



Oregon

Tina Kotek, Governor

Oregon Department of Corrections

Rules Coordinator

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September 9, 2025

AIC Peckenpaugh, William SID #12873453
Oregon State Penitentiary
2605 State Street
Salem, OR 97310

Re: Comments on proposed changes to OAR 291-131 Mail (AIC)

Dear William Peckenpaugh:

This letter is in reply to your correspondence dated August 27, 2025, and received by my office September 9, 2025.

Your input has been received and will be reviewed and considered. According to OAR 137-001-0040(1), "the agency shall maintain a record of any data or views it receives in response to a notice of intent to adopt, amend, or repeal a rule". As such, your comments will be included in the rulemaking record.

Sincerely,

Julie Vaughn
Rules Coordinator

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-AIC Mail

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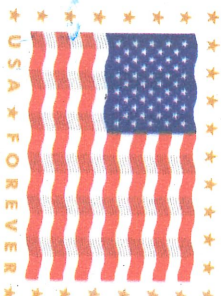
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SALEM OR 97302

THE UNIVERSITY OF CHICAGO

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To: Julie VAUGHN

ODOC Rules Coordinator

Re: Proposal changes to OADR 291-131 (Mail Rule)

William Reddenbaugh
12873453

8/27/2025

Comments regarding proposal rule changes:

As I am currently a prisoner in the Oregon Department of Corrections, and, therefore, am not able to participate in the remote meeting as detailed in the Notice of Proposal Rulemaking, I request that my written comments be read into and/or included in the record of public comments for this meeting.

1. While the Department of Corrections continues to spend a large amount of time and money debating and enforcing the minutiae of what weight paper or "thickness" of mail is allowed, both legal and illegal drugs continue to pour into ODOC facilities. How can this be? Did the January 13, 2003, changes to this rule not curtail such influx? No, they did not, and neither will the changes now proposed. Both prisoners and ODOC staff, if asked and able to answer candidly, without fear of retaliation, would affirm that the notion of large-scale introduction of contraband through the mail is a fiction, a distraction from the truth: the overwhelming majority of contraband is brought into ODOC facilities by ODOC staff, contractors, volunteers, and visitors, likely in that order. In particular, I have had conversations with security staff at two ODOC institutions, all of whom said that neither their person nor personal property carried into the facility was routinely, if ever, searched. One sergeant, a former military

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intelligence officer, commented, "I could bring in a bomb, or a gun, and nobody would ever know." Meanwhile, we perpetuate the fiction that drugs "pass" through the mail by debating paper color and weight.

2. Under the "FISCAL AND ECONOMIC IMPACT" section, it states, "The changes are not anticipated to have a fiscal impact on DOC, AIC, [sic], ... or the general public." I contest this assertion, which is unsupported by empirical evidence. By changing the wording of 291-131-0025 (4)(a) from "20 pound or less" to "standard weight," and adding several subsections to 291-131-0025 (2), such as "(d) Abnormally thick mls," this opens up the interpretation of "standard" weight and "normally" thick mls to DOC mail room staff. These staff, and their supervisors and administrators, already have a long history of violating clearly-worded rules (see the case *BARRETT v. PREMO et al.*, 101 F.Supp.3d 980, for a very relevant example), so adding implicit permission for staff's personal judgment invites arbitrariness and abuse, which, in turn, leads to family, friends, businesses, and other organizations having to re-send the same mail multiple times. By definition, since new postage must be attached for each attempt, prisoners, their families and friends, and the general public who wish to correspond with prisoners are very likely to
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suffer an adverse financial impact.

3. Also pertaining to potential costs, this time to the state of Oregon, is the likely impact of not having a concisely uniform standard, instead relying on mail room staff "discretion." Unbounded authority and a lack of personal or institutional accountability for questionable or clearly abusive actions leads to increased prisoner filing of both grievances and discrimination complaints, and increased filing of both state and federal actions by prisoners, their families or friends, and businesses or other organizations whose correspondence runs afoul of the whims of mail room staff lacking firm guidance. Again, see *BARRETT v. PREMIO et al.* (referenced above) for a highly relevant ^{sup}example. ODOC mail room staff statewide have already prompted multiple complaints and imminent lawsuits just from the January 13, 2025, Mail Rule implementation. Can we suppose, then, that allowing each mail room worker to implement per or his own "standard" will/wot lead to more of this? What is the cost, in dollars and lost productivity, when the Attorney General's office must defend ODOC in these fully-preventable lawsuits?

4. Last, the entire fiction of a "flood" of drugs coming in through the mail seems to be a stratagem, a ploy, toward Oregon becoming yet another state to contract with a profit-making third party to "scan" prisoner mail, which is then only available

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electronically. Indeed, ODOC recently promoted a "survey" of prisoners, the obvious point of which was to bribe or induce us into stating we would agree to not receiving actual mail from our families and friends in exchange for being provided a "free" tablet device to view the scanned mail. Many of us are aware, though, that: A) such "service" has been universally detrimental to prisoners and their families in every jurisdiction in the United States where it has been implemented; B) such "service" is of roughly the same quality, and level of customer service, as prison telephone providers, meaning service is glitchy, sporadic, data is frequently lost, and sensitive information exposed to data/identity theft. Prison is already dehumanizing, without being cut off from tangible materials that my family sent me. I have never lost a piece of mail my mother sent me in prison when she was still alive; can any profit-driven, law-bidden boast that level of quality?

To claim, if ODOC can present credible evidence that drugs-by-mail is anything more than a sporadic, small-scale problem, then I propose a more effective solution that shifts the burden of cost back to the State, and off my family, friends, church, and other correspondents: adopt the "RaySecur" touchless imaging system, as recently done by the Hawaii Department of Corrections and Rehabilitation, as reported

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in the April 2005 issue of Prison Legal News (page 39). The system (or one similar to it) is reasonably priced, highly effective at identifying all types of contraband, even drug-soaked paper, and can do so even with unopened mail (legal mail, for example, which is sometimes forged to conceal contraband). This would be a win on multiple fronts: ODOC facilities would gain the ability to quickly and accurately identify all types of contraband in all types of mail; prisoners who do NOT engage in smuggling contraband should be less prone to mail returns and rejections by poorly-trained staff acting on whims or "hunches"; prisoner-recipients and outside senders of contraband will be more reliably identified, and may be held accountable; we can eliminate the highly subjective sections inserted into the Mail Rule (paper color, ink viscosity), which have dramatically interfered with prisoners being able to receive legitimate mail from friends, family, businesses, and organizations.

Thank you very much for your attention to my comments. I strongly urge that these amendments be REJECTED, and a workgroup comprised of ODOC staff, prisoners, family members, and advocacy organizations be established to create a rational, evidence-based plan for prisoner mail services.

Respectfully,


William D. Ruckelshaus

My name is Aurora Shewell and it's an honor to give you my mail rule testimony on behalf of all AIC's and their family members.

Some of the points I spoke about in today's 08/26/25
ODOC Mail Rule Hearing:

- 1) Since August of 2024, I have seen the mail rules increase in severity and restrictiveness. This has caused unnecessary financial and emotional frustration for all AIC's and their loved ones.
- 2) CARDS have been removed- for the holidays, AIC's look forward to receiving cards from their loved ones- now they are no longer allowed.
- 3) Third Party Cards have been disallowed- Which makes ZERO SENSE. I spoke about sending in a 3rd party Valentines day card, yet my husband didn't receive it. It was very expensive. Please remain

consistent with any changes in the rules. It is costing families so much money and is wasteful.

4) AMAZON + ODOC should figure out a system to have return packaging included in all AIC books sent to all ODOC facilities- that way if they are not approved books, they can be easily returned either to AMAZON (in a timely manner), OR to the family member directly.

5) ODOC should be prosecuting those sending in prohibited materials, drugs, contraband, etc. INDIVIDUALLY, not punishing all AIC's and family members.

Thank you for considering my talking points as I speak on behalf of all AIC's whose voices are not always heard and all ODOC family members who weren't able to join us today. A