

Idaho Department of Correction Grievance Form

Offender Name:

IRVING, PATRICK SEAN

Location:

IMSI

Offender Number:

82431

Number:

IM 190000181

Category:

MAIL

Offender Grievance Information

Date Received:

05/13/2019

The problem is:

IDOC is obstructing my ability to access USPS. 72 letters to press/media, public interest groups, and religious organizations were held for several days as a potential security theat.(Cpl. Ybanez, 5-2-19 12:50). 26 letters (23 confidential) are currently being refused mail service per Sgt. Trobock #9963 (5-7-19). Current recipients being refused, withdrawl vouchers, and staff statement attached. Also attached, commissary receipt for 120 envelopes.

I have tried to solve this problem informally by:

Concern forms and staff inquiries.

I suggest the following solution for the problem:

Process all my outgoing mail. Provide mailroom staff with the amount of training necessary to honor IDOC SOP 402 and the 1st Amendments of the United States Constitution.

Level 1 - Initial Response

Date Forwarded:

05/13/2019

Date Returned:

05/17/2019

Date Due Back:

05/27/2019

Level 1 Responder:

TROBOCK,

The response from the staff member or person in charge of the area/operation being grieved:

In your grievance you state that IDOC is obstructing your ability to access USPS. You state 72 letters were held for several days as a potential security threat. 26 letters were being refused mail service. You provided a copy of commissary receipts for 120 envelopes.

Your suggested solution is to process all your outgoing mail and provide the mailroom with the amount of training necessary.

SOP 320.02.01.001 State-Issued and Inmate Personal Property Property Limits States

Authorized Items General Property Limits - All Facilities (>>)
State Issued (SI) and/or Personal (Pers) General Population, Administrative Segregation, Death Row Envelopes (stamped from commissary or indigent) 20 - Pers 1/wk - SI (indigent)

Per policy 320.02.01.001, you are only allowed to have 20 envelopes in your possession every week, which means you should only be mailing 20 per week.

We allowed you to mail out many of your extra envelopes when you first returned from Texas, in fact I recall sending out over 150 in one day. We started holding you to policy and we returned envelopes in

excess of the 20. We sent them back in the facility mail bag with a note that said, the envelopes were more than you were authorized per policy. I can not tell you where the note went after it was left at your facility.

If you have additional legal mail that needs to be mailed out, you may send it out through the paralegal, and we will process it.

Just because you were able to order 120 envelopes from Keefe, doesn't mean you are allowed to have them in your possession.

Level 2 - Reviewing Authority Response

Date Forwarded: 05/17/2019 Grievance Disposition: DENIED

Date Due Back: 06/02/2019 Level 2 Responder: SHEWMAKER, TERRI

Date Returned: 06/03/2019 Response sent to offender: 06/03/2019

Your grievence has been reviewed and I find:

Sgt. Trobock went above and beyond for you when you returned from Texas sending out well over 100 letters. She notified you that she would be holding you to the policy limit weekly of 20 envelopes. In addition she let you know that you can go to the paralegal if you have additional legal concerns. Your request to send out more than allowed by policy, unless it goes through the paralegal is denied.

Offender Appeal

Offender Comments:

The limit is not on envelopes but "stamped envelopes." This is because a stamp is a form of currency. Manilla envelopes, non stamped envelopes and envelopes received qualify as personal papers and legal materials and are allowed to be kept in increments of 3 cubic ft. The envelopes I submit are stamped in the mailroom - they are not in my possession at this point. To say there is a limit on all envelopes is inaccurate and a misrepresentation of policy. Per policy 402, there is no limit on mail I can send. There is no need to look to other policy. This is the only policy that should be referenced in matters of mail. My rights to access media, government officials, and special interests using any amount of envelopes is federally protected. This is a good example of the additional training that is needed to better understand and implement policy. Policy 320, property limits places limits on "stamped envelopes", not envelopes or sendable items. I am not using stamped envelopes.

Level 3 - Appellate Authority Response

Date Appealed: 06/06/2019 Grievance Disposition: GRANTED

Date Forwarded: 06/06/2019 Level 3 Responder: BARLOW-HUST,

Date Due Back: 06/22/2019 Response sent to offender: 06/13/2019

Date Returned: 06/13/2019

Your appeal has been reviewed and I find:

After reviewing this issue with the Mail Room we have decided that you are correct. The mail Handling Policy does not place a limit on the number of mailing going out. Therefore you will be authorized to send out all your mailings in accordance with policy. On a side note the property policy does not allow you to have more than 20 envelopes. We will be referring this issue to Keefe and to the facility to ensure they are following authorized property limits.