

New Mail Policy in Michigan Prisons:

Billionaires Profit at the Expense of Prisoners, their Families and Friends, and U.S. Postal Service

When the state is most corrupt the laws are multiplied. –Tacitus

Effective November 1st, 2017, the Michigan Department of Corrections (MDOC) has instituted a new mail policy, which they falsely claim will stem the flow of contraband, primarily the controlled substances suboxone and fentanyl, into Michigan prisons, when they well-know over 80 percent of all contraband is smuggled into prisons by employees, as confirmed by multiple studies. If the MDOC really wanted to stop drugs and other contraband, such as cell phones and tobacco, from entering its prisons, then they would search all MDOC employees just as thoroughly upon entry as they do prisoners' families and friends when visiting. Consequently, one can only conclude that stopping contraband is not the goal of this new policy, merely the excuse for it, and a cynical person might easily think this new policy's goal is to enable MDOC employees to corner the remaining 20 percent of the contraband market.

Its real goal, however, is to stop prisoners, their families, and friends from sending mail via the U.S. Postal Service (USPS) and force them into buying email "stamps" from JPay, so JPay and the MDOC can rake in profits, while enabling this mail to be closely monitored and recorded for future reference. Thus, taking a big step towards the eventual shut down of prison mail rooms, while effectively abrogating the First Amendment to the U.S. Constitution by preventing newspapers, magazines, and other publications from entering MDOC prisons. As already established, sending and receiving email is not a right, it is a privilege, with prisoners on sanctions not allowed access to JPay kiosks, when prisoners on sanctions, even in the hole, i.e., administrative segregation, send and receive USPS mail by right. Welcome to the Panopticon, where all is seen, yet remains hidden, so billionaires can stuff their pockets at the public's expense.

JPay, by the way, is a subsidiary of Securus, the second-largest prison phone company in the U.S., currently owned by the shadowy hedge fund Abry Partners, and in the process of being sold, if not sold already, to Detroit Piston's owner Tom Gore's Platinum Equity. Meanwhile, Pitney Bowles, FedEx, and UPS are waiting in the wings for the USPS's demise in order to snap up the profitable urban and suburban mail routes, leaving the unprofitable rural routes with minimal, if any, mail service. The USPS having been rendered "unprofitable" through the Congressional accounting trick of forcing it fund pensions years in advance, at behest of Pitney Bowles, et al., at the expense of its infrastructure. The final blow will likely come from Donald Trump, whose policy is to sacrifice the public's interests and assets on the altar of private capital.

A close read of the MDOC's new mail policy directive and operating procedure, PD05.03.118 and OP05.03.118A, respectively (n.b., both posted at www.freerandgould.com) signed by MDOC director Heidi Washington, reveals they have less to do with stopping drugs and way more to do with ending prisoners' communication via USPS mail, while going a long way in proving George Orwell's point that "the greatest enemy of clear language is insincerity." Tellingly, the section of the new PD05.03.118 titled "Prohibited Incoming Mail" begins with a blatant lie:

Envelopes which cannot be effectively searched may provide a means of introducing controlled substances, for example suboxone or fentanyl, or other contraband which poses a threat to the security, good order, or discipline of the facility [emphasis supplied]

A lie because the MDOC well-knows plain envelopes can be easily and effectively searched using a “Light Pad” or detection light as described in OP05.03.118A, paragraph C, subparagraph 4, which it has been doing for years. Formerly, claiming only “padded, corrugated” envelopes could not be effectively searched, as stated in the old mail policy, PD05.03.118, paragraph BB, effective date 9/14/2009 (www.freerandgould.com).

Nevertheless, according to the new mail policy and procedure, all incoming envelopes will be thrown in the trash, unshredded, leaving anyone, including other prisoners, access to prisoners’ families and friends addresses. They will then be replaced with new plain white envelopes, paid for by our Prisoner Benefit Fund (PBF), with our names and numbers written on them, hopefully, with our letters inside and, in most cases, leaving us no way of knowing the return address or even the name of the sender.

However, the newly rewritten, effective November 1st, 2017, PBF policy directive, PD04.02.110, paragraph E, still specifically forbids the MDOC’s use of the PBF to purchase these replacement envelopes:

The PBD shall *not* be used to fund an activity or program that is necessary to institutional operations.
[MDOC’s emphasis]

Ignoring the preceding paragraph, the MDOC added language in paragraph F that directly contradicts it:

In addition, the PBD shall be used to purchase plain envelopes used for the delivery of prisoner mail in accordance with PD05.03.118

An error typical of the MDOC, which has long taken the position that it is not required to follow its own rules or the law for that matter.

Similar to the Indiana Department of Corrections’ new mail policy put in place “temporarily” on April 1st (April Fool’s Day, really!?), as reported this summer by Kwame “Beans” Shakur in *San Francisco Bay View*, the MDOC’s new mail policy requires all personal correspondence to be printed or written only in black or blue ink, or graphite pencil, and greeting cards to be commercially produced, which effectively prevents any drawings or cards made by prisoners’ children, grandchildren, nieces, or nephews from coming into prisons. I, for one, really looked forward to the drawings my niece made, usually in crayon, and was looking forward to similar drawings from her two girls. None of which will be allowed in, according to this new mail policy, and none of which is capable of coming in via JPay. No photos printed on photo paper, cardstock, or paper heavier than 24 pound will be allowed in either.

Moreover, some prison mail room employees, either through malice or ignorance, are misinterpreting the new mail policy regarding ink color and paper weight to apply to publications sent directly from the publisher or authorized vendor, such as newspapers, magazines, books, etc., when both policy and procedure state they are to apply to “written content” only. See PD05.03.118, paragraph OO, subparagraphs 2 and 3; and OP05.03.118A, paragraph C, subparagraphs 6(b) and 6(c). Further, they are ripping, or cutting, off the mailing labels on these publications, when OP05.03.118A, paragraph C, subparagraph 6(a) specifically states:

The following prevents an effective search and therefore shall be rejected:

a) Unless received directly from the publisher or an authorized vendor, mail that is taped, pasted, or otherwise joined to another item. [emphasis supplied]

One MDOC employee even claimed they would be rejecting Bibles with red printing inside and removing bindings from hardcover books, as incredible as that sounds.

None of the foregoing, including the new mail policy itself, meets the test of rationally relating to a serious penological concern set forth by the U.S. Supreme Court in *Turner v. Safely*, 482 U.S. 78,89 (1987). Certainly, the MDOC's concerns regarding incoming prisoner mail can be addressed using far less dangerous and destructive methods, such as the use of a light pad and a physical search, as before, in order to avoid this wholesale tramping of prisoners' their families', friends', and other mail senders' constitutional rights. Especially, those of freedom of speech and press, and to send and receive USPS mail, as guaranteed by the First Amendment to the United States Constitution.

Spreading from Indiana's prisons to Michigan's, like some viral disease, it is only a matter of time before this policy of monetizing and restricting prisoners' mail at the expense of their families and friends, as well as various publishers and the USPS, for the financial benefit of hedge fund billionaires, other corporate bottom-feeders, and prison administrators, infect the whole country from coast to coast. That is why we are issuing a call to our families and friends, especially those in the prison abolition movement, to organize actions against this illegal and outrageously repressive new mail policy. We also urge everyone to phone MDOC director Heidi Washington, who is responsible for this travesty, directly at (517) 373-0720, or via the MDOC's main number at (517) 335-1426, and state your objections. Finally, we request any concerned attorneys to contact us at our address below in order to help us litigate against this egregious infringement upon all our First Amendment rights.

Don't monetize prisons, abolish them!

*23 November 2017
National Day of Mourning*

Rand W. Gould C-187131
Chippewa Correctional Facility
4269 W. M-80
Kincheloe, MI 49784

With the assistance of:

Charles Edward Atiba Bomoni Payton A-571203
Chippewa Correctional Facility
4269 W. M-80
Kincheloe, MI 49784