

Readopt with amendment and renumber Cor 301.05, effective 3/23/2018 (Document #12502), as Cor 314 to read as follows:

PART Cor 314 RESIDENT MAIL, ELECTRONIC MESSAGING, AND PACKAGE SERVICE.

Cor 314.01 Purpose. The purpose of this part is to establish departmental rules for incoming and outgoing correspondence, publications, and packages.

Cor 314.02 Applicability. This part shall be applicable to all NH DOC staff, residents, and the public.

Cor 314.03 Definitions.

(a) “Commissary” means a place where residents can purchase clothing, food and sundries the term also includes canteen.

(b) “Cash withdrawal slip” means a form used for residents to draw funds from their resident account in order to purchase items or pay bills.

(c) “Electronic messaging” means a privilege that provides digital correspondence service provided by a contracted vendor.

(d) “Hobbycraft” means an activity where residents participate in arts and crafts.

(e) “Investigations bureau” means the bureau charged with investigating allegations of gross misconduct or criminal activity.

(f) “Legal mail” means correspondence between a resident and his or her attorney(s), but does not include electronic messages.

(g) “Literary Review Committee (LRC)” means a committee appointed by the commissioner of corrections to review questionable materials attempting to be introduced into a facility.

(h) “Partially nude figure” means a figure with less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below a point immediately above the top of the areola.

(i) “Privileged mail” means correspondence with public officials, including any elected state or federal official or any appointed head of a state or federal agency, courts, attorneys, medical offices, or law-enforcement agencies.

(j) “Resident account” means an account established by the NH DOC for the resident to control the resident’s funds.

Cor 314.04 Procedure.

(a) The NHDOC shall allow residents to send and receive correspondence, publications, and packages through the United States Postal Service, contracted vendor, or regulated parcel carriers, according to all applicable laws and regulations.

(b) Members of the public who choose to communicate using the electronic messaging system implicitly consent to:

- (1) Staff monitoring all electronic messages;
- (2) Potential suspension or revocation of service for individuals who transmit content identified as unacceptable pursuant to Cor 314.11; or should the message, attachment, or both contain materials that directly threaten operational security, personal security, or both, or contain images or acts of abuse, violence, or both. and
- (3) Failure to abide by rules set forth within Cor 314 shall result in a forfeiture of use of the electronic messaging service for a minimum of one year from the date of the occurrence.

Cor 314.05 Incoming Mail Requirements.

- (a) Incoming correspondence shall be written in black or blue ink pen, or pencil.
- (b) Incoming correspondence containing any of the following, but not limited to, shall be prohibited:
 - (1) Marker;
 - (2) Crayon;
 - (3) Colored pencil;
 - (4) Glitter;
 - (5) Chalk;
 - (6) Lipstick;
 - (7) Sticker(s);
 - (8) Adhesive material; and
 - (9) Gel pens.
- (c) Incoming correspondence shall use unscented standard white copy, printer, or loose-leaf paper or standard stock index cards.
- (d) The following forms of correspondence shall be prohibited:
 - (1) Greeting cards;
 - (2) Postcards featuring any type of printed design, picture or depiction; and
 - (3) Any unusually thick paper or stationary.
- (e) All books, periodicals, and magazines shall be:
 - (1) From a bona fide publisher or bookstore;
 - (2) Prepaid and postage paid; and

(3) Delivered through the United States Postal Service.

(f) COD packages and items that have been re-packed or delivered by other sources shall not be accepted.

(g) Newspaper articles, internet printings, and photocopies shall be authorized if they do not violate any other standard of this rule, and:

(1) The article shall be no larger than standard letter size of 8 1/2 x 11"; and

(2) The article shall not be altered in any form.

(h) Book size shall not exceed 9 inches by 12 inches.

Cor 314.06 Mail and Package Limitations.

(a) When the cost is borne by the resident, there shall be no limit on the volume of letters a resident may send or receive.

(b) Incoming resident mail shall be limited to 10 pages in length per letter.

(c) Packages shall be limited to 15 pounds.

(d) Bulk mail that advertises or solicits any item or service that residents are not authorized to receive shall not be forwarded to the residents.

Cor 314.07 Mail Security Screening.

(a) All incoming and outgoing mail shall be subject to being opened, copied and read except for privileged correspondence and legal mail pursuant to Cor 314.15 and Cor 314.16.

(b) No correspondence shall be accepted with any type of binding attached to the pages of the documents. The NH DOC shall not consider a single staple to be "bound". Staff shall remove a single staple and forward the mail to the resident.

(c) The following documents addressed to residents shall be accepted by the mailroom staff and forwarded to the administrator of programs of the facility where the resident is housed:

(1) Birth certificate;

(2) Passport;

(3) Certificates of naturalization;

(4) Social security cards;

(5) Drivers licenses; and

- (6) Non-driver license identification issued by the NH department of motor vehicles.
- (d) If a resident, through legal mail, privileged correspondence, or regular mail receives a check, the check shall be forwarded to the mailroom to be logged and forwarded to the NH DOC bureau of resident accounts where the check shall be deposited in the resident's account.
- (e) All cash received in the mail shall be treated as contraband.

Cor 314.08 Electronic Message Screening.

- (a) All incoming and outgoing electronic messages shall be subject to monitoring and inspection prior to delivery.
- (b) Incoming or outgoing messages that are in violation of this rule shall be rejected unless the message is potentially criminal in nature in which case the message shall be forwarded to the investigations bureau for further review.
- (c) Messages sent by residents that are in violation of this rule shall subject the resident to administrative, or criminal action, or both.

Cor 314.09 Withholding or Rejecting of Mail, Electronic Messages or Packages.

- (a) Incoming or outgoing resident mail, electronic messages, magazines, books, or packages that meet any of the following criteria shall be withheld:
 - (1) Descriptions or depictions of procedures for the construction or use of weapons, ammunition, bombs, incendiary devices, or other items that might constitute a security hazard;
 - (2) Materials that depict, encourage, or describe methods of escape from correctional facilities, or contain blueprints, drawings, or similar descriptions of locking devices of penal institutions, and other materials that might assist in the planning or execution of an escape;
 - (3) Descriptions or depictions of procedures for brewing alcoholic beverages, or the use, procurement, or manufacture of drugs, and drug paraphernalia;
 - (4) Material that violates postal regulations, makes unlawful threats, or attempts at blackmail or extortion;
 - (5) Material that contains contraband as defined by other federal or state law or regulation;
 - (6) Photographs, pictures, or videos of partially nude children, or adult visitors, or which contain an image where the head is cropped or obscured, making the age determination of the subject indeterminable;
 - (7) Publications containing explicit descriptions, advertisements, or pictorial representations of sexual acts that include penetration, bestiality, or sex involving children;
 - (8) Correspondence between a resident, current probationer or parolee or supervisee of any other correctional department, institute or jail without the permission of the chief administrator of each facility or his or her designee;

- (9) Documents written in code or instructions on how to write in code, including the use of emoji;
- (10) Descriptions or depictions that encourage activities which may lead to the use of physical violence, group disruption, or security threat group activity;
- (11) Materials that encourage or instruct in, the commission of criminal activities or are in violation of the rules of conduct for residents;
- (12) Material pertaining to gambling or facilitation of a lottery;
- (13) Unauthorized solicitation of gifts, goods, or money from persons other than the family of the resident;
- (14) Correspondence constituting or contributing to the conduct or operation of a business, except correspondence necessary to protect the property or funds of the resident during confinement or for educational purposes;
- (15) Contents that would, if transmitted, create a clear and present danger of violence and physical harm to persons or property, or severe psychiatric or emotional disturbance to a resident;
- (16) Material or correspondence that relates to resident or prison organized groups or unions;
- (17) Security threat group correspondence or materials;
- (18) Obscene material as determined and defined by the LRC, the commissioner, or a court of law;
- (19) Resident to resident mail except as authorized by the warden, director or designee; and
- (20) Materials that may jeopardize institutional security.

(b) When incoming mail or packages, other than bulk or, third or fourth class is rejected for any reason, the originator if readily identifiable shall be notified that the letter or package was rejected by the respective mail or property room staff.

(c) All notices of rejected, non-processed, or un-forwarded mail or packages shall be in writing and shall specifically cite the reason(s) for the rejection or non-processing.

(d) Any material provided to investigative agencies shall be handled and processed as physical evidence in accordance with applicable laws, rules, and regulations.

(e) Residents may request one copy of the existing "Withheld Mail Log" entries pertaining to them for a particular date or timeframe at his or her own expense. The log shall be maintained in the mailroom for a minimum of 60 days. Thereafter, the log shall be archived.

(f) All mail or electronic messages shall be withheld from residents on suicide watch. Non-privileged mail shall be placed in the resident's personal property. Privileged mail shall be logged into

the Legal Mail Log where it shall be noted that the resident was unable to sign for it. Privileged mail shall then be held in the facility property room.

Cor 314.10 Mail Forwarded to the Investigations Bureau.

(a) Material that will become part of an official investigation shall be retained as evidence. Both the sender and the intended recipient shall be notified by investigations bureau staff within 10 working days that the material is being held as evidence, unless making the notification jeopardizes the investigation, in which case a written exception shall be sought from the professional standards director or higher authority. In the event that the exception is not approved, the resident shall be given written notification within 10 days of the date of that decision.

(b) Material that does not constitute a violation of Cor 314.11 (a) shall be returned to the mailroom staff with instructions to forward it to the addressee. If the material is held less than 10 days, no notice to the resident of the item being withheld shall be required.

(c) Unauthorized resident to resident mail shall be retained by the investigations bureau and is not subject to the notification requirement.

(d) Material that the investigations bureau has determined should be rejected shall be returned to mailroom staff with an explanation for rejection together with instructions to notify both the sender, if known, and the intended recipient. Notice to the resident and the sender shall be from the mailroom.

Cor 314.11 Privileged Correspondence.

(a) All privileged mail shall be completely confidential and shall be clearly marked "Privileged" on the address side of the envelope.

(b) Outgoing privileged mail shall be handled without interference, inspection, reading, or opening.

(c) Privileged mail or correspondence shall leave the possession of the resident sealed and shall be delivered sealed.

(d) Incoming privileged mail shall be opened and inspected for contraband only in the presence of the resident.

(e) When the author of either inbound or outbound mail is in doubt, such items shall be brought to the attention of the department's investigations bureau prior to delivery.

(f) Mail addressed to an individual indicated as privileged shall not be opened for inspection except in the resident's presence.

(g) Residents may seal correspondences addressed to individuals who are classified as privileged before depositing the mail in an approved collection box.

(h) The following shall be the complete list of agencies or individuals classified as privileged:

- (1) President of the United States, Washington DC;
- (2) Vice President of the United States, Washington DC;
- (3) Members of Congress addressed to appropriate office;

- (4) The Attorney General of the United States and regional offices of the Attorney General;
 - (5) Federal or state courts;
 - (6) The governor and council of the State of New Hampshire, State House, Concord, NH 03301;
 - (7) The Attorney General of the State of New Hampshire, 33 Capitol St, Concord, NH 03301;
 - (8) Commissioner of the NHDOC;
 - (9) Wardens or directors of the NHDOC;
 - (10) Members of the state parole board;
 - (11) Members of the New Hampshire general court, at the state house or legislative office building;
 - (12) County Attorneys;
 - (13) Doctors and medical staff of the NHDOC;
 - (14) Doctors and medical staff not on the staff of the NHDOC; and
 - (15) Law Enforcement Agencies.
- (i) The following correspondence shall not require postage:
- (1) Federal or State courts;
 - (2) The governor and council of the State of New Hampshire;
 - (3) The attorney general of the State of New Hampshire;
 - (4) Members of the New Hampshire general court;
 - (5) Members of the New Hampshire parole board; and
 - (6) Staff members of the NHDOC.

Cor 314.12 Legal Mail.

(a) Correspondence between a resident and his or her attorney(s) shall be opened in the presence of the resident to ensure the authenticity of the correspondence and to check for contraband.

(b) The phrase “Legal Mail” shall be written on the address side of the envelope in order to assure confidential handling in either in-bound or out-bound legal mail.

(c) Incoming legal mail found in violation of this rule shall be forwarded to the investigations bureau for appropriate action with the person(s) or firm(s) involved.

(d) Legal mail shall not be bound. No legal correspondence shall be accepted with any type of binding attached to the pages of the documents. The NHDOC shall not consider a single staple to be "bound". Staff shall remove the staple and forward the mail to the resident.

Cor 314.13 Non-privileged Incoming Mail.

(a) All incoming mail shall have the resident's full name and ID number as part of the mailing address. Mail received without the ID number shall be returned to sender as having insufficient address.

(b) Items, which residents are not authorized to have in their possession, or items that exceed the authorized allowances, shall be returned to the sender or otherwise disposed of as requested by the resident involved.

(c) The NHDOC or any of its employees shall not be responsible for any incoming package to residents unless the package has been mailed "Certified Mail Return Receipt Requested" and staff has signed acknowledgement of receipt for the package.

Cor 314.23 Appeals.

If a resident or correspondent believes that the NH DOC improperly rejected mail, packages, books or periodicals he or she may appeal to the warden or director in writing within 10 days of the date they were sent notice of the decision.

Appendix

RULE NUMBER	STATUTE IMPLEMENTED
Cor 305	RSA 21-H:13, I, II and III(a)
Cor 312	RSA 21-H:13, I, II and III(a)
Cor 313.03	RSA 21-H:13, I, II and III(a)
Cor 314	RSA 21-H:13, I, II and III(a)