenniferK@MHB.com>]
Sent: Wednesday, January 25, 2012 12:36 PM
To: sarah.hanson@co.columbia.or.us
Cc: marc@ransomblackman.com; pat@ransomblackman.com; Steve A. Kraemer; Jesse Wing; Katherine C. Chamberlain
Subject: PLN v. Columbia County, et al. - USDC District of OR Cause No. CV-12-71-SI

Please see attached letter from Katie Chamberlain. The original will follow by mail.

Jennifer D. King | Legal Assistant
MacDonald Hoague & Bayless
705 Second Avenue, Suite 1500
Seattle, WA 98104
☎ 206.622.1604 | Fax 206.343.3961
✉ jenniferk@mhb.com | www.mhb.com

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EXHIBIT 20

TO

DECLARATION OF KATHERINE CHAMBERLAIN
IN SUPPORT OF PLAINTIFF'S MOTION
FOR PRELIMINARY INJUNCTION

COLUMBIA COUNTY SHERIFF'S OFFICE
Jail Operations
Jeff Dickerson, Sheriff

Effective: January 26, 2012

Supersedes Inmate Mail Policy
Revised October 21, 2011

INMATE MAIL

OJS: D1-A01 THRU D1-C04, D1-A05, D2-D01,

POLICY J603-R06 (01/26/12)

D3-A02, F1-A01 THRU F1-A03

ACA: 3-ALDF-3D-16 thru 5D-08

Applies to all staff

POLICY

Jail mail handling procedures must support the inmate's need to communicate in writing to carry out legal business and maintain family and community ties. The procedures must also meet the Jail's need for efficient operations that preserve the good order, safety, and security of the facility, inmates, and staff.

DEFINITIONS

Contraband. 1) Controlled substances as defined in ORS 475.005. 2) Drug paraphernalia as defined by ORS 475.525. 3) Any currency possessed by or under the control of an inmate confined in a correctional facility, except for an authorized amount for an inmate at the Community Corrections Center. 4) Any item that a person in a correctional facility is prohibited by statute, rule, or order from obtaining or possessing, *and* whose use would endanger the safety or security of the facility or person within. 5) An unauthorized item in an inmate's possession or in a cell, bunk, or common area. 6) An authorized item altered in any way. 7) More than the authorized number of an item.

Indigent. A financial condition when an inmate has less than \$5 in his or her inmate account and has not had more than that amount for seven days.

Inflammatory material. Writings or other printed materials that pose a threat to the security, safety, or good order of the jail because it may incite or advocate physical violence against others. This includes material that advocates the supremacy or hatred of a racial, religious, national, or other group of people. (*Note: Criticism of jail operations, programs, or staff, on its own, is not inflammatory material. If the criticism involves an illegal act or violates a jail rule, staff will handle it as that type of prohibited mail.*)

Junk mail. Printed materials, often sent as mass mailings, such as catalogs, advertisements, brochures, circulars, and pamphlets whose primary purpose is to sell, promote or solicit for, a product or service, and when taken as a whole, lacks serious literary, artistic, political, educational, religious, or scientific value. Junk mail may come using a variety of postage rates.

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Privileged mail. Incoming or outgoing mail addressed to or from a licensed attorney and is clearly marked "legal mail" on the address side of the envelope. Incoming or outgoing mail addressed to or from the sheriff, jail command staff, county administrator, probation authorities, district attorney, state attorney general, Governor, court, a court official, and other confining authorities that is clearly marked "official mail" on the address side of the envelope.

Mail handler. A staff member who picks up, transports, sorts, delivers, inspects, reads, or performs other duties related to processing inmate mail.

Negotiable instrument. A written document that represents an unconditional promise to pay a specified amount of money upon the demand of its owner. Examples include checks and promissory notes. Negotiable instruments can be transferred from one person to another, as when a person writes "pay to the order of" on the back of a check in order to turn it over to someone else.

Periodical. A magazine, newspaper, or other publication formed of printed sheets that are issued at least four times a year at regular, specified intervals from a known office of publication. Periodicals usually must have a legitimate list of subscribers and requesters.

Personal mail. Postcards mailed to or from family, friends, organizations, businesses, or other unofficial entities.

Sexually explicit. 1) A pictorial depiction of any of the following: actual or simulated sexual acts (including sexual intercourse, oral sex, anal sex, or masturbation); sexual penetration; bestiality; sexual violence; sadomasochism; excretory functions; and exposed genitalia, buttocks, or female breasts, unless the exposure is for legitimate medical, religious, or anthropological reasons. 2) A written or pictorial depiction of lewdness, licentiousness, or graphic erotic behavior designed to cause sexual excitement. 3) Sex acts involving children. 4) Materials that violate state and local obscenity laws. (Note: Whether the material is commercially produced or is personally made or written has no bearing on this definition.)

Two-party check. A check that the payee endorses so that another person may cash it.

PROCEDURES

INMATE MAIL OVERVIEW

1. Mail Limits and Restrictions

Staff will normally not limit, censor, or restrict the volume, language, content, or source of mail or publications.

- a. General reasons for limiting or restricting mail are:

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- (1) There is reason to believe that such correspondence would jeopardize personal safety, jail security or good order, inmate treatment, or would facilitate violation of the law.
 - (2) There is reason to believe that a sentenced inmate in rehabilitative programs would benefit from a limit with whom he or she has contact or the publications he or she receives.
 - (3) The volume of mail would place an unreasonable burden on mail handlers.
- b. Specific reasons and examples for limiting, restricting, and prohibiting mail, which fall under each general reason category, are in Appendix 1, Prohibited Mail.
 - c. Inmates may receive a disciplinary sanction that restricts personal mail. (See policy J212, *Rules and Discipline*.)

2. Sources of Incoming Mail

Jail staff will only accept written correspondence, notes, parcels, or documents for inmates that have been delivered by the U.S. Postal Service and distributed by Columbia County Jail Staff.

3. Postcards for Personal or Personal Business Mail

Inmates may send postcards they receive in their initial inmate hygiene kit or through jail commissary. Inmates may receive postcards in any size that is delivered by the U.S. Postal Service up to a maximum size of 5-1/2" tall x 8-1/2" wide. The jail does not permit any other form of personal mail for inmates. Inmates are not limited to a specific number of postcards that they may receive or send. Lodged inmates receive two postcards in their hygiene kit, and may purchase additional postcards through jail commissary. Policy 212, Rules and Discipline, sets limits on the number of personal mail items allowed in an inmate's cell. Provisions for legal and official mail begin at paragraph 12, below.

4. Exception to Postcards for Inmates Within 30 Days of Completing Sentence

A sergeant may allow an inmate who is continuously involved in rehabilitation programs permission to correspond with a specific person (both sending and receiving). A supervisor must document that corresponding with the person is in the best interest of an inmate's rehabilitation. A suitable example might include a letter sent to reconnect with family prior to release.

5. Photographs on Postcards

Inmates may receive postcards with photographs on one side as allowed by the U.S. Postal Service and jail rules. No other photographs are allowed on postcards.

6. Indigent Inmate Mail

Indigent inmates are afforded the opportunity once per week to purchase an indigent hygiene kit through the commissary program. Hygiene kits are taken to the pods and

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offered to all inmates. The indigent hygiene kit consists of two postage prepaid postcards, a pencil and hygiene items.

7. Addressing Inmate Mail

Incoming mail must have the inmate's booking name and should have the inmate's booking number as part of the addressee information.

8. Return Address

Incoming mail must have the name and address of the sender. The return address on legal and official mail must have the sender's job, agency, or firm title and address commercially preprinted or stamped.

- a. If the inmate is in custody, a mail handler will confiscate any mail without a return name and address. He or she will open it to both identify a sender's name and to see if it contains negotiable instruments or other items that need to be listed on the confiscation notice. This procedure also applies when mail is "refused" and returned to the jail.
- b. If the inmate is no longer in custody, the mail handler will open the mail to check for negotiable instruments, stamps, official documents, or similar items of monetary or official value.

(1) If there are no valuables, the mail handler will destroy the mail.

(2) If the mail contains valuables, the mail handler will take steps to identify the sender and return the mail to the sender. If a sender's name and address is not found, the mail handler will send the mail to the inmate's last known address. A mail handler will destroy any mail, along with its valuables, that is returned to the jail after sending it to the original sender or former inmate.

9. Postage-Due Mail

The jail will not accept or pay for any inmate mail with postage due.

10. Junk Mail

Jail staff will accept solicited or unsolicited junk mail or bulk mail for inmates, unless it violates other mail restrictions (such as containing sexually explicit content).

11. Personal Business Mail Needing Special Handling

A jail sergeant may approve mail that needs special handling so an inmate can conduct personal business. For example, the use of a business reply envelope to send a document back to the originating firm or signing a mailed-in personal check to make a rent or car payment or renew a driver's license. Such a check must not have a blank payee line. The inmate must act to add a cosigner to a checking account or make other arrangements to prevent reoccurrence of this need. Supporting documents, such as payment coupons or rent contracts, must accompany any personal business mail.

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PRIVILEGED MAIL**12. Legal and Official Mail**

Jail staff must protect the rights of inmates to privileged, confidential communication with their attorneys, the courts, and confining authorities.

- a. The sender is responsible for legitimately, properly, and clearly marking and addressing legal and official mail so that jail staff recognize it and treat it as confidential.
 - (1) The return address on all incoming legal and official mail must have the sender's job, agency, or firm title and address either commercially preprinted on the envelope or a label, or as an ink stamp. The sender's name should be handwritten if not preprinted. Staff will treat all mail with return addresses that are completely handwritten as personal mail.
 - (2) The words "Legal Mail," "Official Mail," or similar designation must appear on the address side of the envelope. Jail staff will not assume the contents of any letter from an attorney, law firm, or government official is legal or official mail.
 - (3) Jail staff will treat improperly marked or addressed mail as personal mail.
- b. Staff must not open recognized legal or official mail outside the presence of the inmate. They may open it in the presence of the inmate to inspect it for contraband, but they must not read its contents.
- c. A staff member must write a Jail Incident Report if he or she inadvertently opens a piece of recognizable legal or official mail outside the presence of the inmate.
- d. Before the letter leaves the pod, deputies must verify that any letter marked as legal or official mail is addressed to a person that qualifies for that privacy protection. Pod deputies will contact a shift sergeant if they suspect fraud.
- e. Jail staff will pursue administrative, criminal, and disciplinary actions, as fitting, against all those involved in the fraudulent use of legal or official mail designations.

13. Contents of Envelopes and Parcels (Legal and Official Mail Only)

An envelope may only contain written correspondence that meets the definition of legal or official mail. A parcel may only contain up to three books or three periodicals. Mail handlers will consider any other item in the envelope or parcel as contraband and treat it as prohibited mail.

14. Pre-Stamped Envelopes

Jail staff will make pre-stamped First Class business size or manila envelopes available for inmates to buy from the commissary for legal or official mail. Indigent inmates may obtain pre-stamped envelopes for legal or official mail per paragraph 6.

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Misrepresentation of legal or official mail is strictly prohibited and may result in disciplinary action against the inmate sender. An inmate may ask to mail an oversize or overweight envelope using special postal services procedures listed below.

15. Certified Mail Limits for Legal or Official Mail

An inmate may send up to two letters as certified legal or official mail in a 30-day period. The inmate must have sufficient funds in his or her account to pay for the service. A jail supervisor may make exceptions to the volume of certified mail an inmate sends and may approve credit to allow an indigent inmate to send certified legal or official mail.

16. Requests for Certified Mail

An inmate that needs to send a letter using certified mail must fill out an Inmate Request Form. Only a supervisor can approve this request and it must be for the purpose of mailing legal, official, or materials related to an inmate's rehabilitation program that have been screened and approved by the jail staff. The supervisor will ensure that the inmate's correspondence is ready to mail at the time of the request. If an inmate's request is approved, the supervisor will forward the request to the front office staff.

- a. Jail staff will verify if the inmate has sufficient funds in his or her account before processing any request. They will forward requests from indigent inmates to a supervisor. The inmate will fill out the necessary U.S. Postal Service forms—Receipt for Certified Mail (PS Form 3800) and Domestic Return Receipt (PS Form 3811). The inmate will give the letter and the forms to a jail supervisor, who will forward the mail to front office staff—who will mail the letter and charge the inmate for the postal fees for these special services. The inmate request form will be the source document authorizing the charge.
- b. Staff will pass the receipt on to the inmate when it returns in incoming mail. They will return the Domestic Return Receipt postcard to the post office if the inmate is no longer in jail.

17. Other Special Postal Services

An inmate will use an Inmate Request form to request permission to mail oversize or overweight items or for other special postal services. If a jail sergeant or command officer approves such a request, funds will be drawn from the inmate's account to cover the costs.

PUBLICATIONS

18. Publications

An inmate must have someone outside the jail prepay for any publication he or she receives. An inmate may not engage in any delayed payment or credit ordering of publications while inside the jail.

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19. Books

An inmate may receive up to three books on a single mail delivery day. Books must come directly from the publisher, a book club, or a bookstore. Books may be new or used. They may not be larger than 9 inches by 12 inches. They may not have plastic or metal bindings. Either hardback or paperback books are acceptable for general population inmates. Inmates in segregation, including medical segregation, may only receive paperback books from recognized sources. Mail handlers will consider any other item in the envelope or parcel as contraband and treat it as prohibited mail.

20. Periodicals

An inmate may receive up to two periodicals on a single mail delivery day. Periodicals must be new and be delivered directly from the publisher or a bookstore. Periodicals include magazines.

21. Prohibited publications, books or periodicals.

The jail must determine whether a specific publication, book or periodical violates jail rules. This determination must be made on an issue-by-issue basis, and it is unacceptable to put a blanket prohibition on all issues of a certain publication or periodical. If an issue of a publication, book or periodical is determined to violate jail rules, it should be returned to the sender and notification to the sender and the inmate should be made pursuant to paragraph 31.

MONEY-BY-MAIL**22. No cash or negotiable instrument will be accepted through the mail and will be returned to sender for violation of the Mail Policy. A jail commander or designee can make exceptions to this policy for reasonable accommodations purposes. To return funds, the mail handler will:**

- a. Send a Returned Mail form letter to the sender along with the instrument being returned. Note on the letter the amount, number, and issuing institution of the check. Note the payee's name if it was not the inmate
- b. Send the inmate a copy of the form letter and keep a mail file copy for reference.

REGULATING INMATE MAIL**23. Restrictions on Outgoing Mail Recipients**

Inmates who are prohibited from sending mail to a specific recipient pursuant to a valid court order will not be allowed to send mail to that recipient and may be disciplined for attempting to do so.

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24. Regulating Inmate Mail Written in a Foreign Language

Incoming mail written in a language other than English must be interpreted prior to delivery. The interpreter of inmate mail may be a designee from the Sheriff's Office or other law enforcement agency.

If, after translation, there are reasonable grounds to believe that the contents of any mail could pose a risk to facility, community, or national security, it will not be delivered. The mail handler will confiscate and place *outgoing* mail in the inmate's property storage, and will return *incoming* mail to the sender, in each case giving notice to the inmate or sender per paragraph 31 below.

25. Correspondence with Victims

Inmates may not correspond with a victim of a crime for which they are currently in custody in either pretrial or sentenced status. A jail supervisor may make exceptions.

26. Mail with Health Care Appointment Information

To ensure transport security, a mail handler will confiscate any mail with information about upcoming health care appointments, and notify the inmate and sender of the confiscation. The mail handler should inform health care staff of the letter.

27. Gang-Related and Security Threat Group Materials in Mail

A mail handler will photocopy incoming or outgoing mail with gang-related or security threat group material and send the copy to the Gang Deputy. The mail handler will confiscate the mail as a prohibited item, and notify the sender per paragraph 31.

28. Commercial Business Transactions and Government Services by Mail

An inmate may not conduct commercial business transactions by mail or request services from a government agency without the approval of a jail supervisor. Examples of transactions and requests include:

- a. Buying or selling an item, real property, or service
- b. Applying for a credit card
- c. Applying for a commercial or student loan
- d. Opening a bank account
- e. Enrolling in a college course
- f. Applying for food stamps
- g. Any obligation of funds to which the inmate does not have access

29. Mail Monitoring

Absent a court order, a jail supervisor will only approve a request to monitor a specific inmate's mail because there is reasonable belief that there is a legitimate penological or public safety reason to do so. This is including, but not limited to the welfare and safety of the inmates or staff, the good order or security of the facility, the protection of property, the prevention of the commission of additional crimes or conspiracy to commit a crime, to thwart attempts to destroy or tamper with evidence of crimes or to harass or intimidate witnesses. The requester from outside the jail must complete a

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Request for Inmate Mail Monitoring. An approved request will expire 30 days after its approval date. The requester must submit a new request to continue monitoring. Jail staff will read the inmate's mail and decide if any of it applies to the request and will only forward copies of mail that does apply. The requester must pick up the copies in person if from an agency within Columbia County. The jail commander or designee will coordinate the mail-monitoring program.

30. Confiscating Prohibited Mail

Normally, mail handlers confiscate prohibited items. The sender of confiscated mail must be notified pursuant to paragraph 31. Staff may return prohibited mail to a sender if it is in the best interest of the jail not to store it, such as perishables.

- a. Mail handlers will confiscate postcards, letters, cards, and publications in whole rather than removing or obliterating individual pages, passages, or words with prohibited content. They will confiscate items that exceed a number limit as an entire set rather than passing on a selection that would meet the maximum number allowed.
- b. Mail handlers will use a Prohibited Mail Slip to inform the inmate of the confiscation and use a copy as a tag for the items. They will place confiscated items in the inmate's property storage, unless it is evidence in a jail disciplinary action or a crime. They will handle evidence according to the applicable policy: Staff will not notify the inmate or sender if they confiscate items that are part of a criminal investigation.
- c. Mail handlers must notify the sender in writing that mail they sent was confiscated or not delivered to the inmate, unless the inmate is no longer in custody. They should use a Prohibited Mail Slip for the notification. Any notice will give the reason and explain how the sender can informally appeal the action.
- d. A mail handler may destroy any item in mail that presents a health or safety risk if it were to be stored in the jail or returned to sender, and notify the sender by sending a Prohibited Mail Slip.

PROCESSING INCOMING MAIL

31. Initial Processing of Incoming Mail

The mail handler will process incoming mail for inmates in the following manner:

- a. Return mail to the sender (unopened if possible) or the USPS if any of the following apply:
 - (1) Incoming personal mail that is not a postcard, except privileged (legal or official) mail.

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- (2) The addressee cannot be identified because of missing or incomplete information
 - (3) Prohibited items are affixed to the mail
 - (4) Foreign substances or stains are on the mail
 - (5) Odors, including perfume, are coming from the mail
 - (6) The mail contains cash or negotiable instruments
 - (7) The mail can otherwise be identified as being or containing prohibited mail before it is opened
- b. Send a notice of right to reconsideration with returned mail. Send a notice of right to reconsideration to senders of confiscated mail. Complaints and requests for reconsideration shall be forwarded to the Jail Commander for a determination of compliance with the Mail Policy and applicable legal requirements.
 - c. Handle mail without a return name and address according to paragraph 8.
 - d. Look up the inmate's name on an Alpha List Sorted by Name report and write the inmate's pod number or "CCJ" on the mail. Return mail to the sender if the inmate is not in jail.
 - e. Separate legal and official mail from personal mail and books, periodicals and bulk mail.
 - f. Open and inspect the contents of personal mail, books, periodicals and bulk mail for contraband items and money. Confiscate any prohibited item.
 - g. Have a jail sergeant or jail commander look at personal business mail that may need approval for special handling. If approved, provide handling instructions to the roving deputy.
 - h. Remove books from their mailing parcel.
 - i. Place mail in a foreign language in the "translation required" box. Take steps to locate a staff member who speaks that language. If mail cannot be translated within a reasonable time, the mail handler will forward the mail to a supervisor.
 - j. Sort mail by pod and place in the pod folders in booking before 0800 hours (8:00 a.m.).
 - k. Place mail to return to the post office in booking pickup box.

32. Pod Processing of Incoming Mail

Day shift roving deputies will pick up the mail for their pods when coming on duty. They, or other staff if appropriate, will process the inmate mail for their pods as follows:

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- a. Scan all personal postcards and books, periodicals and bulk mail for prohibited content. Read in-depth only if there is a legitimate jail interest.
- b. Remove postage stamps, flap-sealing tape, and gummed and adhesive address labels. (Remove labels only on personal mail—leave labels on legal and official mail).
- c. Remove subscription-ordering postcards from magazines.
- d. Open recognizable legal and official mail in front of the inmate and inspect it only for contraband—not content. (Deputies, or other staff, must not read the contents.)
- e. The mail handler will scan each piece of mail with a bar code scanner to indicate the status of that item. The mail handler will scan the inmate's name and then scan the appropriate bar code for the disposition of the item. Every piece of mail will be scanned with one of the following scans:
 - (1) Personal Mail Received
 - (2) Privileged Mail Received
 - (3) Bulk Mail Received
 - (4) Periodicals (i.e. magazines) Received
 - (5) Books Received
 - (6) Returned Mail (Prohibited Mail Slip to follow)
 - (7) Confiscated Mail (Report to Follow)
- f. Deliver the mail as soon as practical upon receipt. Passing mail under an inmate's door and placing books by the door is acceptable.
- g. Have the inmate write his or her name and booking number on the inside flap of books. For magazines without mailing labels directly attached, have the inmate write his or her name and booking number on the cover. Newspapers do not need marking.

33. Mail as Nuisance Contraband

Inmates are responsible for getting rid of any mailed item that puts them over the limits of allowed for nuisance contraband under policy J212, *Rules and Discipline*. An inmate may transfer items to their bin in the property room using procedures in policy J208, *Secure Storage of Inmate Property*.

OUTGOING MAIL

34. General Mail Rules for Inmates

Inmates—

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- a. May only use lead or colored pencils to write correspondence.
- b. May only use postcards sold through the commissary or issued by the jail.
- c. Must send legal, official or approved letters, notes, or other written materials using the USPS or other approved system.
- d. Must put their first and last name, booking number, and the jail address as the return address.
- e. May not draw or write anything on the outside of an envelope other than name and address information and "legal" or "official" mail designations.
- f. May not send out jail forms for others to fill out on behalf of the inmate.
- g. May not send prohibited mail. They are subject to disciplinary action for doing so.
- h. Should pass on prohibited mail rules to people and businesses with whom they correspond.

35. Inspection of Outgoing Envelopes

Before legal or official mail leaves the pod, roving deputies will verify the contents are legal or official mail before sealing the envelope. The inspecting deputy will initial and write their DPSST number on the flap to show this verification. As *appropriate*, the deputy will return it to the inmate, confiscate it as evidence in disciplinary proceedings, or contact a jail sergeant or jail command officer if—

- a. The return name, booking number, and address are incomplete or false.
- b. There is drawing or non-address-related writing on the envelope.
- c. There is prohibited material on the envelope.
- d. Addressee information is missing that could cause the letter to be undeliverable and returned to the jail.
- e. It is a manila envelope whose addressee does not meet the criteria for being legal or official mail or being a program-related certificate or diploma.
- f. They believe the envelope should be opened for a legitimate reason.

36. Opening and Inspecting Contents of Outgoing Mail

Mail handling staff will not read outgoing legal or official mail unless they have the approval of a sergeant or command officer.

- a. A jail supervisor may have staff read outgoing mail at any time and for any reason, except for legal or official mail. This authorization may be by housing area, class of inmate, individual inmate, or other basis. It may also be on an ongoing or a random basis and for any length of time. However, the jail commander or designee must approve any ongoing monitoring of a specific inmate, as previously noted.
- b. Mail handlers will notify a jail supervisor if—
 - (1) They suspect outgoing mail contains contraband.
 - (2) It may present a safety or security issue based on the addressee.
 - (3) They have reasonable suspicion the mail may contain other contents of legitimate jail interest.

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37. Posting Outgoing Mail

Inmates will place outgoing mail in the designated mail box located inside of their pod. The Grave yard shift roving Deputy's will pick up the mail out of the mail box and deliver it to the booking area to be processed. The mail will be placed in the outgoing mail basket and delivered to the front office for the regularly scheduled morning pickup on that same day as long as it is not a weekend or holiday. Outgoing mail should be processed within one business day after being received from the inmate.

a. Processing of inmate mail will consist of:

- (1) Sorting the mail
- (2) Scanning the inmates name and appropriate bar code to reflect the proper disposition of the mail.
 - A. Outgoing Personal Mail
 - B. Outgoing Privilege Mail (Official & Legal)
 - C. Mail Returned (Prohibited Mail Slip to follow)
 - D. Confiscated Mail (Report to Follow)
 - E. Outgoing Package
 - F. Outgoing Certified Mail.

38. Mail Delivery

Staff should deliver mail to inmates within 24 hours of receipt at the jail. Reasonable exceptions are allowed when special processing is required, such as for mail delivered late in the day, needing translation, or items held as evidence in a criminal or disciplinary investigation, etc.

ADMINISTRATIVE ISSUES**39. Mail Rules**

The jail commander or designee will ensure mail rules are a part of inmate orientation and the *Inmate Manual* and will make copies of the Inmate Mail Guide available to the public. Civilian staff members who discover apparent misconduct as a result of reading inmate mail will report it via the chain of command.

40. Mail Complaints

Staff members will direct mail complaints from the public to a jail command officer. The officer should attempt to respond to the complainant within two business days. Inmates will use the inmate grievance process to lodge complaints or ask for the return of confiscated items.

41. Mail Handler Supervision and Training

A jail supervisor will supervise the day-to-day handling of inmate mail. He or she will assign staff to perform primary inmate mail duties. Staff who initially handle or open incoming inmate mail should attend training on the safe handling of strange or

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suspicious packages or receive similar training from another source. Those who open mail should also receive training on recognizing gang and security threat group symbols and signs.

42. Change of Address Responsibilities and Forwarding Mail

Inmates are responsible for submitting change of address requests to the publishers of the periodicals they receive and to others that send them mail at the jail. Mail handlers will normally not forward mail for inmates who are no longer in jail custody. They will return correspondence and packages unopened to the sender and throw periodicals away.

43. Holding Mail

Mail handlers will normally not hold mail for inmates released or temporarily transferred to another facility. A jail command officer may make exceptions.

44. Returning Mail to Sender

To return postcards, a mail handler will use a sticker or stamp marked "return to sender," note the reason for refusal on the stamp, obliterate any mail-sorting bar code, and return it to the post office. To return unopened mail (other than postcards), a mail handler will use the "return to sender" stamp in place of the sticker.

To return mail that was opened, a mail handler must repackage it and send it at the expense of the jail to the sender. The mail handler will include a copy of the Returned Mail form letter and the Inmate Mail Guide if he or she repackages the mail.

Mail handlers will use a Property Transfer and Confiscation form to inform the inmate when mail is returned to sender.

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o **Appendix 1: Prohibited Mail**

Jail staff will not allow an inmate to receive or send mail that—

1. Contains—

- a. Threats of physical harm, blackmail, extortion, or other criminal activity
- b. Plans for escape, criminal activity, or activity that violates jail rules
- c. Gang-related material
- d. Information that, if conveyed, could result in physical harm to someone
- e. Sexually explicit materials
- f. Inflammatory material
- g. Contraband materials (see definition on page 1 and paragraphs 32-34), including but not limited to such commonly mailed items as:
 - (1) Books larger than 9 by 12 inches or with plastic or metal bindings
 - (2) More than three books in a single piece of mail
 - (3) Foreign substances, such as:
 - (a) Bodily fluids
 - (b) Lipstick or perfume
 - (c) Glue or paint
 - (d) Anything with an unusual stain or odor that indicates a foreign substance may be present
2. Is written in code or suspected code
3. Is written in a foreign language not read by a mail handler or other reasonably available staff member
4. Was sent by an inmate to a third party who then forwarded to another inmate
5. Was a form of written communication not sent through the USPS or other approved system
6. Is incoming mail and comes from an inmate lodged in the Columbia County Jail, or other corrections-monitored facility that lodges in-custody inmates. This includes mental hospitals and treatment facilities.
7. Is to or from an inmate on electronic home detention.
8. Is to or from a victim of a crime that the inmate is in custody for in either pretrial or sentenced status.
9. Would violate a court order.
10. May produce a hostile work environment, such as sexual harassment.
11. Does not promote jail program and rehabilitation treatment goals.

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12. Is not an approved commercial business or government service transaction.
13. Is a credit or deferred billing transaction, such as "bill me later" subscriptions or merchandise bought on credit or collect-on-delivery terms.
14. Violates negotiable instrument limits on sources and maximum dollar amount.
15. Is fraudulently marked as legal or official mail.

EXHIBIT 21

TO
DECLARATION OF KATHERINE CHAMBERLAIN
IN SUPPORT OF PLAINTIFF'S MOTION
FOR PRELIMINARY INJUNCTION

Secretary of State home | State Archives home

Oregon State Archives

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DEPARTMENT OF CORRECTIONS

DIVISION 131

MAIL (INMATE)

291-131-0005

Authority, Purpose, and Policy

(1) Authority: The authority for these rules is granted to the Director of the Department of Corrections in accordance with ORS 179.040, 423.020, 423.030, and 423.075.

(2) Purpose: The purpose of these rules is to establish Department of Corrections policy and procedures governing the sending, receipt and processing of inmate mail in Department of Corrections facilities.

(3) Policy: Within the inherent limitations of resources and the need for facility security, safety, health, order and discipline, and inmate rehabilitation, it is the policy of the Department of Corrections (DOC) to permit inmates to send and receive mail in the manner and under the circumstances set forth in these rules.

Stat. Auth.: ORS 179.040, ORS 423.020, ORS 423.030 & ORS 423.075
Stats. Implemented: ORS 179.040, ORS 423.020, ORS 423.030 & ORS 423.075
Hist.: CD 1-1979, f. & ef. 1-4-79; CD 11-1980(Temp), f. & ef. 4-10-80; CD 16-1980(Temp), f. & ef. 4-18-80; CD 28-1980, f. & ef. 8-22-80; CD 31-1981(Temp), f. & ef. 6-30-81; CD 43-1981, f. & ef. 10-30-81; CD 22-1983(Temp), f. & ef. 6-3-83; CD 27-1983, f. & ef. 7-11-83; CD 13-1984, f. & ef. 4-11-84; CD 57-1985, f. & ef. 8-16-85; CD 14-1988, f. & cert. ef. 10-7-88 (and corrected 10-25-88); CD 1-1992, f. & cert. ef. 1-29-92; DOC 20-1998, f. 9-22-98, cert. ef. 12-1-98; DOC 13-2002, f. 9-11-02 cert. ef. 9-20-02

291-131-0010

Definitions

(1) Business Transaction: A transaction involving the purchase, sale or delivery of merchandise, commodities or services.

(2) Central Administration: The Director, Deputy Director, Assistant Directors, administrators, or other Department of Corrections officials whose offices or mail boxes are located in the central office at 2575 Center Street NE, Salem, OR 97301-4667.

(3) Confiscate: To remove the item or that portion of the item which violates these rules.

(4) Contraband: Any article or thing which an inmate is prohibited by statute, rule or order from obtaining, possessing, or which the inmate is not specifically authorized to obtain or possess, or which the inmate alters without authorization.

(5) Department of Corrections Facility: Any institution, facility or staff office, including the grounds, operated by the Department of Corrections.

(6) Electronic Messages: Correspondence exchanged between inmates and subscribers through a department approved third-party electronic messaging vendor by means of computers equipped for internet access.

(7) Functional Unit: Any organizational component within the Department of Corrections responsible for the delivery of services or coordination of program operations.

(8) Functional Unit Manager: Any person within the Department of Corrections who reports to either the Director, Deputy Director, an Assistant Director, or an administrator and has responsibility for delivery of program services or coordination of program operations.

(9) Inflammatory Material: Material whose presence in the facility is deemed by the department to constitute a direct and immediate threat to the security, safety, health, good order, or discipline of the facility because it incites or advocates physical violence against others. No publication shall be considered inflammatory solely on the basis of its appeal to a particular ethnic, racial or religious audience. No material shall be considered inflammatory solely because it criticizes the operation, programs or personnel of the Department of Corrections, the State Board of Parole and Post-Prison Supervision, or of any other government agency.

(10) Inmate: Any person under the supervision of the Department of Corrections who is not on parole, probation, or post-prison supervision status.

(11) Inspection: To examine or view, including reading or photocopying.

(12) Inter-Agency Mail System: A system of delivering mail between or among state agencies and other units of government.

(13) Intradepartmental Mail System: A system of delivering mail among functional units within the Department of Corrections.

(14) Legal Mail: Incoming or outgoing mail to or from an attorney, court, or court official which is clearly worded "legal mail" on the addressee side of the envelope.

The legal mail designation should be set apart from the return address and mailing address for ease of recognition.

(15) Mail: Incoming or outgoing mail, including electronic messages, authorized by these rules to be sent or received by an inmate and delivered by the United States Postal Service or any other carrier approved by the department including, but not limited to, parcel service enterprises or electronic messaging services.

(16) Money: Cash, money orders, personal checks, warrants, certified checks, and other remittances.

(17) Non-Inmate Sender: The person who is not residing at a Department of Corrections facility who sends mail to an inmate who is residing in a Department of Corrections facility.

(18) Official Mail: Incoming and outgoing mail addressed to or from officials of the confining authority, the Governor, the Secretary of State, Oregon's state legislators, Oregon's United States Congressional delegation, tribal governments, administrators of grievance systems, foreign embassy consulate, and members of the paroling authority, which is clearly worded "official mail" on the addressee side of the envelope. The official mail designation should be set apart from the return address and mailing address for ease of recognition.

(19) Package: A completely wrapped parcel received that is more than 1/4 inch thick regardless of other dimensions, received directly from the source with authorized postage, and legal and official mail up to three inches.

(20) Personal Photograph: Any analog or digital photograph of a person, or any duplication thereof. Personal photographs include any photograph scanned and printed from the internet or other photographs where the identity of the person is unknown to the department or cannot be reasonably ascertained by the department by examining the content of the accompanying material. Any graphic image sent with or attached to an electronic message will be considered a personal photograph.

(21) Portrayal: The act or process by which an idea or message is depicted or represented, usually by written words or images.

(22) Publication: A book or single issue of a magazine or newspaper, plus such other materials addressed to a specific inmate as flyers, and catalogs, received directly from the publisher.

(23) Publisher, Distributor or Book Vender: A business, organization, or firm that issues and makes available to the public (generally for sale and wide distribution) magazines, newspapers, new and used books and other publications.

(24) Security Threat Group (STG): Any group of two or more individuals who:

(a) Have a common name, identifying symbol, or characteristic which serves to distinguish themselves from others.

(b) Have members, affiliates, or associates who individually or collectively engage, or have engaged, in a pattern of illicit activity or acts of misconduct that violates Oregon Department of Corrections rules.

(c) Have the potential to act in concert to present a threat, or potential threat, to staff, public, visitors, inmates, offenders or the secure and orderly operation of the institution.

(25) Security Threat Group Paraphernalia: Any material, document(s) or items evidencing security threat group involvement or activities (e.g., rosters, constitutions, structures, codes, pictures, training material, clothing, communications or other security threat group-related contraband).

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075

Hist.: CD 1-1979, f. & ef. 1-4-79; CD 11-1980(Temp), f. & ef. 4-10-80; CD 16-1980(Temp), f. & ef. 8-18-80; CD 28-1980, f. & ef. 8-22-80; CD 31-1981(Temp), f. & ef. 6-30-81; CD 43-1981, f. & ef. 10-30-81; CD 22-1983(Temp), f. & ef. 6-3-83; CD 27-1983, f. & ef. 7-11-83; CD 13-1984, f. & ef. 4-11-84; CD 57-1985, f. & ef. 8-16-85; CD 14-1988, f. & cert. ef. 10-7-88 (and corrected 10-25-88); CD 1-1992, f. & cert. ef. 1-29-92; CD 10-1993, f. 5-5-93, cert. ef. 7-1-93; DOC 20-1998, f. 9-22-98, cert. ef. 12-1-98; DOC 12-2001(Temp) f. & cert. ef. 6-20-01 thru 12-17-01; DOC 20-2001, f. & cert. ef. 12-17-01; DOC 4-2002(Temp), f. & cert. ef. 3-25-02 thru 9-21-02; DOC 13-2002, f. 9-11-02 cert. ef. 9-20-02; DOC 5-2007(Temp), f. & cert. ef. 8-1-07 thru 1-27-08; DOC 1-2008, f. & cert. ef. 1-25-08

Procedures

291-131-0015

General

(1) The functional unit manager or designee will ensure employees responsible for mail room operations are properly trained prior to assignment.

(2) Inmates shall not send, receive, transfer, or possess mail which violates the provisions of these rules.

(3) Inmates shall not send, receive, transfer, or possess mail to or from the victim(s) of their crime(s) of conviction (both past and present), except as authorized in writing by the functional unit manager or designee.

(4) Inmates shall not conduct business transactions by mail without the prior written consent of the functional unit manager or designee.

(5) Excluding weekends and holidays, incoming and outgoing correspondence should be processed within two days of receipt; publications and packages within four days of receipt, unless the mail is being reviewed for possible violations.

(6) All incoming and outgoing mail is subject to inspection or examination. Legal and official mail is subject to inspection or examination as provided in OAR 291-131-0030.

(7) All mail, excluding packages, shall be routed through the U.S. Postal Service, inter-agency or intra-departmental mail systems. Mail may also be sent by other approved mail service providers for packages and special circumstances, if authorized by the functional unit manager. Other mail service providers includes, but is not limited to, United Parcel Service, U.S. Airborne, Federal Express, approved newspaper delivery, and approved vendors offering electronic messaging services. Authorization may vary among Department of Corrections facilities depending upon security concerns, mail room operations and physical layout of the building and grounds.

(8) Inmates shall be permitted to send business mail to officials of the Department of Corrections in Central Administration through the intra-departmental mail system. Inmates shall not be permitted to send mail through the state inter-agency mail system. Inmates shall be permitted to receive mail from state agencies and officials.

through the inter-agency and intra-departmental mail systems.

(9) Each month an inmate, who in the previous month has not accumulated the cost of five postage paid envelopes (for less than one ounce) in his/her trust account, will be issued five postage paid envelopes by the facility if he/she requests.

(10) Inmate to Inmate Mail Restriction:

(a) An inmate may be prohibited from corresponding with another inmate(s) when directed by the Department of Corrections facility functional unit manager or designee, and approved by the Assistant Director of Operations/designee, based on specific circumstances or information which in their judgment indicates that the inmate has or may use correspondence with the other inmate(s) in order to violate provisions of law, department administrative rules, or to otherwise engage in activity that threatens or impairs the security, good order, or discipline of the facility, inmate rehabilitation, or the health or safety of inmates, staff or the public, or to engage in other activity that threatens or is detrimental to other legitimate penological objectives.

(b) Affected inmate(s) will be notified of the restriction through written directive. A decision to order an inmate-to-inmate mail restriction under these rules shall be final and not subject to administrative review.

(11) Electronic Messaging:

(a) Availability and Inmate Access:

(A) The Department of Corrections may, in its sole discretion, authorize eligible inmates in certain Department of Corrections facilities to exchange electronic messages with friends and family as a non-monetary incentive, subject to the conditions and circumstances set forth in these and in the Performance Recognition Award System (PRAS) rules (OAR 291-77).

(B) When authorized by the department, electronic messaging will be available only to those inmates that are at the upper two incentive levels at their respective institutions (Levels 2 and 3 at minimum-security and above institutions or Levels 5 and 6 at minimum-security institutions).

(C) In those Department of Corrections facilities in which electronic messaging is authorized, inmates that are otherwise eligible to access electronic messaging in those facilities may do so in accordance with these rules, contingent upon the payment of a fee to the third-party vendor for subscription purposes by the inmates' friends or family.

(b) Processing of Electronic Messages:

(A) Except as otherwise provided in these rules, electronic messages will be processed in the same manner and be subject to the same standards established in these rules for the sending, receipt, and processing of other inmate mail.

(B) Incoming electronic messages from subscribers will be processed by an approved third-party vendor and delivered electronically to department mail rooms for staff review, printing, and delivery to inmates. Outgoing electronic messages from inmates will be reviewed, scanned and processed by department mail room staff and forwarded to the approved third-party vendor for review, scanning, and posting on the vendor's website for access by subscribers.

(C) All electronic messages will be subject to regular mail inspection and examination; no electronic message will be afforded special processing by department staff as legal mail or official mail.

(D) In the event that an inmate is transferred from a Department of Corrections facility where electronic messaging is authorized to a facility where it is not, departmental mail room staff will forward incoming electronic messages to the inmate through the regular mail system for the remainder of the calendar month.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075

Hist.: CD 18(Temp), f. & ef. 12-18-73 thru 4-17-74; CD 22, f. 6-27-74, ef. 7-25-74; CD 1-1979, f. & ef. 1-4-79; Renumbered from 291-010-0300, CD 11-1980(Temp), f. & ef. 4-10-80; CD 16-1980(Temp), f. & ef. 4-18-80; CD 28-1980, f. & ef. 8-22-80; CD 22-1983(Temp), f. & ef. 6-3-83; CD 27-1983, f. & ef. 7-11-83; CD 57-1985, f. & ef. 8-16-85; CD 14-1988, f. & cert. ef. 10-7-88 (and corrected 10-25-88); CD 1-1992, f. & cert. ef. 1-29-92; CD 10-1993, f. 5-5-93, cert. ef. 7-1-93; DOC 20-1998, f. 9-22-98, cert. ef. 12-1-98; DOC 23-1998(Temp), f. & cert. ef. 12-23-98 thru 6-21-99; DOC 8-1999, f. 5-24-99, cert. ef. 6-1-99; DOC 20-2001, f. & cert. ef. 12-17-01; DOC 4-2002(Temp), f. & cert. ef. 3-25-02 thru 9-21-02; DOC 13-2002, f. 9-11-02 cert. ef. 9-20-02; DOC 16-2004(Temp), f. & cert. ef. 12-28-04 thru 6-26-05; DOC 7-2005, f. & cert. ef. 7-1-05; DOC 5-2007(Temp), f. & cert. ef. 8-1-07 thru 1-27-08; DOC 1-2008, f. & cert. ef. 1-25-08

291-131-0020

Outgoing Mail

(1) Outgoing mail must be written with lead or color pencil, pen, nontoxic markers or be typewritten or photocopied.

(2) Outgoing mail, except business mail to department officials in Central Administration sent through the intra departmental mail system, shall be enclosed in an approved DOC envelope with U.S. postage. The outside of the envelope shall contain only the inmate's committed name, SID number, and return address, and the addressee's name and address, except official or legal mail labeled as such in accordance with OAR 291-131-0030. If the sender cannot be identified, the mail will be destroyed.

(3) Business mail to Department of Corrections officials in Central Administration shall require the inmate's complete name, SID number, housing assignment, and return address and the official's complete name and address.

(4) Outgoing electronic messages shall include the full name and address of the intended recipient and the name and SID number of the inmate sender.

(5) Inmates shall not send any item "prohibited from receipt by mail" as described under OAR 291-131-0035, except as authorized by the functional unit manager.

(6) Inmate-to-Inmate Correspondence:

(a) Inmates are authorized to correspond with other inmates if the correspondence is otherwise in compliance with department rules.

(A) Inmates may send only the following items to another inmate:

(i) Correspondence;

(ii) One drawing per envelope; and

(ii) One photograph per envelope.

(B) Inmates shall not send newspaper or magazine clippings, photocopies, printed web pages, or any other material not listed in subsection (A) above to another inmate through the mail.

(b) All inmate to inmate correspondence shall be routed through the U.S. Postal Service.

(c) Inmates shall not enclose correspondence other than from the inmate sender whose name and return address appears on the front of the envelope. Inmates shall not request another inmate to forward correspondence beyond the immediate addressee.

(d) Inmates shall not send a package to another inmate.

(7) Inmates shall not send correspondence or any item to themselves through the mail.

(8) Inmates shall not use electronic messaging to correspond with other inmates.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075

Hist.: CD 18(Temp), f. & ef. 12-18-73 thru 4-17-74; CD 22, f. 6-27-74, ef. 7-25-74; CD 1-1979, f. & ef. 1-4-79; Renumbered from 291-010-0305, CD 11-1980(Temp), f. & ef. 4-10-80; CD 16-1980(Temp), f. & ef. 4-18-80; CD 28-1980, f. & ef. 8-22-80; CD 22-1983(Temp), f. & ef. 6-3-83; CD 27-1983, f. & ef. 7-11-83; CD 57-1985, f. & ef. 8-16-85; CD 14-1988, f. & cert. ef. 10-7-88 (and corrected 10-25-88); CD 1-1992, f. & cert. ef. 1-29-92; CD 10-1993, f. 5-5-93, cert. ef. 7-1-93; DOC 20-1998, f. 9-22-98, cert. ef. 12-1-98; DOC 20-2001, f. & cert. ef. 12-17-01; DOC 13-2002, f. 9-11-02 cert. ef. 9-20-02; DOC 5-2007(Temp), f. & cert. ef. 8-1-07 thru 1-27-08; DOC 1-2008, f. & cert. ef. 1-25-08; DOC 4-2011(Temp), f. 3-4-11, cert. ef. 4-1-11 thru 9-28-11; DOC 15-2011, f. & cert. ef. 8-15-11

291-131-0021

Outgoing Mail Restriction

The department may prohibit an inmate from sending unwanted mail to a particular person or address when requested by the person or, in the case of a minor child, by the child's parent or legal guardian.

(1) A request for outgoing mail restriction may be made by writing to the functional unit manager or designee at the Department of Corrections facility where the inmate is incarcerated. The written request should include any information that would assist the functional unit manager or designee in determining whether to order the outgoing mail restriction.

(2) The functional unit manager or designee will notify the person requesting the outgoing mail restriction of his/her decision. The decision will be final, and will not be subject to administrative review. If an outgoing mail restriction is ordered, the inmate and the person requesting the outgoing mail restriction shall be provided with a copy of the Outgoing Mail Restriction Notice (CD 618d).

(3) Inmates may not request an outgoing mail restriction.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075

Hist.: DOC 20-2001, f. & cert. ef. 12-17-01, Renumbered from 291-131-0020(6)

291-131-0025

Incoming Mail

(1) Incoming mail shall require the sender's name and return address on the front of the envelope and shall be addressed to the inmate using only his/her committed name and SID number. Incoming electronic messages shall include the name and address of the sender as part of the message and the full name and SID number of the inmate recipient.

(a) Mail whose recipient cannot be identified because of incomplete name or number will be returned to the sender. A reasonable attempt will be made to identify the inmate recipient. If the inmate recipient cannot be positively identified, the mail will be returned to the sender.

(b) Mail with no return address or an incomplete name and return address shall be refused and returned to the U.S. Postal Service or other authorized mail service provider.

(c) The placement of the return address for international mail shall be in accordance with the sending country's postal regulations.

(2) Incoming mail must be in pen, lead or color pencil, non-toxic markers or be typewritten or photocopied.

(3) Transfers:

(a) Incoming mail to inmates not residing in the receiving facility will be forwarded to the inmate if he/she resides at another Department of Corrections facility.

(b) Incoming mail for inmates temporarily transferred to another criminal justice agency will be held at the facility for seven consecutive days. If the inmate does not return to the facility within seven days, the facility will forward to the agency all accumulated and subsequent mail received at the facility. If the criminal justice agency refuses the forwarded mail, it will be held at the department facility until the inmate has been returned.

(4) Mail received for an inmate who has been released, discharged, or has escaped shall be refused and returned to the U.S. Postal Service or other authorized mail service provider.

(5) New and used books, magazines, and newspapers shall only be received directly from the publisher or distributor.

(a) Multiple copies of the same publication to an inmate shall be prohibited.

(b) Publications that have been previously rejected by the department and altered (i.e., offending pages removed) shall be prohibited.

(6) Inmates may receive catalogs, advertisements, brochures, promotional materials, pamphlets, sweepstakes, and contest materials solicited by the inmate provided the materials are properly addressed with the inmate's full name and SID number and are received directly at the correct address of where the inmate is currently housed. These materials must conform to any content restrictions contained within this rule.

(7) No notice or administrative review will be provided to the sender or intended inmate recipient for mail refused under subsections (5)(a) and (b) or (6) of this rule.

(8) Packages, except books, magazines, and newspapers received directly from the publisher or distributor, require prior authorization from the functional unit manager or designee.

(9) Central Administration Review of Publications:

(a) Facility mailroom staff shall stamp approval of all accepted books, magazines and other publications (except newspapers) on the front or inside front cover of the publication, together with the inmate's name, SID number, date accepted, and the authorizing staff's signature. Books and magazines without the completed stamp on the front or inside the front cover shall be unauthorized and considered contraband.

(b) Unauthorized attachments, enclosures, merchandise, or materials in publications may be removed and destroyed to allow the publication to be delivered to the intended inmate recipient, if the publication is otherwise in compliance with these rules, and doing so would not drastically alter/destroy the publication.

(c) If mailroom staff determine a publication contains material that is prohibited under these or other department administrative rules, the violation notice and prohibited material shall be reviewed by a designated Central Administration official, who will either affirm, reverse or otherwise modify the original rejection decision in writing. The reviewing official shall not take part in any subsequent administrative review of the rejected publication under OAR 291-131-0050.

(10) General correspondence shall be authorized up to 1/4 inch thickness. Legal and official mail received directly from the original source shall be authorized up to three inches thick. Legal and official mail in excess of three inches shall require prior approval from the functional unit manager or designee.

(11) Unauthorized Attachments and Enclosures:

(a) Only the canceled postage stamp, address label, and return address stamp (if used) attached to the front of an envelope or package shall be glued, taped or otherwise affixed to an envelope or package, or its contents.

(b) Only written correspondence, newspaper and magazine clippings, small pamphlets, photocopies, carbon copies, business cards, hand made drawings, printed web pages, and photographs that meet the content restrictions in these rules may be enclosed in the envelope.

(A) Unauthorized items with minimal monetary value (e.g., paper clips, rubber bands, uncanceled stamps, book marks, envelopes, blank paper, etc.) may be removed and destroyed and the remaining mail sent to the inmate if the remaining contents are otherwise in compliance with department rules.

(B) Small pamphlets, photocopies, carbon copies and hand-made drawings shall be allowed provided the contents do not exceed the one fourth inch thickness limitation as specified in section (10) above.

(C) Newspaper and magazine clippings and photographs shall not exceed ten items for each category.

(D) Freestanding Nude or Partially Nude Images: Newspaper and magazine clippings, photocopies, printed web pages, drawings, photographs, and other media with nude or partially nude subjects, whether human or anime (i.e., cartoon), that depict or display male or female genitalia, pubic area or anus, or expose the female areola, may not be attached to or enclosed in correspondence to inmates.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075

Hist.: CD 18(Temp), f. & ef. 12-18-73 thru 4-17-74; CD 22, f. 6-27-74, ef. 7-25-74; CD 1-1979, f. & ef. 1-4-79; Renumbered from 291-010-0310, CD 11-1980(Temp), f. & ef. 4-10-80; CD 16-1980(Temp), f. & ef. 4-18-80; CD 28-1980, f. & ef. 8-22-80; CD 22-1983(Temp), f. & ef. 6-3-83; CD 27-1983, f. & ef. 7-11-83; CD 41-1983(Temp), f. & ef. 10-14-83; CD 13-1984, f. & ef. 4-11-84; CD 57-1985, f. & ef. 8-16-85; CD 14-1988, f. & cert. ef. 10-7-88 (and corrected 10-25-88); CD 1-1992, f. & cert. ef. 1-29-92; CD 10-1993, f. 5-5-93, cert. ef. 7-1-93; DOC 20-1998, f. 9-22-98, cert. ef. 12-1-98; DOC 12-2001(Temp), f. & cert. ef. 6-20-01 thru 12-17-01; DOC 20-2001, f. & cert. ef. 12-17-01; DOC 4-2002(Temp), f. & cert. ef. 3-25-02 thru 9-21-02; DOC 13-2002, f. 9-11-02 cert. ef. 9-20-02; DOC 5-2007(Temp), f. & cert. ef. 8-1-07 thru 1-27-08; DOC 1-2008, f. & cert. ef. 1-25-08; DOC 17-2008, f. 7-18-08, cert. ef. 7-21-08; DOC 4-2011(Temp), f. 3-4-11, cert. ef. 4-1-11 thru 9-28-11; DOC 15-2011, f. & cert. ef. 8-15-11

291-131-0030

Examination/Inspection of Legal and Official Mail

(1) Legal or official mail shall be afforded special processing as provided in subsections (2) and (3) of this rule.

(a) To qualify for special processing, mail which otherwise qualifies as legal or official mail under OAR 291-131-0010(13) or (17) must have affixed to the addressee side of the envelope or parcel the words "LEGAL MAIL" or "OFFICIAL MAIL", as appropriate. The "LEGAL MAIL" or "OFFICIAL MAIL" designation should be set apart from both the return address and the mailing address, and should be of sufficient size, to permit easy recognition by facility mailroom employees.

(b) Mail which otherwise qualifies as legal and official mail under OAR 291-131-010(13) or (17) but lacks the proper designation shall be processed as ordinary mail (i.e., shall be subject to inspection (e.g., opening, examination, reading or photocopying)) outside the inmate's presence.

(2) Legal and official mail sent from or received in a Department of Corrections facility in sealed envelopes or parcels shall be opened and examined for contraband in the presence of the inmate, but shall not be read or photocopied, except as authorized in subsection (3) of this rule.

(3) Legal and official mail may be inspected (i.e., opened, examined, read or photocopied) outside of the inmate's presence only when directed by the Department of Corrections facility functional unit manager or designee, and approved by the Assistant Director of Operations or the Inspector General, based on specific circumstances or specific information indicating that an inmate or other person has or may be in the process of violating provisions of law, department administrative rules, or may otherwise be engaged in activity which threatens or impairs the security, good order, or discipline of the facility and officials, staff, or inmates.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075

Hist.: CD 18(Temp), f. & ef. 12-18-73 thru 4-17-74; CD 22, f. 6-27-74, ef. 7-25-74; CD 1-1979, f. & ef. 1-4-79; CD 11-1980(Temp), f. & ef. 4-10-80; CD 16-1980(Temp), f. & ef. 4-18-80; CD 28-1980, f. & ef. 8-22-80; CD 22-1983(Temp), f. & ef. 6-3-83; CD 27-1983, f. & ef. 7-11-83; CD 57-1985, f. & ef. 8-16-85; CD 14-

1988, f. & cert. ef. 10-7-88 (and corrected 10-25-88); CD 1-1992, f. & cert. ef. 1-29-92; CD 10-1993, f. 5-5-93, cert. ef. 7-1-93; DOC 20-1998, f. 9-22-98, cert. ef. 12-1-98; DOC 20-2001, f. & cert. ef. 12-17-01; DOC 1-2008, f. & cert. ef. 1-25-08

291-131-0035

Prohibited Mail

The following materials constitute prohibited mail which shall be confiscated or returned to the sender:

(1) Sexually Explicit Material:

(a) Sexually explicit material which by its nature or content poses a threat or is detrimental to the security, good order or discipline of the facility, inmate rehabilitation, or facilitates criminal activity including, but not limited to, the following:

(A) Sexual Acts or Behaviors:

(i) Portrayal of actual or simulated sexual acts or behaviors between human beings including, but not limited to, intercourse, sodomy, fellatio, cunnilingus or masturbation.

(ii) Portrayal of actual or simulated penetration of the vagina or anus, or contact between the mouth and the breast, genitals, or anus.

(iii) Portrayal of actual or simulated stimulation of the breast, genitals, or anus.

(iv) Portrayal of actual or simulated acts or threatened acts of force or violence in a sexual context, including, but not limited to, forcible intercourse (rape) or acts of sadomasochism emphasizing the infliction of pain.

(v) Portrayal of actual or simulated sexual acts or behaviors in which one of the participants is a minor, or appears to be under the age of 18.

(vi) Bestiality: Portrayal of actual or simulated sexual acts or behaviors between a human being and an animal.

(B) Excretory Functions: Portrayal of actual or simulated human excretory functions, including, but not limited to, urination, defecation, or ejaculation.

(C) Personal photographs in which the subject is nude; displays male or female genitalia, pubic area, or anus; or exposes the areola.

(D) Freestanding Nude or Partially Nude Images: Newspaper and magazine clippings, photocopies, printed web pages, drawings contained in incoming mail, and photographs, with nude or partially nude subjects, whether human or anime (i.e., cartoon), that depict or display male or female genitalia, pubic area or anus, or expose the female areola.

(b) No distinction shall be made between depictions of heterosexual and homosexual activity in applying these standards.

(c) Sexually explicit material does not include material of a news or information type, for example, publications covering the activities of gay rights or gay religious groups.

(d) Literary publications shall not be excluded solely because of homosexual themes or references, except for violations of these rules.

(e) Sexually explicit material may be admitted if it has scholarly value, or general social or literary value.

(2) Material That Threatens or is Detrimental to the Security, Safety, Health, Good Order or Discipline of the Facility, Inmate Rehabilitation, or Facilitates Criminal Activity: Material which by its nature or content poses a threat or is detrimental to the security, safety, health, good order or discipline of the facility, inmate rehabilitation, or facilitates criminal activity, including, but not limited to, material that meets one or more of the following criteria:

(a) It incites, advocates, aids or abets criminal activity such as illegal drug use, or instructs in the manufacture, use or conversion of weapons.

(b) It incites, advocates, aids or abets escape, such as picking locks or digging tunnels.

(c) It consists of threats of physical harm to any person or threats of criminal activity.

(d) It contains or concerns sending contraband within, into or out of the facility.

(e) It concerns plans for activities in violation of other Department of Corrections administrative directives.

(f) It contains code that directly threatens or is detrimental to the security, safety, health, good order, or discipline of the facility, inmate rehabilitation, or facilitates criminal activity.

(g) It contains information which, if communicated, would create a clear and present danger of violence and physical harm to a human being.

(h) It contains contraband material.

(i) It contains STG-related paraphernalia.

(j) It contains inflammatory material.

(k) It contains role-playing or similar fantasy games or materials.

(3) Credit or Deferred Billing Transactions: Mail involving credit or deferred billing (e.g., "bill me later" or "payment after delivery") transactions for the purchase of or subscription to publications (e.g., books, newspapers, magazines) or other items or merchandise is prohibited. Mail prohibited under this subsection includes:

(a) Outgoing inmate requests or purported agreements to enter into a credit or deferred billing transaction.

(b) Incoming publications or other items or merchandise, including promotions (e.g., free gift or premium) items given in exchange for purchase or subscription, received in a Department of Corrections facility which are accompanied by a billing or other statement requiring payment upon delivery or at a later date.

(4) Unauthorized Business Transactions: Mail involving a business transaction not previously approved by the functional unit manager or designee.

(5) Items Prohibited From Receipt by Mail:

- (a) Any item or material which an inmate shall not possess within the Department of Corrections facility to which the inmate is assigned.
- (b) Material which an inmate shall not possess within the facility or which meets one of the following criteria:
 - (A) Weapons or explosives;
 - (B) Narcotics or narcotics paraphernalia;
 - (C) Intoxicants or medications;
 - (D) Escape devices;
 - (E) Money, negotiable instruments, deposit and withdrawal slips, uncanceled stamps, and stamp collections;
 - (F) Any item larger than 18" x 18" except subscription newspapers;
 - (G) Any electronic items, including batteries;
 - (H) Any substance that is unauthorized, including lipstick, crayon, water colors, paint, correction fluid, etc., or
 - (I) Polaroid type photographs with a chemical substance on the back of the photograph.
- (6) Mail Subject to Outgoing Mail Restriction: Outgoing mail to a person or address to which the inmate has been ordered by the functional unit manager or designee not to send mail.
- (7) Any other material that the department deems to pose a threat or to be detrimental to legitimate penological objectives.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075

Hist.: CD 18(Temp), f. & ef. 12-18-73 through 4-17-74; CD 22, f. 6-27-74, ef. 7-25-74; CD 1-1979, f. & ef. 1-4-79; Renumbered from 291-010-0315, CD 11-1980(Temp), f. & ef. 4-10-80; CD 16-1980(Temp), f. & ef. 4-18-80; CD 28-1980, f. & ef. 8-22-80; CD 22-1983(Temp), f. & ef. 6-3-83; CD 27-1983, f. & ef. 7-11-83; CD 13-1984, f. & ef. 4-11-84; CD 57-1985, f. & ef. 8-16-85; CD 14-1988, f. & cert. ef. 10-7-88 (and corrected 10-25-88); CD 1-1992, f. & cert. ef. 1-29-92; CD 10-1993, f. 5-5-93, cert. ef. 7-1-93; DOC 20-1998, f. 9-22-98, cert. ef. 12-1-98; DOC 16-2001(Temp), f. 7-9-01, cert. ef. 7-11-01 thru 1-7-02; DOC 20-2001, f. & cert. ef. 12-17-01; DOC 13-2002, f. 9-11-02 cert. ef. 9-20-02; DOC 1-2008, f. & cert. ef. 1-25-08; DOC 4-2011(Temp), f. 3-4-11, cert. ef. 4-1-11 thru 9-28-11; DOC 15-2011, f. & cert. ef. 8-15-11

291-131-0037**Disposition of Prohibited Mail**

- (1) Mail, if not confiscated, will be returned to the U.S. Postal Service, or to the applicable mail service provider for not meeting requirements provided in these rules.
- (2) Contraband:
 - (a) Illegal contraband or evidence of crime shall be confiscated and turned over to the Oregon State Police. No notice of confiscation shall be given.
 - (b) Non-Inmate Sender:
 - (A) Contraband (including unauthorized attachments or enclosures) not illegal or evidence of crime shall be returned to the non inmate sender with the contents of the envelope or package intact, together with a Mail Violation Notice (CD 618a).
 - (B) Unauthorized items with minimal monetary value (e.g., paper clips, rubber bands, uncanceled stamps, book marks, envelopes, blank paper, etc.) may be removed and destroyed and the remaining mail sent to the inmate if the remaining contents are otherwise in compliance with department rules. No notice shall be provided to the sender or inmate recipient for the removal and destruction of minimally valued items.
 - (c) Inmate Sender: Any enclosures (i.e., photographs, hand-made drawings in excess of that allowed) that are not illegal or evidence of crime, or that are otherwise not prohibited in outgoing mail under these rules shall be returned to the inmate sender with the contents of the envelope or package intact, together with a Mail Violation Notice (CD 618a). Any item that poses a threat or is a detriment to the security, good order, or discipline of the facility, or that would encourage or instruct in criminal activity, may be confiscated and retained pending an investigation. If appropriate, the inmate may be issued a misconduct report, in accordance with the rule on Prohibited Inmate Conduct and Processing Disciplinary Actions (OAR 291-105).
- (3) Money:
 - (a) Cash contained in mail shall be confiscated and deposited to the Inmate Welfare Fund. Notice of the confiscation shall be provided to the sender on a Mail Confiscation Notice (CD 618b). A copy of the notice shall also be provided to the intended inmate recipient.
 - (A) If the cash was concealed in the mail, a written entry shall be made on the Mail Confiscation Notice (CD 618b) to document the method of concealment. If, after an administrative review of the confiscation, it is determined that the sender did not conceal the cash, the money shall be returned to the sender.
 - (B) Correspondence received in an envelope from which cash has been confiscated shall be delivered to the intended inmate recipient if the correspondence is otherwise in compliance with department rules.
 - (b) Monies other than cash (e.g., money orders, warrants, personal checks, withdrawal and deposit slips, and certified checks) contained in mail shall be returned to the sender with the contents of the envelope or package intact, together with a Mail Violation Notice (CD 618a). A copy of the Mail Violation Notice shall be provided to the intended inmate recipient.
 - (A) Prior to returning the mail to the sender, the offending money item shall be photocopied together with the addressee side of the envelope or package.
 - (B) The photocopy shall be retained by the facility according to archive standards.

(4) Mail with unauthorized or insufficient postage shall be refused and returned to the U.S. Postal Service. Notice of the reason(s) for the mail rejection shall be provided on a form label or stamp affixed to the outside of the envelope or package.

(5) Unauthorized Attachments or Enclosures:

(a) Mail received with unauthorized attachment(s) affixed to the outside of an envelope or package shall remain unopened, be refused and returned to the U.S. Postal Service or applicable mail service provider. Notice of the reason(s) for the mail rejection shall be provided on a form label or stamp affixed to the outside of the envelope or package.

(b) Mail received with unauthorized attachments affixed to the inside of an envelope or package or affixed to the contents of an envelope or package, or mail received with unauthorized enclosure(s), except for that with minimal monetary value as described in section (2)(b) above, shall be refused and returned to the sender with the contents of the envelope or package intact, together with a Mail Violation Notice.

(6) Correspondence and Publications: When, after opening, mail is rejected for violation of these or other department rules the following procedures shall be followed:

(a) Rejected Mail:

(A) Non-inmate sender: The sender and intended inmate recipient shall be notified of the rejection of mail, including the reasons, on a Mail Violation Notice (CD 618a) for correspondence, or a Publication Violation Notice for a publication. If the rejection is based upon written or pictorial content, the notice shall advise that an independent review of the rejection may be obtained by writing to the functional unit manager within 30 days of the date of the notice. Mail rejected based on written or pictorial content shall be returned intact to the sender. The rejected portion(s) of the mail shall be photocopied and retained pending any administrative review. If no administrative review is requested, the photocopy shall be maintained according to archive standards.

(B) Inmate Sender: The inmate sender shall receive the same standards as the non-inmate sender, however, the intended recipient shall not be notified of the rejection for any mail sent by an inmate in a Department of Corrections facility and shall not be eligible for an administrative review.

(b) No administrative review shall be available if the rejection is based on the presence of an unauthorized attachment, substance or enclosure on or with the mail, or if the rejection is based on any violation not related to the written or pictorial content.

(c) Confiscated Mail:

(A) Non-Inmate Sender: If the mail is confiscated, notice shall be made to the sender and intended inmate recipient on a Mail Confiscation Notice (CD 618b), unless it includes plans for a discussion or commission of a crime or evidence of a crime. In such cases, no notice shall be given and the mail shall be turned over to the Special Investigations Unit of the department or the Oregon State Police. Confiscated mail not involving evidence of a crime shall be retained intact pending any administrative review. If no administrative review is requested, the mail shall be maintained according to archive standards.

(B) Inmate Sender: If the mail is confiscated, no notice shall be given to the sender or the intended inmate recipient. Mail which includes plans for a discussion or commission of a crime or evidence of a crime shall be turned over to the Special Investigations Unit of the department or the Oregon State Police. Confiscated mail which poses a threat or detriment to the security, good order, or discipline of the facility, or would encourage or instruct in criminal activity shall be retained intact pending an investigation. The inmate may be issued a misconduct report in accordance with the rule on Prohibited Inmate Conduct and Processing Disciplinary Actions (OAR 291-105). Otherwise, after the investigation is completed, the inmate will be notified of the confiscation. If no administrative review is requested, the mail shall be maintained according to archive standards.

(7) Packages: When a package is rejected, the following procedures shall be followed:

(a) Packages received without prior authorization of the functional unit manager or designee, or which have unauthorized attachments affixed to the outside of the package shall be refused and returned to the U.S. Postal Service or to the applicable mail service provider.

(b) Prior authorized packages which after opening are found to contain contraband not illegal (including unauthorized attachments or enclosures) or evidence of crime or otherwise to be in violation of these or other department rules, shall be returned to the sender with the contents of the package intact, together with a Mail Violation Notice.

(c) Intended Inmate Recipient: If a prior authorized package is returned to the sender after opening, the intended inmate recipient shall be promptly notified in writing of the rejection, along with the reason(s) for the rejection, on a Mail Violation Notice. No administrative review shall be available to the intended inmate recipient.

(d) Sender: The sender shall be notified in writing of the rejection of any package received in a Department of Corrections facility and addressed to an inmate, along with the reason(s) for rejection, on a form label or stamp affixed to the outside of the package if the package is refused without opening or; if the package is returned to the sender after opening, on a Mail Violation Notice inserted into the package. No administrative review shall be available to the sender.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075

Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075

Hist.: CD 14-1988, f. & cert. ef. 10-7-88 (and corrected 10-25-88); CD 1-1992, f. & cert. ef. 1-29-92; CD 10-1993, f. 5-5-93, cert. ef. 7-1-93; CD 25-1994, f. 12-21-94, cert. ef. 1-3-95; DOC 20-1998, f. 9-22-98, cert. ef. 12-1-98; DOC 20-2001, f. & cert. ef. 12-17-01; DOC 4-2002(Temp), f. & cert. ef. 3-25-02 thru 9-21-02; DOC 13-2002, f. 9-11-02 cert. ef. 9-20-02; DOC 1-2008, f. & cert. ef. 1-25-08; DOC 4-2011(Temp), f. 3-4-11, cert. ef. 4-1-11 thru 9-28-11; DOC 15-2011, f. & cert. ef. 8-15-11

291-131-0050

Administrative Review

(1) Correspondence and Publications:

(a) Non-Inmate Sender:

(A) A non-inmate sender who has received a mail violation, publication violation, or confiscation notice for written or pictorial content may obtain an independent review of the rejection of mail by writing to the functional unit manager or designee and requesting an administrative review within 30 days of the date of the notice. The review request shall specify in writing the reason(s) why the rejection should not be sustained and include the rejection notice. The rejected mail if returned to the sender must be submitted with the violation or confiscation notice along with the review request.

(B) An intended inmate recipient who has received a mail violation, publication violation or confiscation notice for written or pictorial content may obtain an independent review by writing to the functional unit manager or designee and requesting an administrative review within 30 days of the date of the notice. The review request shall specify type of violation (mail, publication, confiscation), date of violation, and name and issue date of any involved publication.

(b) Inmate Sender: An inmate sender who has received a mail violation or confiscation notice for written or pictorial content may obtain an independent review with the same provisions as a non-inmate sender. The intended recipient shall not be eligible for an administrative review.

(c) No administrative review shall be afforded if the rejection is based on the presence of an unauthorized attachment, substance or enclosure on or with the mail, or if the rejection is based on any violation not related to the written or pictorial content.

(2) Packages: No administrative review shall be available to the sender or intended inmate recipient of a package.

(3) Administrative Review Process:

(a) The functional unit manager shall appoint an official or employee, other than the employee who originally rejected the correspondence or publication, to conduct the administrative review.

(b) The administrative review shall consist of an informal review of the original mail rejection decision and shall include a review of the mail or publication violation or confiscation notice, the request for administrative review, and where necessary, the rejected mail, article(s) or material(s) for compliance with department rules. No formal hearing shall be conducted.

(c) The functional unit manager or designee shall permit the intended inmate recipient an opportunity to review the rejected mail for purposes of administrative review, unless such review may provide the inmate with information of a nature which is deemed to pose a threat or detriment to the security, good order or discipline of the facility or to encourage or instruct in criminal activity.

(A) The intended inmate recipient shall specify in writing the reason(s) why the rejection should not be sustained within five days after reviewing the rejected material or within five days of receiving notice that the inmate was not allowed to review the rejected material for the reasons stated above.

(B) If the inmate refuses to review the material, the administrative review will be considered dismissed.

(d) The official or employee assigned to review the original mail rejection decision shall deliver a written recommended decision (together with a copy of the mail or publication violation or confiscation notice, the request for administrative review, and where necessary, the rejected mail, article(s) and material(s)) to the functional unit manager or designee for his/her review and approval.

(e) The functional unit manager or designee shall review the recommended decision and either affirm, reverse or otherwise modify the original mail rejection decision in writing. The administrative review shall be completed within 45 days after receipt of the request for administrative review. A copy of the functional unit manager or designee's decision shall be provided to the party(ies) who requested the administrative review.

[ED. NOTE: Forms referenced in this rule are available from the agency.]

Stat. Auth.: ORS 179.040, ORS 423.020, ORS 423.030 & ORS 423.075

Stats. Implemented: ORS 179.040, ORS 423.020, ORS 423.030 & ORS 423.075

Hist.: CD 10-1993, f. 5-5-93, cert. ef. 7-1-93; CD 25-1994, f. 12-21-94, cert. ef. 1-3-95; DOC 20-1998, f. 9-22-98, cert. ef. 12-1-98; DOC 23-1998, f. & cert. ef. 12-23-98 thru 6-21-99; DOC 8-1999, f. 5-24-99, cert. ef. 6-1-99; DOC 20-2001, f. & cert. ef. 12-17-01

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EXHIBIT 22

TO
DECLARATION OF KATHERINE CHAMBERLAIN
IN SUPPORT OF PLAINTIFF'S MOTION
FOR PRELIMINARY INJUNCTION

OREGON DEPARTMENT OF CORRECTIONS Inmate Population Profile for 01/01/2012												
Demographic	Value	CCCF	CCCM	CCIC	CRCI	DRCM	EOCI	MCCF	OSCI	OSP	PRCF	TOTAL
TOTAL	INMATE POPULATION	492	574	428	560	750	1,676	290	851	1,983	263	13,937
GENDER	FEMALE	490	574	40	0	0	0	0	0	0	0	1,104
	MALE	2	0	388	560	750	1,676	290	851	1,983	263	12,833
AGE	17 AND UNDER	0	0	0	0	0	0	0	1	0	0	1
	18 TO 24	69	60	85	38	65	310	18	177	182	31	1,796
	25 TO 30	116	118	80	79	151	355	56	171	344	58	2,675
	31 TO 45	192	263	178	221	319	604	127	334	792	112	5,547
	46 TO 60	100	118	77	189	179	346	84	150	516	57	3,211
	61 AND OLDER	15	15	8	33	36	61	5	18	149	5	707
RACE	ASIAN	9	5	4	8	11	22	4	12	32	2	196
	BLACK	33	39	36	96	56	141	30	102	242	20	1,299
	HISPANIC	26	21	43	22	20	380	13	119	284	17	1,967
	AMER INDIAN	16	17	11	11	25	42	7	14	70	5	361
	WHITE	408	492	334	423	638	1,091	236	604	1,355	219	10,114
CUSTODY LEVEL	5	8	0	0	0	0	9	0	14	90	0	374
	4	136	0	23	0	1	712	0	319	839	0	3,836
	3	260	0	21	4	0	764	0	337	773	0	4,057
	2	21	153	15	161	201	40	0	44	50	107	1,230
	1	63	421	21	395	548	151	290	137	226	156	4,082
	UNCLASSIFIED	4	0	348	0	0	0	0	0	5	0	358
TIME TO RELEASE	00-03 MONTHS	15	71	2	114	109	26	52	154	166	9	948
	03-06 MONTHS	43	74	12	120	130	39	42	160	204	25	1,091
	06-09 MONTHS	35	78	53	86	97	54	34	95	190	47	1,030
	09-12 MONTHS	29	84	44	70	64	50	30	80	126	61	945
	12-24 MONTHS	61	167	127	113	191	229	82	106	201	76	2,366
	24+ MONTHS	304	100	164	57	159	1,266	50	253	1,055	45	7,436
	CALC. IN PROCESS	5	0	26	0	0	12	0	3	41	0	121
SENTENCING GUIDELINES	NON-GUIDELINES ONLY	14	0	4	8	2	45	3	39	194	0	460
	GUIDELINES ONLY	477	574	374	545	746	1,615	286	806	1,739	263	13,277
	BOTH	1	0	0	7	2	16	1	6	48	0	148
	CALC IN PROCESS	0	0	50	0	0	0	0	0	2	0	52
LIFE/DEATH SENTENCE	DEATH	1	0	0	0	0	0	0	0	34	0	37
	LIFE	38	0	2	1	1	73	2	48	229	0	627
	LIFE, NO PAROLE	9	0	1	0	0	14	0	5	67	0	170
CRIME TYPE	PERSON	301	191	169	273	475	1,363	142	509	1,421	101	9,757
	PROPERTY	136	221	111	169	161	190	78	204	283	68	2,316
	STATUTE	55	162	98	117	114	123	70	137	274	94	1,799
	OTHER	0	0	50	1	0	0	0	1	5	0	65
OFFENSE GROUP	ASSAULT	59	80	47	84	139	203	60	122	223	38	1,849
	HOMICIDE	104	18	8	10	19	185	18	94	482	4	1,621
	RAPE	12	0	8	17	28	186	0	47	124	3	983
	KIDNAPPING	11	4	2	10	14	52	4	23	61	1	378
	ROBBERY	76	56	37	46	59	244	45	67	197	6	1,586
	SODOMY	11	4	13	12	41	195	0	41	109	8	1,075
	SEX ABUSE	14	13	31	66	121	246	0	62	160	22	1,683
	ARSON	6	3	0	3	6	10	0	9	8	0	82
	BURGLARY	38	50	47	59	74	132	42	96	142	35	1,150

Demographic	Value	CCCF	CCCM	CCIC	CRCI	DRCM	EOCI	MCCF	OSCI	OSP	PRCF	TOTAL
	FORGERY	2	1	1	3	1	2	0	0	3	1	25
	THEFT	84	155	42	78	69	49	23	68	84	27	873
	VEHICLE THEFT	11	12	18	24	15	7	13	36	45	5	235
	DRIVING OFFENSES	9	21	21	31	41	14	15	32	44	29	352
	DRUGS	33	113	51	57	47	74	44	61	171	52	1,027
	ESCAPE	1	0	5	2	1	0	0	2	9	0	28
	OTHER OFFENSE GRP	21	44	97	57	75	77	26	90	118	32	977
	UNKNOWN OFFENSE GRP	0	0	0	1	0	0	0	1	3	0	13
SECURITY THREAT GROUP	YES	5	7	25	27	36	202	25	83	151	11	1,248
	NO	487	567	403	533	714	1,474	265	768	1,832	252	12,689
DANGEROUS OFFENDER	YES	1	0	1	4	2	11	1	7	37	1	138
SEX OFFENDER	YES	39	21	76	127	241	695	0	192	535	49	4,434
	NO	453	553	352	433	509	981	290	659	1,448	214	9,503
DRUG OFFENDER	ONLY DRUG OFFENSES	28	88	50	47	32	60	37	49	141	39	798
	SOME DRUG OFFENSES	75	100	84	64	97	174	53	103	200	50	1,616
	NONE	389	386	294	449	621	1,442	200	699	1,642	174	11,523
EDUCATION NEED	GED PROGRAM NEEDED	39	55	22	22	66	120	12	44	117	10	834
	ABE REQUIRED	51	63	58	75	58	132	21	155	160	20	1,245
	ESL REQUIRED	12	0	8	5	0	109	1	22	104	1	569
	NO NEED-TRNING ELIG.	122	141	95	175	249	551	101	258	691	85	4,653
	NEED SKILL UPGRADE	210	264	149	245	329	588	139	283	705	130	5,344
	ABE REQ/ESL TRANSITN	0	0	0	0	2	45	0	5	23	0	146
	ABE NEEDED	49	50	44	32	45	124	13	73	124	16	946
	NOT ASSESSED	9	1	52	6	1	7	3	11	59	1	200
MENTAL HEALTH NEED	HIGHEST TREAT. NEED	86	35	24	54	52	126	0	80	212	0	967
	SEVERE MH PROBLEMS	269	227	41	111	210	281	0	131	265	6	2,351
	MODERATE TREAT. NEED	49	106	32	85	93	212	1	72	151	6	1,311
	BENEFIT FROM TREATMENT	29	73	60	102	128	204	60	155	311	69	2,316
	NO NEED FOR TREATMENT	27	52	47	82	76	419	85	160	377	38	2,767
	NO REPORTED MH NEED	32	81	224	126	191	434	144	253	667	144	4,225
SUBSTANCE ABUSE NEED	SOME SUBSTANCE ABUSE	37	40	25	68	76	273	30	140	339	7	2,033
	NO REPORTED PROBLEM	63	53	82	65	58	232	22	84	192	14	1,702
	NO ASSESS. COMPLETED	45	17	156	19	71	208	11	88	346	8	1,783
	DEPENDENCE/ADDICTION	347	464	165	408	545	963	227	539	1,106	234	8,419
DEVELOPMENTAL DISABILITY	IQ 69 OR BELOW	10	11	2	0	2	1	0	24	3	0	62
	IQ 70-79 WITH ADAPTIVE	15	8	5	5	3	7	0	68	11	1	208
	NO DISABILITY	26	24	21	35	54	101	18	65	100	20	833
	NO REPORTED DISABILITY	441	531	400	520	691	1,567	272	694	1,869	242	12,834

OREGON DEPARTMENT OF CORRECTIONS Inmate Population Profile for 01/01/2012										
Demographic	Value	SCCI	SCI	SFPC	SRCI	SRCM	TRCI	TRCM	WCCF	TOTAL
TOTAL	INMATE POPULATION	255	434	195	2,887	191	1,589	126	393	13,937
GENDER	FEMALE	0	0	0	0	0	0	0	0	1,104
	MALE	255	434	195	2,887	191	1,589	126	393	12,833
AGE	17 AND UNDER	0	0	0	0	0	0	0	0	1
	18 TO 24	32	31	33	357	32	233	11	32	1,796
	25 TO 30	42	68	40	554	42	317	25	59	2,675
	31 TO 45	113	193	85	1,115	75	610	53	161	5,547
	46 TO 60	63	118	37	675	39	320	33	110	3,211
	61 AND OLDER	5	24	0	186	3	109	4	31	707
RACE	ASIAN	2	10	2	51	2	15	1	4	196
	BLACK	17	45	12	257	25	109	12	27	1,299
	HISPANIC	7	35	17	601	17	316	13	16	1,967
	AMER INDIAN	2	8	2	75	4	39	7	6	361
	WHITE	227	336	162	1,903	143	1,110	93	340	10,114
CUSTODY LEVEL	5	0	0	0	221	0	32	0	0	374
	4	0	0	0	1,081	0	725	0	0	3,836
	3	0	0	0	1,269	0	628	0	1	4,057
	2	65	157	1	59	21	29	21	85	1,230
	1	190	277	194	257	170	174	105	307	4,082
	UNCLASSIFIED	0	0	0	0	0	1	0	0	358
TIME TO RELEASE	00-03 MONTHS	26	78	14	31	5	38	8	30	948
	03-06 MONTHS	30	65	21	30	10	55	4	27	1,091
	06-09 MONTHS	29	60	15	57	14	55	7	24	1,030
	09-12 MONTHS	31	50	21	99	14	46	11	35	945
	12-24 MONTHS	77	125	58	360	43	178	41	131	2,366
	24+ MONTHS	62	56	66	2,295	105	1,198	55	146	7,436
	CALC. IN PROCESS	0	0	0	15	0	19	0	0	121
SENTENCING GUIDELINES	NON-GUIDELINES ONLY	1	3	0	86	2	55	3	1	460
	GUIDELINES ONLY	253	430	193	2,759	188	1,515	123	391	13,277
	BOTH	1	1	2	42	1	19	0	1	148
	CALC IN PROCESS	0	0	0	0	0	0	0	0	52
LIFE/DEATH SENTENCE	DEATH	0	0	0	1	0	1	0	0	37
	LIFE	1	0	0	146	0	86	0	0	627
	LIFE, NO PAROLE	0	0	0	45	0	29	0	0	170
CRIME TYPE	PERSON	130	240	122	2,420	132	1,351	96	321	9,757
	PROPERTY	64	85	48	260	37	145	17	39	2,316
	STATUTE	60	109	25	203	22	90	13	33	1,799
	OTHER	1	0	0	4	0	3	0	0	65
OFFENSE GROUP	ASSAULT	51	68	44	332	30	182	23	64	1,849
	HOMICIDE	7	6	20	389	9	238	4	6	1,621
	RAPE	4	15	0	331	17	156	11	24	983
	KIDNAPPING	4	13	4	117	4	46	1	7	378
	ROBBERY	18	29	44	379	24	217	21	21	1,586
	SODOMY	6	13	0	353	12	204	9	44	1,075
	SEX ABUSE	10	68	0	438	28	251	26	127	1,683
	ARSON	1	3	0	17	1	8	1	6	82
	BURGLARY	37	36	25	172	28	98	12	27	1,150

Demographic	Value	SCCI	SCI	SFFC	SRCI	SRCM	TRCI	TRCM	WCCF	TOTAL
	FORGERY	1	1	0	4	0	5	0	0	25
	THEFT	21	32	20	69	8	28	4	12	873
	VEHICLE THEFT	4	13	3	12	1	14	1	1	235
	DRIVING OFFENSES	13	29	7	23	5	10	2	6	352
	DRUGS	36	56	14	129	14	49	4	22	1,027
	ESCAPE	0	0	0	5	0	2	0	1	28
	OTHER OFFENSE GRP	41	52	14	113	10	78	7	25	977
	UNKNOWN OFFENSE GRP	1	0	0	4	0	3	0	0	13
SECURITY THREAT GROUP	YES	7	26	9	314	10	277	18	15	1,248
	NO	248	408	186	2,573	181	1,312	108	378	12,689
DANGEROUS OFFENDER	YES	0	1	0	39	0	33	0	0	138
SEX OFFENDER	YES	28	120	0	1,264	63	710	54	220	4,434
	NO	227	314	195	1,623	128	879	72	173	9,503
DRUG OFFENDER	ONLY DRUG OFFENSES	27	39	11	91	8	33	3	15	798
	SOME DRUG OFFENSES	41	68	23	272	24	135	13	40	1,616
	NONE	187	327	161	2,524	159	1,421	110	338	11,523
EDUCATION NEED	GED PROGRAM NEEDED	10	28	9	155	12	87	3	23	834
	ABE REQUIRED	15	39	8	256	12	92	8	22	1,245
	ESL REQUIRED	0	2	2	225	0	74	2	2	569
	NO NEED-TRNING ELIG.	94	139	81	998	88	567	57	161	4,653
	NEED SKILL UPGRADE	121	198	87	976	71	625	52	172	5,344
	ABE REQ/ESL TRANSITN	0	0	0	44	1	26	0	0	146
	ABE NEEDED	14	27	8	203	6	103	4	11	946
	NOT ASSESSED	1	1	0	30	1	15	0	2	200
MENTAL HEALTH NEED	HIGHEST TREAT. NEED	1	0	0	218	1	78	0	0	967
	SEVERE MH PROBLEMS	3	0	0	517	16	274	0	0	2,351
	MODERATE TREAT. NEED	5	4	1	316	5	171	2	0	1,311
	BENEFIT FROM TREATMENT	43	104	50	433	44	323	48	80	2,316
	NO NEED FOR TREATMENT	49	82	49	707	45	326	29	117	2,767
	NO REPORTED MH NEED	154	244	95	696	80	417	47	196	4,225
SUBSTANCE ABUSE NEED	SOME SUBSTANCE ABUSE	44	77	22	481	33	248	19	74	2,033
	NO REPORTED PROBLEM	33	55	17	447	12	201	11	61	1,702
	NO ASSESS. COMPLETED	7	16	15	395	23	277	23	58	1,783
	DEPENDENCE/ADDICTION	171	286	141	1,564	123	863	73	200	8,419
DEVELOPMENTAL DISABILITY	IQ 69 OR BELOW	0	0	0	7	0	2	0	0	62
	IQ 70-79 WITH ADAPTIVE	0	0	0	69	6	10	0	0	208
	NO DISABILITY	6	32	12	185	6	97	9	22	833
	NO REPORTED DISABILITY	249	402	183	2,626	179	1,480	117	371	12,834