

ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency _____

Department _____

Contact _____ E-mail _____ Phone _____

Statutory Authority for Promulgating Rules _____

Rule Title: _____

Intended Effective Date

(Check One)

Date

☐ Emergency (ACA 25-15-204) Legal Notice Published _____

☐ 10 Days After Filing (ACA 25-15-204) Final Date for Public Comment _____

☐ Other _____ Reviewed by Legislative Council _____
(Must be more than 10 days after filing date.)

Adopted by State Agency _____

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)


Signature

Phone Number

E-mail Address

Title

Date

 <p style="text-align: center;">ADMINISTRATIVE RULES</p> <p style="text-align: center;">STATE OF ARKANSAS</p> <p style="text-align: center;">BOARD OF CORRECTIONS</p>	Section Number:	Page Number:
	860	1 of 3
	Board Approval Date:	
	08/12/10	
	Supersedes: AR 860	Dated: 03/24/01
	Reference:	Effective Date: 08/22/10
SUBJECT: Inmate Correspondence		

I. POLICY:

To establish guidelines for correspondence between inmates and certain persons and organizations for the purpose of retaining community ties, stimulating intellectual pursuits, assisting in attainment of vocational or educational goals, resolving grievances and problems, and facilitating the flow of information in areas of legal concern.

II. EXPLANATION:

Correspondence, at a wholesome and constructive level, with family members, close friends, associates and organizations is essential to the morale of all confined persons. It may form a positive basis for both present and future adjustment in the unit/center and in the community.

A. There are generally three classes of correspondence: Privileged, General, and Interstate/Inter-Unit

1. Privileged Correspondence

Incoming and outgoing correspondence with the persons or organizations specified below shall be considered privileged correspondence as long as the designated individuals are acting in their official capacities.

- a. Officers of Federal, State, and Local Courts
- b. Any Federal, State Official or Agency
- c. Any administrator of the Department of Correction
- d. The Parole Board or any member thereof
- e. Board of Corrections
- f. Inmate's Attorney
- g. Any member of the media, including print, radio, and television

Mail from the above will be opened only in the presence of the inmate concerned for inspect of contraband. Mail opened and inspected under these circumstances will not be read or censored, but may be rejected in its entirety if it is found to contain contraband.

There will be no records kept of incoming or outgoing privileged correspondence. Outgoing privileged correspondence shall have the words "Privileged Correspondence" or "Legal Mail" marked on the envelope or it will be considered general correspondence. All incoming mail should be in official letterhead envelopes and should be clearly identified as "Privileged Correspondence". Media mail should be clearly marked "Media Mail".

2. General Correspondence

Correspondence, other than privileged or Interstate/inter-unit correspondence, shall be considered general correspondence. Inmates do not need to submit a list of the people with whom they wish to correspond, nor will any approval be needed from the administration prior to corresponding. There will be no limitation placed on the number of letters mailed or received. All general correspondence, both incoming and outgoing, may be opened, inspected, read and records may be kept of all incoming and outgoing general correspondence to see that the family contact is maintained. Such contact is essential for

rehabilitation and arrangements may be made, in the absence of family contact, for correspondence with a volunteer.

The full name under which the inmate was committed and the ADC number of the inmate shall be shown in the upper left-hand corner of the envelope on the outgoing mail. Any violation of the rules and rules which also constitutes a violation of Federal Postal Laws shall be reported to the Federal Postal authorities or appropriate personnel responsible for the processing and inspection of such mail. Inmates in punitive segregation will be allowed to send and receive letters on the same basis as inmates in the general population. This will include both general and privileged correspondence.

3. Interstate/Inter-Unit Correspondence between Incarcerated Individuals

Interstate and Inter-unit correspondence is that mail between all individuals who are incarcerated either within the Arkansas Department of Correction or another facility. Interstate, and Inter-Unit correspondence of two (2) incarcerated individuals will be restricted to members of the immediate family. It will be subjected to the usual rules under general correspondence. Inter-unit correspondence must have the approval of both the sending and receiving unit/center Warden/Center Supervisor. In the case of Interstate correspondence where the out of state facility does not take a position, only the Arkansas Warden/Center Supervisor must approve. For the purposes of this provision "immediate family" is defined as the inmate's father, mother, sister, brother, spouse, children, grandparents, grandchildren, stepfamily members, half-siblings, verified foster child, son-in law, daughter-in-law, niece or nephew.

B. Packages:

Inmates who are authorized hobby craft cards may order and receive items previously approved by the Warden/Center Supervisor or his/her designee. No other packages will be allowed except with the approval of the Warden/Center Supervisor and the appropriate Assistant/Deputy Director.

Items needed may be purchased through the commissary.

C. Definitions:

1. Inspections: Mail or hobby craft packages can be opened in order to determine if any contraband items are contained therein and to remove any such contraband items.
2. Contraband: Any item that is not permitted under the usual rules of the unit/center.
3. Rejection: Subject to review and rejection of such material which the officials sincerely believe presents a clear and present danger to institutional security.

D. The administrator reserves the right to inspect, read, or stop any mail or hobby craft packages where there is reason to believe a clear and present danger to the security of the unit/center exists.

E. The Department will not accept postage due mail or hobby craft packages.

F. All letters will be written in the English language unless there is approval by the Warden/Center Supervisor to do otherwise.

G. Violators of correspondence rules will be subject to disciplinary action.