

OFFICE OF THE SECRETARY OF STATE

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ARCHIVES DIVISION

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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 291
DEPARTMENT OF CORRECTIONS

FILED
08/06/2024 8:33 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: CORRECTED Mail (AIC)

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 09/25/2024 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Julie Vaughn
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3723 Fairview Industrial Drive SE #200
The meeting is open to the public.
Salem, OR 97302

Filed By:
Julie Vaughn
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 09/16/2024

TIME: 1:00 PM - 2:00 PM

OFFICER: Julie Vaughn

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 1-971-277-2160

SPECIAL INSTRUCTIONS:

Meeting URL: [https://teams.microsoft.com/l/meetup-](https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZmFmNGUzZTkOTY1Mi00MGM5LWI5ZGEtODBmMzJIMTIIN2Rm%40thread.v2/0?context=%7b%22Ti)

[join/19%3ameeting_ZmFmNGUzZTkOTY1Mi00MGM5LWI5ZGEtODBmMzJIMTIIN2Rm%40thread.v2/0?context=%7b%22Ti](https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZmFmNGUzZTkOTY1Mi00MGM5LWI5ZGEtODBmMzJIMTIIN2Rm%40thread.v2/0?context=%7b%22Ti)
[3792-477b-abf5-ff27250dd659%22%2c%22Oid%22%3a%22fcf0cae7-38c9-442b-b63b-fb0b026b2abd%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZmFmNGUzZTkOTY1Mi00MGM5LWI5ZGEtODBmMzJIMTIIN2Rm%40thread.v2/0?context=%7b%22Ti)

Meeting ID: 263 170 948 611

Passcode: 75tY9F

Dial in by phone: +1 971-277-2160,,560 415 894#

Only those registered to provide testimony will be called to testify. To register to testify for this hearing, please contact:
DOC.RulesCoordinator@doc.oregon.gov at least 24 hours prior to the start of the hearing.

To join the hearing in listen only mode, you may dial 971-277-2160, Phone conference ID 560 415 894#. Please remember to mute your microphone when not speaking.
The amount of time for each testimony will depend on the number of individuals registered to testify. Be prepared to summarize your testimony within the allotted time.

The hearing will close no later than 2:00 PM and may close earlier if all individuals that have registered to testify have had the opportunity to provide comments into the record. You may also send hard copy written materials to Rules Office, 3723 Fairview Industrial Dr SE #200, Salem, OR 97302, received by the close of the comment period.

For accommodations or questions, please contact the DOC Rules Coordinator at least 72 hours prior to the hearing.

Please note: The hearing previously scheduled for these rules on 8/30/24 at 9:30 AM is cancelled and replaced by this hearing on 09/16/2024 at 1:00 PM.

NEED FOR THE RULE(S)

The purpose of these rules is to establish Department of Corrections policy and procedures governing the sending, receipt, and processing of AIC mail in Department of Corrections facilities. These revisions add a new rule that aligns the rules with statutory requirements for the processing of AIC mail with the Corrections Ombudsman. Proposed amendments to the rules will remove gendered language and add clarifying language and language for consistency with other department rules, change the term "inmate" to "adult in custody" per statutory requirement, and make minor grammatical and punctuation edits. Additional proposed changes to these rules limit the type of envelopes, paper, and the use of certain materials related to incoming mail to seek to prevent the introduction of illicit drugs into Department of Corrections facilities.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

None.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The Department of Corrections anticipates that its proposed adoption of a new rule and the proposed amendments to its Division 131 rules, OAR 291-131 Mail (AIC), will have an overall positive impact on racial equity in this state.

The Department of Corrections' Division 131 rules establish Department of Corrections policy and procedures governing the sending, receipt, and processing of adult in custody mail in Department of Corrections facilities. Among the proposed revisions is a new rule that aligns the rules with statutory requirements for the processing of AIC mail with the Corrections Ombudsman. Proposed amendments to the rules will remove gendered language and add clarifying language and language for consistency with other department rules and make minor grammatical and punctuation edits. The department anticipates that the new rule and these proposed amendments will have no impact on racial equity in this state.

Additional proposed changes to these rules limit the type of envelopes, paper, and the use of certain materials related to incoming mail to seek to prevent the introduction of illicit drugs into Department of Corrections facilities, thereby protecting health and safety of adults in custody and the safety and security of the department's facilities. The department anticipates that these amendments will have no impact on racial equity in this state.

Other changes to OAR 291-131 include proposed amendments that incorporate the new statutory term for individuals incarcerated in Department of Corrections institutions. Previously, incarcerated individuals have been referred to in Oregon law and addressed as "inmates." Recognizing that there are stigmatizing impacts associated with this term, the Legislative Assembly enacted legislation to amend Oregon statutes to refer to incarcerated individuals as "adults in custody." This change aligns with the department's mission and guiding principles, taking steps to normalize and humanize the custodial experience, which can improve relationships between staff and adults in custody. In turn, this can promote the maintenance of internal security, order, discipline, and safety for the adults in custody and staff. The department further understands that all adults in custody, including communities of color, are positively impacted when a culture of inclusivity, normalization, and humanization is created, and that these proposed rule amendments represent another step toward creating this culture. For these reasons, the department anticipates that these proposed rule amendments will have a positive impact on racial equity in this state.

FISCAL AND ECONOMIC IMPACT:

OAR 291-131 makes a variety of changes including operational changes that limit the type of material which will be authorized for use as incoming mail. Non-substantive changes add a new rule for Corrections Ombudsman Mail, remove gendered language, change "inmate" to "AIC", and make minor grammar or punctuation changes.

The rule change is not anticipated to have a fiscal impact to the department, AICs, other state agencies, local governments (the counties), or the general public.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

None.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not involved in the development of these rules as they will not be impacted by these rules.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The department has determined that use of an advisory committee would not have provided any substantive assistance in drafting these rule revisions because of the technical nature of the revisions.

RULES PROPOSED:

291-131-0005, 291-131-0010, 291-131-0015, 291-131-0020, 291-131-0021, 291-131-0025, 291-131-0026, 291-131-0030, 291-131-0032, 291-131-0035, 291-131-0037, 291-131-0050

AMEND: 291-131-0005

RULE SUMMARY: Amends rule to change the term 'inmate' to 'adult in custody'.

CHANGES TO RULE:

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~~adult in custody 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~~adult in custody rehabilitation, it is the policy of the Department of Corrections (DOC) to permit ~~inmates~~adults in custody to send and receive mail in the manner, and under the circumstances, set forth in these rules.

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: 291-131-0010

RULE SUMMARY: Amends rule to change 'inmate' to 'adult in custody', to add definitions for clarity in rules, for minor grammatical edits and other edits for clarity, and to align with language used in other department rules.

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.¶
- (24) 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.¶
- (35) Confiscate: To remove the item or that portion of the item which violates these rules.¶
- (46) Contraband: Any article or thing that an inmateadult in custody is prohibited by statute, rule, or order from obtaining or possessing, or which the inmateadult in custody is not specifically authorized to obtain or possess, or which the inmateadult in custody alters without authorization.¶
- (57) Court Name: The inmateadult in custody name as established and used by the Department of Corrections for use on the inmateadult 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 inmateadult in custody to the Department of Corrections.¶
- (68) Department of Corrections Facility: Any institution, facility, or staff office, including the grounds, operated by the Department of Corrections.¶
- (79) Electronic Messages: Correspondence exchanged between inmatesadults in custody and subscribers through a department approved third-party electronic messaging vendor by means of computers equipped for internet access.¶
- (810) Functional Unit: Any organizational component within the Department of Corrections responsible for the delivery of services or coordination of program operations.¶
- (911) 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.¶
- (102) 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.¶
- (113) 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 any other government agency.¶
- (12) Inmate: Any person under the supervision of the Department of Corrections who is not on parole, probation, or post-prison supervision status.¶
- (134) Inspection: To examine or view, including but not limited to reading, photocopying, scanning, and x-raying.¶
- (145) 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.¶
- (156) 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.¶
- (167) Mail: Incoming or outgoing mail, including electronic messages, authorized by these rules to be sent or received by an inmateadult 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.¶
- (178) Money: Cash, money orders, personal checks, warrants, certified checks, and other remittances.¶
- (189) Non-Inmate-AIC Sender: The organization or person who is not residing at a Department of Corrections facility who sends mail to an inmateadult in custody who is residing in a Department of Corrections facility. The

non-inmate AIC sender or recipient name must match the identity of the sender.¶

(1920) 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.¶

(201) 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.¶

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

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

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

(245) 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.¶

(256) 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 staff employees, public, visitors, inmates, ~~offenders~~ adults in custody, adults on supervision, or the secure and orderly operation of the institution.¶

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

(278) 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

AMEND: 291-131-0015

RULE SUMMARY: Amends rule to change 'inmate' to 'adult in custody', for minor grammatical edits, to remove gendered language, to improve clarity, and to align with language used in other department rules.

CHANGES TO RULE:

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~~Adults in custody shall not send, receive, transfer, or possess mail that violates the provisions of these rules.¶
- (3) ~~Inmates~~Adults in custody 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~~Adults in custody 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. There are no time frames for conducting reviews.¶
- (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) Each month an ~~inmate~~adult in custody who in the previous month has not accumulated the cost of five postage-paid envelopes (for less than one ounce) in ~~his/~~their trust account, will be issued five postage paid envelopes by the facility if ~~he/~~they requests.¶
- (8) ~~Inmate-to-Inmate~~Adult in Custody-to-Adult in Custody Mail Restriction:¶
 - (a) An ~~inmate~~adult in custody may be prohibited from corresponding with another ~~inmate~~adult in custody when directed by the Department of Corrections facility functional unit manager or designee, and approved by the Assistant Director of Operations ~~/or~~ or designee, based on specific circumstances or information which, in their judgment, indicates that the ~~inmate~~adult in custody has or may use correspondence with the other ~~inmate~~adult in custody 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~~adult in custody rehabilitation, or the health or safety of ~~inmates, staff~~adults in custody, employees, or the public, or to engage in other activity that threatens or is detrimental to other legitimate penological objectives.¶
 - (b) The affected ~~inmate~~adult in custody will be notified of the restriction through written directive. A decision to order an ~~inmate-to-inmate~~adult in custody-to-adult in custody mail restriction under these rules shall be final and not subject to administrative review.

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: 291-131-0020

RULE SUMMARY: Amends rule to improve clarity, and to change 'inmate' to 'adult in custody'.

CHANGES TO RULE:

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 shall be enclosed in an approved Department of Corrections envelope with U.S. Postage. The envelope shall contain the ~~inmate's court name, SID~~adult in custody's court name, state identification number (SID), and return address, and the recipient's name and address on the front of the envelope free from obstruction. Official or legal mail must be 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 requires the ~~inmate's court name, SID~~adult in custody's court name, state identification number (SID), and return address, and the official's name and/or title and address. Business mail sent to Central Administration may be sent through the interagency mail system.¶
- (4) ~~Inmates~~Adults in custody 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.¶
- (5) ~~Inmate-to-Inmate~~Adult in Custody-to-Adult in Custody Correspondence:¶
 - (a) ~~Inmates~~Adults in custody are authorized to correspond with other ~~inmates~~adults in custody if the correspondence is otherwise in compliance with department rules.¶
 - (A) ~~Inmates~~Adults in custody may send only the following items to another ~~inmate~~adult in custody:¶
 - (i) Correspondence;¶
 - (ii) One drawing per envelope; and¶
 - (ii) One photograph per envelope.¶
 - (B) ~~Inmates~~Adults in custody shall not send newspaper or magazine clippings, photocopies, printed web pages, or any other material not listed in subsection (A) above to another ~~inmate~~adult in custody through the mail.¶
- (b) All ~~inmate-to-inmate~~adult in custody-to-adult in custody correspondence shall be routed through the U.S. Postal Service.¶
- (c) ~~Inmates~~Adults in custody shall not enclose correspondence other than from the ~~inmate~~adult in custody sender whose name and return address appears on the front of the envelope. ~~Inmates~~Adults in custody shall not request another ~~inmate~~adult in custody to forward correspondence beyond the immediate addressee.¶
- (d) ~~Inmates~~Adults in custody shall not send a package to another ~~inmate~~.¶
- ~~(6) Inmates~~adult in custody.¶
- (6) Adults in custody shall not send correspondence or any item to themselves through the mail.

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: 291-131-0021

RULE SUMMARY: Amends rule to improve clarity and consistency, and to remove gendered language.

CHANGES TO RULE:

291-131-0021

Outgoing Mail Restriction ¶

(1) The department may prohibit an ~~inmate~~adult in custody 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.¶

(2) 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~~adult in custody 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.¶

(3) The functional unit manager or designee will notify the person requesting the outgoing mail restriction of ~~his~~their decision. The decision will be final and will not be subject to administrative review. If an outgoing mail restriction is ordered, the ~~inmate~~adult in custody and the person requesting the outgoing mail restriction shall be provided with a copy of the ~~Outgoing Mail Restriction Notice~~ (CD 618d).¶

(4) ~~Inmates~~Adults in custody may not request an outgoing mail restriction.

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: 291-131-0025

RULE SUMMARY: Amends rule to improve clarity and consistency within these rules, to change 'inmate' to 'adult in custody', to remove gendered language, and to update acceptable materials (such as, paper, envelope, pencil marker) for incoming mail.

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 name and return address, and shall be addressed to the ~~inmate~~adult in custody using ~~his/~~their court name and ~~SID~~state identification number.¶

~~(a) Inmates (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 inmate~~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 ~~inmate~~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 inmate~~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 or color pencil, non-toxic markers, or be typewritten or photocopied pencil, or be typewritten or photocopied.~~¶

~~(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, 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 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.~~ ¶

~~(35) Transfers and Work Crews:~~¶

~~(a) Incoming mail to inmates~~adults in custody not residing in the receiving facility will be forwarded to the ~~inmate~~ ~~if he/~~adult in custody if they resides at another Department of Corrections facility.¶

~~(b) Incoming mail for inmates~~adults in custody temporarily transferred to another criminal justice agency will be held at the facility for seven consecutive days. If the ~~inmate~~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 ~~inmate~~adult in custody has been returned.¶

~~(c) Work Crews: Incoming first-class mail for inmates~~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.¶

~~(46) Mail received for an inmate~~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.¶

~~(57) 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 inmate~~adult in custody shall be prohibited.¶

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

(~~68~~) ~~Inmates~~ Adults in custody may receive catalogs, advertisements, brochures, promotional materials, pamphlets, sweepstakes, and contest materials solicited by the ~~inmate~~ adult in custody provided the materials are properly addressed with the ~~inmate~~ adult in custody's court name and ~~SID~~ state identification number (SID) and are received directly at the correct address where the ~~inmate~~ adult in custody is currently housed. These materials must conform to any content restrictions contained within this rule.¶

(~~79~~) 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.¶

(~~810~~) No notice or administrative review will be provided to the sender or intended ~~inmate~~ adult in custody recipient for mail refused under subsections (5), (6), and (7) above of this rule.¶

(~~911~~) 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.¶

(~~102~~) Central Administration Review of Publications:¶

(a) Facility mailroom ~~staff~~ 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 ~~inmate's name and SID~~ 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 ~~inmate~~ 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 ~~staff~~ 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.¶

(~~113~~) General correspondence is authorized up to ~~1/4~~ 3/4-inch thickness. Legal and official mail received directly from the original source is authorized up to three inches thick. Legal and official mail ~~in excess of~~ more than three inches requires prior approval from the functional unit manager or designee through a package authorization form.¶

(~~124~~) 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, hand-made 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 (~~e.g. for example~~, paper clips, rubber bands, uncanceled stamps, book-marks, envelopes, blank paper, blank cards, or blank postcards, etc.) may be removed and destroyed, and the remaining mail sent to the ~~inmate~~ 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 (~~i.e. 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 ~~inmates~~ adults in custody.¶

(~~135~~) 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.¶

(~~146~~) 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: 291-131-0026

RULE SUMMARY: Amends rule to change the term 'inmate' to 'adult in custody', to align with language used in other department rules, and for minor grammatical edits.

CHANGES TO RULE:

291-131-0026

Electronic Messaging ¶

(1) Availability and ~~Inmate~~Adult in Custody Access:¶

(a) The Department of Corrections may, in its sole discretion, authorize eligible ~~inmates~~adults in custody 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 rules and in the department's rules on Performance Recognition and Award System (PRAS) rules (OAR 291-077).¶

(b) ~~Inmates~~Adults in custody that are eligible to access electronic messaging may do so in accordance with these rules, contingent upon the payment of a fee to the third-party vendor.¶

(c) ~~Inmates~~Adults in custody shall not use the electronic messaging system to correspond with other ~~inmates~~adults in custody.¶

(2) 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~~adult in custody mail. Electronic messages should be processed within two days of receipt.¶

(b) Incoming electronic messages will be processed by an approved third-party vendor and delivered electronically to department mail-rooms. Staff will review, and when necessary, print and deliver the messages to ~~inmates~~adults in custody. Outgoing electronic messages from ~~inmates~~adults in custody will be reviewed, scanned, and processed by department mail-room ~~staff~~employees and forwarded to the approved third-party vendor for review, scanning, and posting.¶

(c) All electronic messages will be subject to regular mail inspection and examination. No electronic message will be afforded special processing by department ~~staff~~employees as legal mail or official mail.

Statutory/Other Authority: ORS 179.040, 423.020, 423.030, 423.075 ~~Stat Impl: 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 change 'inmate' to 'adult in custody', for clarity, and to align with language used in other department rules.

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 ~~inmate~~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 ~~inmate~~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 (~~i.e. that is,~~ opened, examined, read or photocopied) outside of the ~~inmate~~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 ~~inmate~~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, ~~staff,~~ ~~or inmates~~employees, or adults in custody.

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

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

ADOPT: 291-131-0032

RULE SUMMARY: Adopts rule to govern the processing of Corrections Ombudsman mail as required by ORS 423.440.

CHANGES TO RULE:

291-131-0032

Corrections Ombudsman Mail

Mail that is addressed to or from the Corrections Ombudsman shall be processed in accordance with the requirements of ORS 423.440. Specifically, a letter to the Corrections Ombudsman from an adult in custody shall be forwarded immediately, unopened, to the Corrections Ombudsman. A letter from the Corrections Ombudsman to the adult in custody shall be immediately delivered, unopened, to the adult in custody.

Statutory/Other Authority: ORS 179.040, 423.020, 423.030, 423.075, 423.400

Statutes/Other Implemented: ORS 179.040, 423.020, 423.030, 423.075, 423.400

AMEND: 291-131-0035

RULE SUMMARY: Amends rule to change the term 'inmate' to 'adult in custody', to clarify the rule, and for minor grammatical, punctuation or spelling edits.

CHANGES TO RULE:

291-131-0035

Prohibited Mail ¶¶

The following materials constitute prohibited mail that shall be confiscated or returned to the sender:¶¶

(1) Sexually Explicit Material:¶¶

(a) Sexually explicit material that by its nature or content poses a threat or is detrimental to the security, good order, or discipline of the facility, ~~inmate~~adult in custody rehabilitation, or facilitates criminal activity including, but not limited to, the following:¶¶

(A) Individual photographs in which the subject is nude or exposes male or female genitalia, the pubic area, anus, or female areola.¶¶

(B) Freestanding nude or partially nude images that include clippings from newspapers and magazines, photocopies, electronic images, printed web pages, drawings, photographs, and other media. Such images, whether human or anime (that is, cartoon), may not include nude subjects, or depict or display male or female genitalia, the pubic area, anus, or female areola.¶¶

(C) 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.¶¶

(D) Excretory Functions: Portrayal of actual or simulated human excretory functions including, but not limited to, urination, defecation, or ejaculation.¶¶

(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~~Adult in Custody Rehabilitation, or Facilitates Criminal Activity: Material that by its nature or content poses a threat or is detrimental to the security, safety, health, good order or discipline of the facility, ~~inmate~~adult in custody 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~~adult in custody 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~~security threat group-related paraphernalia.¶¶

(j) It contains inflammatory material.¶¶

(k) It contains detailed maps of areas within 50 miles of correctional facilities or work-stations.¶¶

(3) Credit or Deferred Billing Transactions: Mail involving credit or deferred billing (e.g. for example, "bill me later" or "payment after delivery") transactions for the purchase of or subscription to publications (e.g. for example, books, newspapers, magazines) or other items or merchandise is prohibited. Mail prohibited under this subsection includes:¶

(a) Outgoing inmate adult in custody requests or purported agreements to enter ~~into~~ a credit or deferred billing transaction.¶

(b) Incoming publications or other items or merchandise, including promotional (e.g. for example, free gift or premium) items given in exchange for purchase or subscription, received in a Department of Corrections facility that 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 that an inmate adult in custody shall not possess within the Department of Corrections facility to which the inmate adult in custody is assigned.¶

(b) Material that an inmate adult in custody shall not possess within the facility or that 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, un-cancelled 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, wax, glitter, foam 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 adult in custody 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.

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 to improve consistency and clarity within these rules, and to change 'inmate' to 'adult in custody'.

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 to ~~other applicable~~ 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-~~Inmate~~ AIC Sender: ¶

(A) Contraband (including unauthorized attachments or enclosures) that is not illegal or evidence of a crime shall be returned to the non-~~inmate~~-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 (~~e.g. for example~~, paper clips, rubber bands, uncancelled stamps, book-marks, envelopes, blank paper, blank cards, blank postcards, etc.) may be removed and destroyed and the remaining mail sent to the ~~inmate~~ adult in custody if the remaining contents are otherwise in compliance with department rules. No notice shall be provided to the sender or ~~inmate~~ adult in custody recipient for the removal and destruction of minimally valued items. ¶

(c) ~~Inmate~~ Adult in Custody Sender: Any enclosures (~~i.e. 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 ~~inmate~~ 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 ~~inmate~~ adult in custody may be issued a misconduct report, in accordance with the department's rules 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~~ 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 ~~notice~~ mail confiscation notice (CD 618b) shall also be provided to the intended ~~inmate~~ adult in custody 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~~ adult in custody recipient if the correspondence is otherwise in compliance with department rules. ¶

(b) Monies other than cash (~~e.g. 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~~ notice (CD 618a). A copy of the ~~Mail Violation~~ and publication violation ~~Notice~~ notice (CD 618a) shall be provided to the intended ~~inmate~~ 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 ~~archive standards~~ 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: ¶

(a) Mail received with unauthorized attachments affixed to the outside of an envelope or package shall remain unopened, be refused, and returned to the U.S. Postal Service or ~~applicable~~ other authorized mail service provider. Notice of the reasons 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 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 ~~M~~mail ~~V~~violation ~~N~~Notice 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-~~inmate~~AIC sender: The sender and intended ~~inmate~~adult in custody recipient shall be notified of the rejection of mail, including the reasons, on a ~~M~~mail ~~V~~violation and publication violation ~~N~~notice (CD 618a) for correspondence, or a ~~P~~ublication ~~V~~iolation ~~N~~otice 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 ~~archive standards~~.¶

~~(B) Inmate Sender: The inmate~~the applicable record retention schedule.¶

(B) Adult in Custody Sender: The adult in custody sender shall receive the same standards as the non-~~inmate~~AIC sender. However, the intended recipient shall not be notified of the rejection for any mail sent by an ~~inmate~~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-~~inmate~~AIC Sender: If the mail is confiscated, notice shall be made to the sender and intended ~~inmate~~adult in custody recipient on a ~~M~~mail ~~C~~onfiscation ~~N~~otice (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~~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 ~~inmate~~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 ~~inmate~~adult in custody may be issued a misconduct report in accordance with the ~~department's~~ rules on Prohibited ~~Inmate~~ Conduct and Processing Disciplinary Actions (OAR 291-105). Otherwise, after the investigation is completed, the ~~inmate~~adult in custody will be notified of the confiscation. If no administrative review is requested, the mail shall be maintained according to ~~archive standards~~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 ~~to other applicable~~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 ~~M~~ail ~~V~~mail violation and publication violation ~~N~~notice (CD 618a).¶

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

(8) Mail from ~~v~~Vendors that ~~r~~Repeatedly ~~v~~Violate ~~m~~Mail ~~r~~Rule ~~s~~Standards:¶

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

(b) Vendors that repeatedly send prohibited content to ~~inmates~~ 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

AMEND: 291-131-0050

RULE SUMMARY: Amends rule to change 'inmate' to 'adult in custody', to improve clarity and consistency within these rules, and to remove gendered language.

CHANGES TO RULE:

291-131-0050

Administrative Review ¶¶

(1) Correspondence and Publications:¶¶

(a) Non-~~Inmate~~AIC Sender:¶¶

(A) A non-~~inmate~~AIC sender who has received a mail violation, and publication violation, ~~or~~ notice or a mail 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 why the rejection should not be sustained and include the ~~rejection~~mail violation and publication violation notice or the mail confiscation notice. The rejected mail, if returned to the sender, must be submitted with the mail violation ~~or~~ and publication violation notice or the mail confiscation notice along with the review request.¶¶

(B) An intended ~~inmate~~adult in custody recipient who has received a mail violation, and publication violation, ~~or~~ notice or a mail 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, or 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 Adult in Custody Sender: An adult in custody sender who has received a mail violation and publication violation notice or a mail confiscation notice for written or pictorial content may obtain an independent review with the same provisions as a non-~~inmate~~AIC 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~~adult in custody 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~~violation and publication violation ~~or~~notice or the mail confiscation notice, the request for administrative review, and where necessary, the rejected mail, article, or material for compliance with department rules. No formal hearing shall be conducted.¶¶

(c) The functional unit manager or designee shall permit the intended ~~inmate~~adult in custody recipient an opportunity to review the rejected mail for purposes of administrative review, unless such review may provide the ~~inmate~~adult in custody 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~~adult in custody recipient shall specify in writing the reason 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~~adult in custody was not allowed to review the rejected material for the reasons stated above.¶¶

(B) If the ~~inmate~~adult in custody 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~~violation and publication violation ~~or~~notice or the mail confiscation notice, the request for administrative review, and where necessary, the rejected mail, article, and material) to the functional unit manager or designee for ~~his~~their 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 who requested the administrative review.¶¶

[ED. NOTE: Forms referenced are available from the agency.]

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

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

