

privance systems is a facade that administrators use to bypass public

Denying First Amendment Rights- Mail Policy in the MDOC

Recently, a freelance journalist named Zach wrote me to express his appreciation for my articles on American Prison Writing Archive's (APWA) website as well as a desire to create a working relationship to potentially publish some materials together. The problem is that I never received his return address or even his last name, as my facility's mailroom removed the letter from the original envelope without copying the address onto the new envelope. This policy is not the only one that hinders prisoners' & Public's constitutional rights.

The current system allows administrators to deny a variety of publications for the "security and good order of the facility," a catchall phrase that the MDOC uses to reject a variety of publications. See PD 05.03.118. Despite the fact that the federal courts have long since prohibited such conduct, new litigation is regularly filed against prison administrators, at least in part because the courts rarely punish administrators for misconduct. In fact, Prison Legal News (PLN) is currently suing the MDOC for illegally rejecting the articles that PLN sends to prisoners. According to Raymond Walen, a guest writer for PLN, the MDOC has responded by denying all of the PLN articles was supposed to receive since the suit was filed (rejecting at least six thus far). Not only do the MDOC's actions hinder PLN and other publishers from conducting legitimate business, it also circumscribes abilities of prisoners to challenge the administration's illegal conduct.

Perhaps most comically, the MDOC now regularly prohibits greeting cards for practically any reason, ranging from being a trifold or having glitter. I ordered a card through the commissary and sent it out, but it returned to the facility because the post office was unable to forward it. However, my facility's mail room rejected it when it came back into the facility, as it violated the new policy. While such a position on cards has the appearance of legitimacy (preventing drugs from coming into the facility), their "restricted publications list" denies all rationality. For example, the list includes books on welding and residential wiring, despite the fact that these very books are used to teach prisoners in MDOC sanctioned vocational training courses. This system produces such perverse flaws because it gives each individual administrator discretion to deny a publication based on their personal feelings, and appealing such decisions simply results in frustration.

My eleven years of experience in the MDOC indicates that the entire

grievance system is a facade that administrators use to appease public perception as well as federal mandates for due process. The federal government permits such abuse by dismissing most lawsuits for technical errors, charging indigent prisoners \$350 to file such pleadings, and rewarding plaintiffs for successful litigation with nominal damages in the amount of \$1.

Such rules and behavior must change before we can improve prison conditions, as they prevent whistle blowers from holding the government accountable for violations of state and federal law. This is why I am writing legislators, advocates, etc. to embrace the "State Employee Accountability Act" that includes a variety of provisions. I am including an outline of my recommendations APLWA. Any system that does not hold people accountable creates injustice, especially when these people hold incredible power. People take advantage of systems, regardless of how smart or morally pure they are supposed to be.

Daniel Pirtel

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