



## DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND  
5720 INTEGRITY DRIVE  
MILLINGTON TN 38055-0000

1640  
Ser 84/041  
07 MARCH 2001

From: Commander, Navy Personnel Command  
To: Distribution

Subj: POLICY ON PRISONER CORRESPONDENCE

Ref: (a) SECNAVINST 1640.9B

Encl: (1) Acknowledgement of Correspondence Processing  
(2) Sample Rejection Letter

1. Purpose. To provide policy and guidance for the management of prisoner correspondence within Navy correctional facilities, supplemental to Article 8301 of reference (a).

2. Scope. These policies apply to all prisoners confined in Navy confinement facilities.

### 3. Definitions

a. "Correspondence" means incoming or outgoing letters (mail) other than "privileged correspondence". Correspondence includes packages sent through the mail.

b. "Representatives of the News Media" means persons whose principal employment is to gather or report news for:

(1) A newspaper which qualifies as a general circulation newspaper in the community in which it is published. A newspaper is one of "general circulation" if it circulates among the general public and if it publishes news of a general character of general interest to the public such as news of political, religious, commercial, or social affairs. A key test to determine whether a newspaper qualifies as a general circulation newspaper is to determine whether the paper qualifies for the purpose of publishing legal notices in the community in which it is located or the area to which it distributes;

(2) A news magazine which has a national circulation and is sold by news stands and by mail subscription to the general public;

(3) A national or international news service; or

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(4) A radio or television news program, whose primary purpose is to report the news, of a station holding a Federal Communications Commission (FCC) license.

c. "Privileged Correspondence" means correspondence sent to or received from the following: President or Vice President of the United States, U.S. Department of Justice, U.S. Attorney's Office, Secretary of the Army, Navy, Air Force, and Transportation, Courts (Federal, State, and local), Members of the U.S. Congress, Embassies and Consulates, State Attorneys, General Prosecuting Attorneys, State Parole Commissioners, State Probation Officers, Judge Advocate General or his or her representatives, attorneys or attorney's representatives, Inspectors General or his or her representatives, and the prisoner's clergyman, when approved by the chaplain.

d. "Scanning", as identified in Article 8301.4a of reference (a), is hereafter defined to mean to glance at or read hastily.

e. "Inspection" is the checking of the correspondence for contraband.

f. "Contraband", per Article 4302.1 of reference (a), is any article not authorized to be in the possession of prisoners or any item authorized for a prisoner's use that has been modified for a use other than that originally intended. Local regulations will specify what items are allowed and under what conditions. Items, which threaten the security and safety of the brig or the possession of which are illegal, are always contraband.

4. Mail Depositories. The Commanding Officer/Officer-in-Charge/Chief Petty Officer-in-Charge (CO/OIC/CPOIC) shall establish at least one mail depository (marked U.S. Mail) within the facility for a prisoner to place outgoing correspondence. The CO/OIC/CPOIC may establish a separate mail depository for outgoing privileged correspondence. Each item placed in a mail depository must contain a return address.

5. The CO/OIC/CPOIC shall:

a. Establish and exercise controls to protect individuals, and the security, discipline, and good order of the facility. All CO's/OIC's/CPOIC's shall ensure correspondence procedures

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are widely publicized to staff and prisoner through directives and within the Prisoner Rules and Regulations.

b. Inform each prisoner in writing promptly after arrival at a facility of the facility's rules for handling of prisoner correspondence. This notice includes the following statements:

(1) Authorized facility staff have the authority to open all incoming correspondence addressed to you (except privileged correspondence) before it is delivered to you. Privileged correspondence will not be opened and inspected, except for cause. Privileged correspondence includes correspondence from the President or Vice President of the United States, U.S. Department of Justice, U.S. Attorneys Offices, Secretary of the Army, Navy, Air Force, and Transportation, Courts (Federal, State, and local), Members of the U.S. Congress, Embassies and Consulates, State Attorneys, General Prosecuting Attorneys, State Parole Commissioners, State Probation Officers, Judge Advocate General or his or her representatives, Inspectors General or his or her representatives, and the prisoner's clergyman, when approved by the chaplain.

(2) Senders should adequately identify themselves on the envelope and identify privileged correspondence as follows: "Privileged correspondence - Do not open." Prisoners will be required to open privileged correspondence in the presence of a staff member. Though the staff member may not read the contents, the prisoner must expose the documents for the purpose of contraband inspection.

(3) If you do not want your correspondence viewed by staff for inspection purposes, it will be returned to the sender. This means that you will not receive such correspondence. You may choose whether you want your general correspondence delivered to you, subject to the above conditions, or returned to the sender. Regardless of your choice regarding general correspondence, each piece of privileged correspondence will be delivered to you for decision on a case-by-case basis. You can make your choice by signing Part I or Part II of the Acknowledgement of Correspondence Processing, enclosure (1). Part III of enclosure (1) depicts staff acknowledgement of your refusal to sign acknowledgement.

c. Once signed the notice will be filed and maintained in the prisoner's file.

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d. Ensure that staff informs the prisoner that letters placed in the U.S. Mail are placed there at the request of the prisoner and the prisoner must assume responsibility for the contents of each letter. Correspondence containing threats, extortion, etc. may result in prosecution for violation of federal laws. When such material is discovered, the prisoner may be subject to disciplinary action. The written material may be copied, and all material may be referred to an appropriate law enforcement agency for potential prosecution.

e. Ensure prisoners fill out the return address completely on envelopes. Envelopes must include a return address consisting of the:

Prisoner's name,  
Building Number,  
PO Box (or street address if there is no PO Box), and  
City, State and zip code.

## 6. Correspondence

a. Authorized facility staff shall open and inspect all incoming correspondence (except privileged correspondence). Incoming correspondence may be scanned as frequently as deemed necessary to maintain security.

b. Except for privileged correspondence, outgoing correspondence from a prisoner may not be sealed by the prisoner and may be scanned and inspected by staff.

c. Correspondence Monitoring. The CO/OIC/CPOIC may establish procedures for monitoring incoming and outgoing correspondence. Facilities may wish to give closer scrutiny to the incoming and outgoing correspondence of certain prisoners, for example, prisoners: who participated in criminal activity of a sophisticated nature, whose crimes involved mail or fraudulent schemes, who are considered escape risks, and who present management problems. The staff member designated by the CO/OIC/CPOIC to supervise prisoner correspondence may maintain a list of such prisoners. These monitoring procedures may not, however, interfere with the prompt handling of the correspondence.

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## 7. Rejection

a. The CO/OIC/CPOIC may reject correspondence sent to or by a prisoner if it is determined detrimental to the security, good order, or discipline of the facility, to the protection of the public, or if it might facilitate criminal activity. Correspondence which may be rejected by a CO/OIC/CPOIC includes, but is not limited to, correspondence which contains any of the following:

(1) Matter which can not be mailed under law or postal regulations;

(2) Matter that depicts, describes, or encourages activities that may lead to the use of physical violence or group disruption;

(3) Information of escape plots, of plans to commit illegal activities, or to violate facility rules or regulations;

(4) Direction of a prisoner's business. A prisoner may not direct a business while confined. This does not, however, prohibit correspondence necessary to enable a prisoner to protect property and funds that were legitimately the prisoner's at the time of commitment. Thus, for example, a prisoner may correspond about refinancing an existing mortgage or sign insurance papers, but may not operate a mortgage or insurance business while in the facility.

(5) Threats, extortion, obscenity, or gratuitous profanity;

(6) Contains code or other obvious attempts to circumvent regulations;

(7) Sexually explicit material (for example, personal photographs) which by its nature or content poses a threat to an individual's personal safety or security, or to facility good order and discipline; or

(8) Contraband. A package received without prior authorization by the CO/OIC/CPOIC is considered to be contraband.

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b. Where correspondence is found unacceptable, the CO/OIC/CPOIC will promptly notify the prisoner in writing of the decision and the reasons for it. The notice must contain reference to the specific text or material(s) considered objectionable. Notification of disapproval of correspondence and the reason for disapproval will be made to the prisoner using a letter similar to enclosure (2).

(1) The CO/OIC/CPOIC will permit the prisoner an opportunity to review the material for purposes of filing an appeal, unless such a review may provide the prisoner with information of a nature that is deemed to pose a threat or detriment to the security, good order or discipline of the facility or to encourage or instruct in criminal activity.

(2) The disapproval notice will advise the prisoner of the appeal process. The prisoner may obtain an independent review of the disapproved correspondence by submitting a written request within 20 days to Commander, Navy Personnel Command (NAVPERSCOM) (PERS-84), via the chain of command. Disapproved correspondence will be retained and safeguarded for not less than 20 days from the initial disapproval date and throughout the appeal process.

(3) If the prisoner does not submit an appeal within 20 days, the correspondence will be returned to the sender unless the correspondence includes plans for or discussion of commission of a crime or evidence of a crime, in which case there is no need to return the correspondence or give notice of the rejection and the correspondence should be referred to appropriate law enforcement authorities. Also, contraband need not be returned to the sender.

(4) If an appeal is made, NAVPERSCOM (PERS-84) will first review either the disapproved correspondence or a copy of the offensive portion before acting on the appeal.

(5) NAVPERSCOM (PERS-84) will provide a written decision to the prisoner and the CO/OIC/CPOIC within 30 days of receipt of the appeal.

(6) The CO/OIC/CPOIC will forward the sender of unacceptable correspondence a copy of the rejection letter. The CO/OIC/CPOIC will advise the sender they may obtain an independent review of decision for disapproving the

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correspondence by submitting a written request to NAVPERSCOM (PERS-84) within 20 days of receipt of the rejection letter. The CO/OIC/CPOIC will return the disapproved correspondence to the sender unless the sender indicates intent to file an appeal under the appeal process. In which case the CO/OIC/CPOIC will retain the disapproved material at the facility for review. If the rejection is sustained, the rejected correspondence will be returned to the sender when appeal or legal use is complete.

c. The CO/OIC/CPOIC may limit (for fire, sanitation or housekeeping reasons) the number or volume of correspondence a prisoner may receive or retain in his/her quarters.

#### 8. Restricted Correspondence

a. The CO/OIC/CPOIC may restrict correspondence based on misconduct, or for any of the following reasons:

(1) Involvement in any of the activities determined detrimental to the security, good order, or discipline of the facility, to the protection of the public, or if it might facilitate criminal activity.

(2) Attempting to solicit funds or items (e.g., samples), or subscribing to a publication without paying for the subscription:

(3) Being a security risk,

(4) Threatening a government official; or

(5) Having committed an offense involving correspondence.

b. A prisoner on restricted correspondence may only correspond with individuals approved by the CO/OIC/CPOIC. For each prisoner on a restricted correspondence status, a list of approved individuals will be maintained.

#### 9. Prisoner Correspondence While in Segregation and Holdover Status

a. The CO/OIC/CPOIC shall permit a prisoner in holdover to another designated confinement facility) to have correspondence privileges similar to those of other prisoners to the extent

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b. The CO/OIC/CPOIC shall permit a prisoner in segregation to have full correspondence privileges unless placed on correspondence privileges have been restricted.

10. Correspondence Between Confined Prisoners. A prisoner may be permitted to correspond with a prisoner confined in any other penal or correctional facility, subject to the below limitations, if the other prisoner is either a member of the immediate family, or is a party or witness in a legal action in which both prisoners are involved. The following additional limitations apply:

a. Such correspondence may always be inspected by staff at the sending and receiving facilities; and

b. The person in charge of both facilities must approve of the correspondence between both prisoners involved. Any denial and the rationale for disapproving the correspondence request must be fully documented.

11. Privileged Correspondence

a. Incoming/outgoing privileged correspondence will not be opened or read by staff, nor should prisoners be interviewed in connection with privileged correspondence prior to its being sent or delivered. The correspondence may not be read or copied if the sender is adequately identified on the envelope, and the front of the envelope is marked "Privileged Correspondence - Do not open".

b. If such letters are opened, a machine copy of the envelope should be made and filed in the prisoner's file to document the "reasonable doubt." Incoming privileged mail may be inspected (not read) only for contraband and only in the presence of the prisoner. Privileged mail should not be inspected unless good cause exists to show substantial interference with the security and good order of the brig. All inspection of privileged mail shall be documented in the privileged correspondence log. Otherwise, incoming letters from privileged correspondents will be delivered unopened, and the prisoner will seal outgoing letters. Care should be taken to ensure outgoing sealed letters bear the correct address for addressees named.

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c. Privileged correspondence may be subject to inspection (not reading) during searches conducted after it has been delivered to the addressee. Prisoners shall be advised during orientation that if they wish the contents of privileged correspondence to be kept inviolate from other prisoners after delivery, they should request its inclusion in their stored personal property or that they should destroy or mail out the letter.

d. In the absence of either adequate identification or the "privileged correspondence" marking appearing on the envelope, staff may treat the mail as general correspondence and may open, inspect, and scan the correspondence.

e. Except as provided below, outgoing privileged correspondence may be sealed by the prisoner and is not subject to inspection.

(1) A prisoner's privileged correspondence status may be restricted by the CO/OIC/CPOIC if the correspondence either has posed a threat or a threat of physical harm to the recipient (e.g., the prisoner has previously used privileged correspondence to threaten physical harm to the recipient).

(2) The CO/OIC/CPOIC shall notify the prisoner their privileged correspondence is being restricted and the reason thereof.

(3) A prisoner whose privileged correspondence is restricted must present all materials and packaging intended to be sent as privileged correspondence to authorized postal staff for inspection. Staff shall inspect the privileged correspondence material and packaging, in the presence of the prisoner, for contraband. If the intended recipient of the privileged correspondence has so requested, postal staff, when authorized by the CO/OIC/CPOIC, may read the privileged correspondence for the purpose of verifying that the privileged correspondence does not contain a threat of physical harm. Upon completion of the inspection, staff shall return the privileged correspondence material to the prisoner if the material does not contain contraband, or contain a threat of physical harm to the intended recipient. The prisoner must then seal the privileged correspondence material in the presence of staff and immediately give the sealed correspondence material to the observing staff

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for delivery. Privileged correspondence determined to pose a threat to the intended recipient shall be forwarded to the appropriate law enforcement entity. Staff shall send a copy of the material, minus the contraband, to the intended recipient along with notification that the original of the material was forwarded to the appropriate law enforcement entity.

f. The CO/OIC/CPOIC shall review a prisoner's restricted privileged correspondence status at least once every 30 days. The prisoner is to be notified of the results of this review. A prisoner may be removed from restricted privileged correspondence status if the CO/OIC/CPOIC determines that the privileged correspondence does not threaten or pose a threat of physical harm to the intended recipient.

g. A prisoner on restricted privileged correspondence status may seek review of the restriction through the chain of command.

## 12. Legal Correspondence

a. Staff shall maintain a privileged correspondence log in accordance with Article 8107 of reference (a).

b. The prisoner is responsible for advising any attorney that correspondence will be handled as privileged correspondence only if the envelope is marked with the attorney's name and an indication that the person is an attorney, and the front of the envelope is marked "Privileged Correspondence - Do not open".

c. The limitation or denial of an attorney's correspondence rights or privileges must be "for cause" and authorized by the CO/OIC/CPOIC. If such action is taken, the CO/OIC/CPOIC shall give written notice to the attorney and the prisoner affected. Any violation of the attorney/client correspondence privilege is to be referred to the installation staff judge advocate.

d. Correspondence to a prisoner from an attorney's assistant or legal aid student or assistant, in order to be identified and treated by staff as privileged correspondence, must be properly identified on the envelope, and must be marked on the front of the envelope as being correspondence from the attorney or from the legal aid supervisor.

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13. Prisoner Correspondence With Representatives of the News Media

a. A prisoner may not correspond with representatives of the news media via privileged correspondence.

b. A prisoner may not receive compensation or anything of value for correspondence with the news media. A prisoner may not act as reporter or publish under a byline.

c. Representatives of the news media may initiate correspondence with a prisoner. Incoming correspondence from representatives of the media will be handled as general correspondence.

14. Payment of Postage

a. Postage charges are the responsibility of the prisoner. Prisoners in a non-pay status are provided a monthly gratuitous stipend for the purchase of health and comfort supplies. The gratuitous issue excludes the cost of services provided. The CO/OIC/CPOIC shall ensure that the facility H&C store has postage embossed envelopes available for purchase by prisoners.

(1) Postage Sold by H&C Store. The facility store must make available sufficient stamp denominations to allow mailing of letters in excess of one ounce, but not requiring an additional first class stamp, or for mailing overseas.

(2) Prisoner Possession of Stamped Envelopes. The CO/OIC/CPOIC shall issue local guidelines, limiting a prisoner's possession of stamped envelopes at one time to no more than 60. Exceptions to this policy must be approved by the CO/OIC/CPOIC.

b. Prisoners must place a return address on each envelope upon purchase.

c. Prisoner organizations will purchase their own postage.

d. Mailing at government expense is allowed for necessary correspondence in verified emergency situations for prisoners with neither funds nor sufficient postage. The CO/OIC/CPOIC shall review and make a final determination on whether the prisoner is to be provided postage under emergency situations.

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e. The mail supervisor will not accept correspondence received with postage due.

f. Prisoners shall not be permitted to receive stamps or stamped items (e.g., envelopes embossed with stamps, postal cards with postage affixed) other than by issuance from the facility H&C store.

15. Special Postal Services

a. A prisoner, at no cost to the government, may send correspondence by registered, certified, or insured mail, and may request a return receipt.

b. Certified correspondence is sent first class at the prisoner's expense.

c. A prisoner may not be provided such services as express mail, COD, private carriers, or stamp collecting while confined.

d. A prisoner may insure outgoing personal correspondence (e.g., a package containing the prisoner's hobbycrafts) by completing the appropriate postal form and applying sufficient postage. In the event of loss or damage, any claim relative to this matter is made to the U.S. Postal Service, either by the prisoner or the recipient. The U.S. Postal Service will only indemnify a piece of insured mail for the actual value of an item, regardless of declared value. When a prisoner decides that a claim is necessary for an incoming piece of insured mail, the prisoner should be advised that the mailer is the most appropriate person to file the claim with the U.S. Postal Service.

16. Prisoner Funds Received Through the Mail

a. A prisoner may receive funds from family or friends only with the approval of the CO/OIC/CPOIC, for crediting to the prisoner's funds account. No personal checks will be cashed by facility staff and deposited into prisoner fund accounts.

b. A prisoner is responsible for advising persons forwarding funds that all negotiable instruments, such as cashier checks or money orders, should give the prisoner's full name and social security number, thereby helping to ensure a deposit to the proper prisoner's account. Negotiable

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instruments not accepted because they are incorrectly prepared will be returned to the sender, with a letter of explanation. A copy of this letter will be sent to the prisoner.

c. A prisoner may not receive through the mail unsolicited funds, nor may the prisoner solicit funds or initiate requests that might result in the solicitation of funds from persons other than as specified in paragraph (a) of this section.

17. Returned Correspondence. Authorized staff shall open and inspect for contraband all undelivered correspondence returned to a facility by the Post Office before returning it to the prisoner. The purpose of this inspection is to determine if the content originated with the prisoner who is identified on the letter or package as the sender; to prevent the transmission of material, substances, and property which a prisoner is not permitted to possess in the facility; and to determine that the correspondence was not opened or tampered with before its return to the facility. Any remailing is at the prisoner's expense. Any returned correspondence qualifying as privileged correspondence is opened by the prisoner in the presence of a staff member and viewed by the staff member for contraband.

18. Change of Address and Forwarding of Correspondence for Prisoners

a. Staff shall make available to a prisoner who is being released or transferred appropriate U.S. Postal Service forms for change of address.

(1) An U.S. Postal Service "Change of Address" kit(s) shall be available to each prisoner being transferred so that the prisoner may notify correspondents of a change of address. (Note: The "kit" is an U.S. Postal form notice to publishers, business, correspondents, etc.; it is not a notification to the U.S. Postal Service.)

(2) Facility staff shall obtain supplies of these Postal Service kits from the servicing U.S. postal facility. These kits are to be maintained in receiving and release and the mailroom for prisoners departing the facility.

b. Prisoners are responsible for informing their correspondents of a change of address.

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c. Postage for mailing change of address cards, if mailed, is paid by the prisoners.

d. Except as provided in paragraphs (e) through (g) of this section, all correspondence received for a released or transferred prisoner will be returned to the U.S. Postal Service for disposition in accordance with U.S. Postal Service regulations and not destroyed by brig staff.

e. Staff shall use all means practicable to forward privileged correspondence; if unable, this correspondence will be returned to the sender.

f. Staff shall forward prisoner correspondence to the new address for a period of 30 days. After the 30-day period, correspondence received shall be returned to the sender with the notation "Not at this address - return to sender."

g. Staff shall permit a prisoner released temporarily on writ to elect either to have correspondence held at the facility for a period not to exceed 30 days, or returned to the U.S. Postal Service for disposition.

(1) If the prisoner refuses to make this election, staff at the facility shall document this refusal and file the documentation within the prisoner's file. Staff shall return to the U.S. Postal Service all correspondence received for such a prisoner after the prisoner's departure.

(2) If the prisoner does not return from writ within the time indicated, staff shall return to the U.S. Postal Service all correspondence being held for that prisoner for disposition in accordance with postal regulations.



G. L. HOEWING  
Rear Admiral, U.S. Navy

Distribution  
CINCLANTFLT N16  
CINCPACFLT N4683  
All Brigs/PCFs

ACKNOWLEDGEMENT OF CORRESPONDENCE POLICY

Part I. Correspondence to be Returned to the Postal Service.

I have read or had read to me the foregoing notice regarding correspondence. I do not want my correspondence opened and read. I REQUEST THAT THE [FACILITY NAME] RETURN MY CORRESPONDENCE MARKED "REFUSED" TO THE SENDER UNOPENED. I understand that privileged correspondence will still be delivered to me, and if I accept it, I will be required to open the correspondence in the presence of a staff member. The staff member may not read the contents, but I must expose the documents for the purpose of contraband inspection. I understand that even though I do not want to receive my incoming correspondence I may mail correspondence out realizing it is subject to inspection and must be placed in the U.S. Mailbox unsealed.

(Name) (SSN) (Date)

Part II. Correspondence to be Opened, Read, and Delivered.

I have read or had read to me the foregoing notice regarding correspondence. I WISH TO RECEIVE MY CORRESPONDENCE. I understand that the [FACILITY NAME] may open and read my correspondence. I understand that privileged correspondence will be delivered to me and I will be required to open the correspondence in the presence of a staff member. The staff member may not read the contents, but I must expose the documents for the purpose of contraband inspection. I understand that even though I do not want to receive my incoming correspondence I may mail correspondence out realizing it is subject to inspection and must be placed in the U.S. Mailbox unsealed.

(Name) (SSN) (Date)

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Part III. Staff Acknowledgement of Prisoner's Refusal to Sign.

Prisoner (Name) (SSN) refused to sign this form. He (she) was advised by me that the [FACILITY NAME] retains the authority to open and read all correspondence, with the exception of privileged correspondence. The prisoner was also advised that his (her) refusal to sign this form will be interpreted as an indication that he (she) wishes not to receive correspondence subject to the conditions in Part II above.

Staff Member's Signature

Date

SAMPLE REJECTION LETTER

NOTIFICATION TO PRISONER AND SENDER OF REJECTED CORRESPONDENCE  
(TO BE USED WHEN REJECTING CORRESPONDENCE UNDER PARAGRAPH 7 OF  
THIS POLICY LETTER)

LETTERHEAD

1640  
Ser

From: Commanding Officer \_\_\_\_\_

To: \_\_\_\_\_  
Prisoner's Name/SSN

Subj: REJECTION OF CORRESPONDENCE FROM (sender) OF (date)

Ref: (a) COMNAVPERSCOM ltr 1640 Ser 84/041 of

1. Per reference (a), the subject correspondence from (sender's name) has been rejected, which provides in part:

"The (Commanding Officer/Officer-in-Charge/Chief Petty Officer-in-Charge) may disapprove correspondence if it is determined detrimental to the security, good order or discipline of the facility or if it may facilitate criminal activity."

2. The subject correspondence has been rejected because (provide reference to specific content(s)/material(s) considered objectionable and reason(s) for the decision to reject).

3. By copy of this letter, the receiver/sender is notified that they may obtain an independent review of this rejection by writing to Commander, Navy Personnel Command (PERS-84), 5720 Integrity Drive, Millington, TN 38055-8400 within 20 days of receipt of a copy of this letter.

\_\_\_\_\_  
CO/OIC/CPOINC

Copy to:  
(Receiver's/Sender's name and address)  
NAVPERSCOM (PERS-84)

Enclosure (2)