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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION
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CHAPTER 291
DEPARTMENT OF CORRECTIONS

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NEED FOR THE RULE(S):

The Department of Corrections' Division 131 rules establish department policy and procedures governing the sending, receipt, and processing of adult in custody mail in Department of Corrections facilities. These proposed amendments to the department's Division 131 rules are needed to: (1) remove the "20-pound" weight restriction on envelopes and move to a "standard weight" restriction, because many in the public have been confused by the "20-pound" weight restriction and white envelopes that meet that criteria are not widely available; (2) clarify the definitions and dispositions of mail that is refused (i.e., returned unopened for non-compliance with the Division 131 rules) and mail that is rejected (i.e., returned upon opening and inspection for non-compliance with the Division 131 rules); (3) clarify that business cards are unauthorized enclosures and that certain kinds of writing materials are not allowed, because they can be used to smuggle controlled substances into Department of Corrections facilities; and (4) clarify that legal and official mail may include a single, postage-paid return envelope that meets the Division 131 rules' criteria, to facilitate return mail in legal and official matters and to bring the department's rules in line with its practices.

JUSTIFICATION OF TEMPORARY FILING:

The Department of Corrections finds that following the permanent rulemaking process, rather than taking this temporary rulemaking action to remove unnecessary restrictions and clarify for the public and AICs what is (and is not) permitted in incoming mail, will result in serious prejudice to the public interest because the department's failure to immediately amend its Division 131 rules will result in: (1) continued refusal of incoming mail sent to AICs that the department has determined could otherwise be allowed consistent with the inherent limitations of resources and the need for facility security, safety, health, order, and discipline, and AIC rehabilitation; (2) continued confusion among members of public regarding the types of envelopes and writing materials that may be used to send mail to AIC; (3) continued receipt in the mail of types of envelopes, writing materials and business cards that may be used to seek to introduce controlled substances and other contraband into Department of Corrections facilities; (4) continued confusion among AICs and members of the public regarding the department's rules governing disposition of unopened (versus opened) mail that violates the rules; and (5) seriously hinder the department's ability to provide for a consistent statewide framework and structure for processing AIC mail.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

None.

RULES:

291-131-0010, 291-131-0025, 291-131-0030, 291-131-0037

AMEND: 291-131-0010

RULE SUMMARY: Amends rule to define the terms "refused mail" and "rejected mail".

CHANGES TO RULE:

291-131-0010

Definitions ¶¶

- (1) Adult in Custody (AIC): Any person under the supervision of the Department of Corrections who is not on parole, probation, or post-prison supervision status.¶¶
- (2) Adults on Supervision: Any person under the supervision of the Department of Corrections who is on parole, probation, or post-prison supervision status.¶¶
- (3) Business Transaction: A transaction involving the purchase, sale, or delivery of merchandise, commodities, or services.¶¶
- (4) Central Administration: The Director, Deputy Director, Assistant Directors, administrators, or other Department of Corrections officials whose offices or mailboxes are in the central office.¶¶
- (5) Confiscate: To remove the item or that portion of the item which violates these rules.¶¶
- (6) Contraband: Any article or thing that an adult in custody is prohibited by statute, rule, or order from obtaining or possessing, or which the adult in custody is not specifically authorized to obtain or possess, or which the adult in custody alters without authorization.¶¶
- (7) Court Name: The adult in custody name as established and used by the Department of Corrections for use on the adult in custody's case file, identification card, medical file, etc., based on the name provided in the first judgment in the custody cycle sentencing an adult in custody to the Department of Corrections.¶¶
- (8) Department of Corrections Facility: Any institution, facility, or staff office, including the grounds, operated by the Department of Corrections.¶¶
- (9) Electronic Messages: Correspondence exchanged between adults in custody and subscribers through a department approved third-party electronic messaging vendor by means of computers equipped for internet access.¶¶
- (10) Functional Unit: Any organizational component within the Department of Corrections responsible for the delivery of services or coordination of program operations.¶¶
- (11) 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 who has responsibility for delivery of program services or coordination of program operations.¶¶
- (12) Government Entity: An agency, board, commission, department, or other instrumentality of Federal, State, local, or tribal government (including multijurisdictional governmental agencies and other instrumentalities). ¶¶
- (13) Individual Photograph: Any image or any duplication thereof. Individual photographs include any photograph scanned and printed from the Internet or other photographs where the identity of the person is unknown to the department. Any graphic image sent with or attached to an electronic message will be considered an individual photograph.¶¶
- (14) 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 based on 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 any other government agency.¶¶
- (15) Inspection: To examine or view, including but not limited to reading, photocopying, scanning, and x-raying.¶¶
- (16) Inter Agency Mail System: A system of delivering mail between or among certain state agencies and other units of government generally located in the greater Salem and Portland areas.¶¶
- (17) 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.¶¶
- (18) Mail: Incoming or outgoing mail, including electronic messages, authorized by these rules to be sent or received by an adult in custody 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.¶¶

(19) Money: Cash, money orders, personal checks, warrants, certified checks, and other remittances.¶¶

(20) Non-AIC Sender: The organization or person who is not residing at a Department of Corrections facility who sends mail to an adult in custody who is residing in a Department of Corrections facility. The non-AIC sender or recipient name must match the identity of the sender.¶¶

(21) Official Mail: Incoming and outgoing mail addressed to Department of Corrections officials, 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, members of the paroling authority, sexual abuse advocacy programs, and Oregon's designated Protection & Advocacy (P&A) System, that 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.¶¶

(22) Package: A completely wrapped parcel received that is more than 2-inch thick regardless of other dimensions, received directly from the source with authorized postage, and legal and official mail up to three inches.¶¶

(23) Photo Company: A vendor that delivers images, bound or individual, to adults in custody either electronically or through the mail for a fee.¶¶

(24) Portrayal: The act or process by which an idea or message is depicted or represented, usually by written words or images.¶¶

(25) Publication: A book or single issue of a magazine or newspaper, plus such other materials addressed to a specific adult in custody as flyers, and catalogs, received directly from the publisher.¶¶

(26) 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.¶¶

(27) Refused Mail: Mail delivered by a carrier that violates these rules and is refused before opening on that basis.¶¶

(28) Rejected Mail: Mail delivered by a carrier that upon opening and inspection is found to violate these rules and is rejected on that basis.¶¶

(29) Security Threat Group (STG): Any group of two or more individuals who:¶¶

(a) Have a common name, identifying symbol, or characteristic that 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 Department of Corrections rules; or¶¶

(c) Have the potential to act in concert to present a threat or potential threat to employees, public, visitors, adults in custody, adults on supervision, or the secure and orderly operation of the institution.¶¶

~~(28)~~³⁰ Security Threat Group Paraphernalia: Any material, documents, or items evidencing security threat group involvement or activities (for example, rosters, constitutions, structures, codes, pictures, training material, clothing, communications, or other security threat group-related contraband).¶¶

~~(29)~~³¹ Sexual Abuse Advocacy Program: A community-based organization that offers advocacy, support, crisis intervention, information, and referrals to a victim of sexual abuse.

Statutory/Other Authority: ORS 179.040, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 179.040, 423.020, 423.030, 423.075

RULE SUMMARY: Amends rule to add a requirement to include the sender's first and last name and adds an option to include organization name; clarifies acceptable and unacceptable writing substances and authorized attachments or enclosures; clarifies some criteria for authorized envelopes; and reorganized (5)(c) to elsewhere in these rules.

CHANGES TO RULE:

291-131-0025

Incoming Mail ¶¶

(1) Incoming mail shall have on the front of the envelope free from obstruction, the sender's first and last name or organization name and return address; and shall be addressed to the adult in custody using their court name and state identification number (SID).¶¶

(a) Adults in custody who legally change their name while in custody must verify the change and may seek approval to include their new name under the court name, labeled as a.k.a.¶¶

(b) If the adult in custody recipient cannot be positively identified, the mail will be returned to the sender. A reasonable attempt will be made to identify the adult in custody recipient.¶¶

(c) Mail with no return address shall be refused and returned to the U.S. Postal Service or other authorized mail service provider. No notice will be given to the adult in custody.¶¶

(d) 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 pencil~~, or be typewritten ~~or photocopied~~, photocopied, or printed. Examples of writing substances that will not be accepted include, but are not limited to, the following:¶¶

(a) Gel pen;¶¶

(b) Marker;¶¶

(c) Wax (such as crayon and some colored pencils); and¶¶

(d) Abnormally thick ink.¶¶

(3) Incoming mail must be written on standard weight (20 pound or less) white paper.¶¶

(4) Authorized Envelopes: ¶¶

(a) Except for mail that is addressed and received directly from the Corrections Ombudsman, a government entity, an approved vendor, publisher, treatment facility, health care provider, or is properly marked as "legal" or "official" mail, incoming mail must be enclosed in a commercially produced envelope using standard weight ~~(20 pound or less)~~ white paper that is no larger than 9" x 12". ¶¶

(b) Examples of envelopes that will not be accepted include, but are not limited to, the following:¶¶

(A) Any non-white envelope.¶¶

(B) Envelopes larger than 9" by 12" (except as provided in subsection (4)(a) of this rule).¶¶

(C) Envelopes that are not commercially produced.¶¶

(D) Envelopes made of cardstock, cardboard, padded, corrugated, or tear-resistant material.¶¶

(E) Envelopes constructed of heavy weight paper ~~(that is, greater than 20 pound)~~ or with security screening features.¶¶

~~(c) Mail that is received in an envelope that is not authorized under this rule will be rejected by mailroom employees and shall be returned, unopened, to the sender with a notification of the returned mail sent to the intended adult in custody recipient. Mail that is unable to be returned to sender due to rejection by U.S. Postal Service or other authorized mail service provider shall be disposed of in accordance with the procedure for disposition of abandoned property set out in OAR 291-117-0140.~~¶¶

(5) Transfers and Work Crews:¶¶

(a) Incoming mail to adults in custody not residing in the receiving facility will be forwarded to the adult in custody if they reside at another Department of Corrections facility.¶¶

(b) Incoming mail for adults in custody temporarily transferred to another criminal justice agency will be held at the facility for seven consecutive days. If the adult in custody does not return to the facility within seven days, the facility will forward to the criminal justice 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 adult in custody has been returned.¶¶

(c) Work Crews: Incoming first-class mail for adults in custody temporarily residing at an off-site work location, such as a fire crew, should be held at the facility for no more than ten consecutive days. After ten days, the facility should arrange for first class mail delivery to the off-site work location.¶¶

(6) Mail received for an adult in custody 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.¶¶

(7) New and used books, magazines, newspapers, and blank journals shall only be received directly from the publisher or distributor.¶¶

(a) Multiple copies of the same publication to an adult in custody shall be prohibited.¶¶

(b) Publications that have been previously rejected by the department and altered (that is, offending pages removed) shall be prohibited.¶¶

(8) Adults in custody may receive catalogs, advertisements, brochures, promotional materials, pamphlets, sweepstakes, and contest materials solicited by the adult in custody provided the materials are properly addressed with the adult in custody's court name and state identification number (SID) and are received directly at the correct address where the adult in custody is currently housed. These materials must conform to any content restrictions contained within this rule.¶¶

(9) Calendars shall only be received directly from a publisher or distributor. Calendars must:¶¶

(a) Be no longer than 12" wide and 24" long when unfolded;¶¶

(b) Meet the no freestanding nude or partially nude standards and have no security threat group imagery or graphic violent content; and¶¶

(c) Have a plastic or stapled binding. Wire bindings are prohibited.¶¶

(10) No notice or administrative review will be provided to the sender or intended adult in custody recipient for mail refused under subsections (5), (6), and (7) above of this rule.¶¶

(11) Packages, except books, magazines, and newspapers received directly from the publisher or distributor, require prior authorization from the functional unit manager or designee. The package authorization form must be attached to the outside of the package.¶¶

(12) Central Administration Review of Publications:¶¶

(a) Facility mailroom employees 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 adult in custody's name and state identification number (SID). Books and magazines without the completed stamp on the front or inside 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 adult in custody recipient if the publication is otherwise in compliance with these rules and doing so would not drastically alter or destroy the publication.¶¶

(c) If mailroom employees determine a publication contains material that is prohibited under these or other department administrative rules, the mail violation and publication violation notice (CD 618a) and prohibited material shall be reviewed by a designated Central Administration official, who will affirm, reverse, or otherwise modify the original rejection decision in writing.¶¶

(13) General correspondence is authorized up to ¾-inch thickness. ¶¶

(a) Legal and official mail received directly from the original source is authorized up to three inches thick. Legal and official mail more than three inches requires prior approval from the functional unit manager or designee through a package authorization form.¶¶

(b) Mail received directly from a government entity that is not considered legal or official mail is authorized up to three inches thick. Mail received from a government entity that is more than three inches thick requires prior approval from the functional unit manager or designee through a package authorization form. ¶¶

(14) Unauthorized Attachments and Enclosures:¶¶

(a) Only the canceled postage stamp, package authorization form, 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~~, handmade drawings, printed web pages, and photographs that meet the content restrictions in these rules may be enclosed in the envelope.¶¶

(c) Unauthorized items with minimal monetary value (for example, paper clips, rubber bands, uncanceled stamps, bookmarks, envelopes, blank paper, blank cards, or blank postcards, etc.) may be removed and destroyed, and the remaining mail sent to the adult in custody if the remaining contents are otherwise in compliance with department rules.¶¶

(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 (that is, cartoon) that depict or display male or female genitalia, pubic area, anus, or female areola may not be attached to or enclosed in correspondence to adults in custody.¶¶

(15) All images received from a photo company through first-class mail will be treated as individual photos, not publications. Such images are subject to the same content standards as described in the freestanding nude or partially nude images guidelines.¶¶

(16) The department is not responsible for the loss or damage of individual photographs.

Statutory/Other Authority: ORS 179.040, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 179.040, 423.020, 423.030, 423.075

AMEND: 291-131-0030

RULE SUMMARY: Amends rule to add option for only legal and official mail senders to include a return envelope for the purposes of signing and returning paperwork.

CHANGES TO RULE:

291-131-0030

Examination and 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 that otherwise qualifies as legal or official mail under OAR 291-131-0010(14) or (18) 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 that otherwise qualifies as legal and official mail but lacks the proper designation shall be processed as ordinary mail (that is, shall be subject to inspection; for example, opening, examination, reading or photocopying) outside the adult in custody'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 adult in custody, but shall not be read or photocopied, except as authorized in subsection (3) of this rule.¶¶

(3) Legal and official mail may be inspected (that is, opened, examined, read or photocopied) outside of the adult in custody'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 adult in custody 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 that threatens or impairs the security, good order, or discipline of the facility and officials, employees, or adults in custody.¶¶

(4) Legal and official mail may include a single, postage-paid return envelope that meets the following criteria:¶¶

(a) White, standard weight:¶¶

(b) Pre-printed address and return address; and¶¶

(c) Metered or other prepaid postage (other than postage stamps).

Statutory/Other Authority: ORS 179.040, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 179.040, 423.020, 423.030, 423.075

AMEND: 291-131-0037

RULE SUMMARY: Amends rule for clarification around mail with unauthorized attachments, enclosures, or envelopes.

CHANGES TO RULE:

291-131-0037

Disposition of Prohibited Mail ¶¶

(1) Mail, if not confiscated, will be returned to the U.S. Postal Service or other authorized mail service provider for not meeting requirements provided in these rules.¶¶

(2) Contraband:¶¶

(a) Illegal contraband or evidence of a crime shall be confiscated and turned over to the Oregon State Police. No notice of confiscation shall be given.¶¶

(b) Non-AIC Sender:¶¶

(A) Contraband (including unauthorized attachments or enclosures) that is not illegal or evidence of a crime shall be returned to the non-AIC sender with the contents of the envelope or package intact, together with a mail violation and publication violation notice (CD 618a).¶¶

(B) Unauthorized items with minimal monetary value (for example, paper clips, rubber bands, uncanceled stamps, bookmarks, envelopes, blank paper, blank cards, blank postcards, etc.) may be removed and destroyed and the remaining mail sent to the adult in custody if the remaining contents are otherwise in compliance with department rules. No notice shall be provided to the sender or adult in custody recipient for the removal and destruction of minimally valued items.¶¶

(c) Adult in Custody Sender: Any enclosures (that is, photographs, hand-made drawings in excess of that allowed) that are not illegal or evidence of a crime, or that are otherwise not prohibited in outgoing mail under these rules shall be returned to the adult in custody sender with the contents of the envelope or package intact, together with a mail violation and publication 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 adult in custody may be issued a misconduct report, in accordance with the department's rules on Prohibited Conduct and Processing Disciplinary Actions (OAR 291-105).¶¶

(3) Money:¶¶

(a) Cash contained in mail shall be confiscated and deposited to the Adult in Custody Welfare Fund. Notice of the confiscation shall be provided to the sender on a mail confiscation notice (CD 618b). A copy of the mail confiscation notice (CD 618b) shall also be provided to the intended adult in custody recipient.¶¶

(A) If the cash was concealed in the mail, a written entry shall be made on a 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 adult in custody recipient if the correspondence is otherwise in compliance with department rules.¶¶

(b) Monies other than cash (for example, money orders, warrants, personal checks, prepaid cards, 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 and publication violation notice (CD 618a). A copy of the mail violation and publication violation notice (CD 618a) shall be provided to the intended adult in custody recipient. The appropriate Assistant Director or Central Office Administrator may waive this requirement and provide further instructions during the annual holiday buying period.¶¶

(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 the applicable record retention schedule.¶¶

(4) Mail with unauthorized or insufficient postage shall be refused and returned to the U.S. Postal Service. Notice of the reason 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, or Envelopes:~~¶¶

(a) Mail received ~~with unauthorized attachments affixed to the outside of an envelope or package~~ that is in violation of 291-131-0025(4), or mail that is determined without opening to contain unauthorized attachments or enclosures, shall remain unopened, be refused, and returned to the U.S. Postal Service or other authorized mail service provider. Notice ~~to the sender~~ of the reasons for the mail rejection ~~fusal~~ 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 enclosures, 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 and publication violation notice (CD 618a).¶

(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-AIC sender: The sender and intended adult in custody recipient shall be notified of the rejection of mail, including the reasons, on a mail violation and publication violation notice (CD 618a) for correspondence or 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 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 the applicable record retention schedule.¶

(B) Adult in Custody Sender: The adult in custody sender shall receive the same standards as the non-AIC sender. However, the intended recipient shall not be notified of the rejection for any mail sent by an adult in custody 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-AIC Sender: If the mail is confiscated, notice shall be made to the sender and intended adult in custody 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 the applicable record retention schedule.¶

(B) Adult in Custody Sender: If the mail is confiscated, no notice shall be given to the sender or the intended adult in custody recipient. Mail that 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 that 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 adult in custody may be issued a misconduct report in accordance with the department's rules on Prohibited Conduct and Processing Disciplinary Actions (OAR 291-105). Otherwise, after the investigation is completed, the adult in custody will be notified of the confiscation. If no administrative review is requested, the mail shall be maintained according to the applicable record retention schedule.¶

(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 other authorized mail service provider.¶

(b) Prior authorized packages which after opening are found to contain contraband that is not illegal (including unauthorized attachments or enclosures) or evidence of a 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 and publication violation notice (CD 618a).¶

(c) Intended Adult in Custody Recipient: If a prior authorized package is returned to the sender after opening, the intended adult in custody recipient shall be promptly notified in writing of the rejection, along with the reason for the rejection, on a mail violation and publication violation notice (CD 618a). No administrative review shall be available to the intended adult in custody 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 adult in custody, along with the reason 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 and publication violation notice (CD 618a) inserted into the package. No administrative review shall be available to the sender.¶

(8) Mail from Vendors that Repeatedly Violate Mail Rule Standards:¶

(a) Mail violation for vendors will be tracked in the mailroom database.¶

(b) Vendors that repeatedly send prohibited content to adults in custody after multiple violation notices informing them of mail rule standards may be restricted.

Statutory/Other Authority: ORS 179.040, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 179.040, 423.020, 423.030, 423.075

