



**DEPARTMENT OF CORRECTIONS
MONTANA WOMEN'S PRISON
OPERATIONAL PROCEDURE**

Procedure No. MWP 3.3.6	Subject: OFFENDER MAIL
Reference: DOC Policy No. 3.3.6	Page 1 of 10 and 2 Attachments
Effective Date: April 10, 2004	Revision Date(s): 05-29-2009, 07-09-2010, 10-25-2010, 05-26-2011, 06-05-2013
Signature: /s/ Deputy Warden Bob Paul	

I. PURPOSE

To allow inmates to correspond with outside persons or organizations and receive publications and packages subject to limitations necessary to maintain facility order, security, rehabilitation, and sanitation. Correspondence is encouraged subject to policy constraints.

II. DEFINITIONS

Administrator - Division Administrators, Wardens, Superintendents, Unit Managers, Regional Probation and Parole Officers, Adult and Juvenile Community Correctional Facility Program Supervisors and Directors.

Contraband - An item found in possession or control of an offender who is not authorized to possess such item, or items found in excess of levels permitted by policy. Any item that can be used as a weapon, or fabricated into a weapon, or can be used for purposes of escape or threat to the security of the facility/program. This also includes, but is not limited to, matches, alcohol, drugs, money, or any item that has not been specifically authorized.

Designee – The person designated to act on behalf of the person responsible for specific decisions or actions.

General correspondence – All mail not otherwise privileged.

Immediate Family Member – An offender's legal spouse, natural or adoptive parents and children, siblings, grandchildren, grandparents, corresponding in-law, person verified as being primarily responsible for raising the offender in the absence of a parent and any other member of the offender's household.

Mail – All mail, including correspondence, publications, and packages.

Nudity – a photograph or picture image that shows nipples of the female breast, pubic hair, or genitalia (sex organs) or anus of a female or male. Photographs or picture images that include exposures with "see-through" clothing or materials will also be considered as nudity, also to include the covering of breasts or genitalia area with props or other body parts.

Privileged correspondence - Mail to and from licensed attorneys, state or federal court judges and their law clerks.

Prohibited image - An image that:

- depicts an actual or simulated sexual act (including but not limited to sexual intercourse, oral sex or masturbation) or nudity
- promotes tattooing or body piercing;
- by its nature or content depicts or facilitates criminal or gang activity;
- is detrimental to or poses a threat to the discipline, security, or order of the institution.

Prohibited writing - Writing that depicts sexual or other acts (including but not limited to sexual intercourse involving children, sadomasochism, bestiality, oral sex or masturbation) that by its nature or content facilitates gang activities, criminal activity, and/or is detrimental to, or poses a threat to discipline, security, or order of the institution, if in doubt send it to the review committee.

Publication Review Committee – MWP Deputy Warden of Security or Designee, MWP Deputy Warden of Treatment or Designee, and an MWP Grievance Officer.

Sexually Explicit Material- Pictorial depictions, e.g., drawings, photographs, or computer-generated images, of nudity or actual or simulated sexual acts including, but not limited to, sexual intercourse, oral sex, nudity, or masturbation.

Urgent Situations – Any significant disruption of normal facility or agency procedure, policy, or activity caused by riot, escape, natural disaster, employee action, or other serious incident.

III. PROCEDURES

A. **Correspondence**

1. **General**

- a. The Night Shift Duty Lieutenant and designee, with oversight from the Deputy Warden of Security is responsible for implementing the correspondence program.
- b. The correspondence system provides for the deposit and distribution of inmate correspondence every business day.
- c. Correspondence is prohibited between MWP inmates and any individual committed to MWP or another correctional facility, unless the persons are members of the same immediate family and they have prior written approval of the Warden or designee from both facilities.
- d. Unless there is a reasonable belief that some limitation is needed to protect public safety or the security and orderly operation of the facility, there will be no limit on the source, destination, amount, or content of incoming or outgoing first class mail an inmate may receive or send, as long as she can afford postage.
- e. All outgoing inmate correspondence and packages must display a complete return address including “Montana Women’s Prison, 701 South 27th Street Billings, MT 59101,” and the inmate’s name and identification number.

- f. Incoming and outgoing correspondence and packages with markings, drawings, stickers or acronyms on them will be returned to the sending party.
- g. All general correspondence may be opened and read, and will be inspected for contraband. Currency, unauthorized enclosures, and contraband found will be confiscated, returned to sender, or handled as undeliverable.
- h. Excluding weekends, holidays or emergencies incoming and outgoing letters and publication will not be held for inspection for more than 48 hours. This standard does not prohibit holding mail for inmates who are temporarily absent from the facility, e.g., hospital or court. All first-class letters will be forwarded after an inmate's release or transfer to another facility if the address is known. If the address is not known, the correspondence will be returned to the sender.
- i. Air, certified, registered, oversized and overweight mail services are available provided the inmate pays for the service.
- j. Inmates may not send or receive taped or other electronic correspondence without prior written approval from the Deputy Warden of Security or designee.
- k. Mail ordered pen pals are not authorized.

2. Privileged Correspondence

1. Privileged correspondence consists of correspondence to and from:
 - a. Licensed attorneys
 - b. State or federal court judges and their law clerks

B. Outgoing Privileged Correspondence:

- a. Will indicate on the envelope the inmate's name, her identification number, and the name and address of MWP.
- b. Will indicate on the envelope the name and the official status of the addressee and labeled "Legal Mail."
- c. Will not be read by staff.
- d. The Night Shift officers will log outgoing Legal Mail on the computer I drive. The same officer will ensure outgoing privileged correspondence is stamped.
- e. Will be inspected for contraband by staff in the presence of the inmate before it is sealed. Whenever this practice is implemented, staff will mark the envelope as inspected with their initials on it and place the mail in the pod mail box.
- f. May be held for no more than 48 hours to allow for verification of the addressee's status, excluding weekends and holidays, emergency situations.
- g. If an inmate has insufficient funds at the time she sends privileged correspondence to the Mail Department for mailing, she is eligible for eight state paid mailings per month. This privilege is computed on a monthly basis, is not cumulative, and is only for the purpose of providing legal access to those listed in the definition of privileged correspondence above. It cannot be used for other types of correspondence. Inmates seeking state paid postage for privileged correspondence must submit a completed special mailing request with the correspondence to the Inmate Account Tech. The request must indicate the need for state paid postage and the legal case name and number. This information (a matter of public record) is sought only to verify the privileged nature of the correspondence. The address on the correspondence must

reflect the privileged status of the addressee (Licensed Attorneys, State or Federal Court Judges and their Law Clerks).

C. Incoming Privileged Correspondence:

- a. Must clearly indicate the name and official status of the sender on the envelope if it is to be processed as privileged correspondence. (Licensed Attorneys, State or Federal Court Judges and their Law Clerks).
- b. Will only be opened to inspect for contraband and only in the presence of the inmate. The Deputy Warden of Security or designee may authorize it to be opened without the inmate present if there is reasonable suspicion it contains contraband. Currency, unauthorized enclosures, and contraband found will be confiscated, returned to sender, or handled as undeliverable.
- c. Will not be read by facility staff.
- d. Incoming privileged correspondence (Legal Mail) will be logged into the computer I Drive, stamped and placed in the appropriate pod box by the Night Shift Officers.
- e. May be held for no more than 48 hours to allow for verification of the sender's status, excluding weekends, holidays, emergency situations or the inmate is absent from the facility.
- f. If a staff member unintentionally opens a piece of privileged correspondence they must immediately notify the on duty supervisor (or designee) and write an incident report – also they must stop scanning that mail.

D. General Correspondence

1. General correspondence that is in a language other than English or in code, completely or in part, will not be treated differently because it is not written in English; however, the correspondence may be delayed for translation in accordance with the following:
 - a. Staff will exercise due diligence and make a good faith effort to translate and review contents within ten calendar days for compliance with this policy.
 - b. If translation will delay the normal mailing of the correspondence, the inmate will be notified.
 - c. If attempts to translate are unsuccessful within 10 days, the inmate will be provided a written notice of the undeliverable mail including a description of why the document was rejected and the effort's made to translate the document.
 - d. Correspondence may be rejected if it is determined that the document contains written material that is detrimental to the security, order, or discipline of the institution.
 - e. If the Department is unable to attain translator services, offenders will continue to receive correspondence.

E. Outgoing General Correspondence:

- a. The Night Shift Officers will process all outgoing inmate general correspondence.
- b. Will indicate on the envelope the inmate's name, her identification number, and the name and address of MWP. All outgoing mail must contain the name and address of MWP and will be stamped with (MWP's inmate correspondence stamp).
- c. Inmates are allowed to send correspondence, not otherwise prohibited by this policy, to any person or organization unless that person or organization has notified MWP in writing that they object to receiving such correspondence. If a recipient of inmate correspondence notifies MWP in writing that they do not wish to receive

further correspondence from an inmate, the inmate will be given written notification of such. Any correspondence addressed to the recipient will be returned to the inmate, who may be subject to disciplinary action.

- d. Inmates are allowed to send as much correspondence as they wish and can afford, unless evidence related to facility security, order, sanitation or rehabilitation exists to justify a limit.
- e. All outgoing general correspondence must be left unsealed and may be read by MWP staff.
- f. If any outgoing correspondence contains any of the following, the correspondence will be held, may be considered undeliverable, and may be investigated:
 - a. Prohibited images or writings.
 - b. Threats of physical harm against any person or threats of or participation in criminal activity.
 - c. Blackmail or extortion.
 - d. Contraband.
 - e. Plans to escape or assist another to escape.
 - f. Plans for activities in violation of facility rules, such as riots.
 - g. Code or foreign language (see Page 4 section D)
 - h. Drugs or drug paraphernalia.
 - i. Other materials that, if communicated, would create a serious danger to the security of the facility.
 - j. Inmates are only allowed to send money to those persons on their current approved correspondence/visiting list.
 - k. Any violation of U.S. Postal Service regulation, law, or policies.
- h. Staff outgoing general correspondence will be placed in the basket outside the Administrative Officer's Office to be picked up by night shift, or on the small desk by the entrance door in the front desk area.

F. Incoming General Correspondence:

- a. Will be sorted by unit for inmates and for staff by the Night Shift Officers.
- b. Those pieces of mail not deemed undeliverable will be sorted into their appropriate pod box and paced in the intake area for the day shift officers to deliver to their respective pods.
- c. Mail for inmates who are no longer housed at the facility will not be opened. The Night Shift Duty Lieutenant or designee will attempt to locate a forwarding address; either writes or using a label, put the new address on the envelope and sends it out. If an address is located the Montana Women's Prison address will be completely marked out with a grease pen as will the bar codes on the bottom of the envelope on both the front and back of the envelope. The words "Forward To" will be marked on the envelope. If no address is located, the Montana Women's Prison address and the bar codes on the front and back of the envelope will be complexly marked out with a grease pen and "Return To Sender" will be marked on the envelope. If the envelope is opened, the facility will be responsible for the postage to forward the mail or have it returned to sender. Magazines and publications will be forwarded for 90 day.

- d. All incoming funds will be
 - 1) checked and verified that the funds are coming from a person authorized to send in the funds
 - 2) be received by the Night Shift Officer assigned to do mail with
 - 3) the authorized funds being placed in the lock box in Administration.
 - e. Undeliverable mail will be receipted out on the "Notice of Undeliverable Mail" form, with the inmate receiving the white and yellow copy and the Night Shift Lieutenant receiving the piece of undeliverable mail with the pink portion of the undeliverable slip attached to it.
 - f. First class mail addressed to an inmate or inmate group in care of a staff member or department:
 - a. Must clearly state the inmate's name and identification number.
 - b. Will be opened and inspected for contraband
 - c. May be read for any reason.
1. If any incoming correspondence contains any of the following, the correspondence will be held, may be considered undeliverable, and may be investigated:
 - a. Prohibited images or writings.
 - b. Threats of physical harm against any person or threats of participation in criminal activity.
 - c. Blackmail or extortion.
 - d. Contraband.
 - e. Plans to escape or assist another to escape.
 - f. Plans for activities in violation of facility rules (such as riots).
 - g. Code or foreign language (See Page 4 section D).
 - h. Drugs or drug paraphernalia.
 - i. Other material, which if communicated, could create a serious danger to the security of the facility.
 - j. Any violation of a U.S. Postal Service regulation, law, or policy.
 - k. Taped correspondence unless the inmate obtained proper approval from the facility administrator or designee.
 - l. Any attempt by a correspondent to use the mail system to facilitate inmate to inmate communication, including but not limited to sending mail to an addressee to be given to another.
 - m. Stickers, ink stamps/markings, lip impressions, perfumes, or powders.
 - n. Postage stamps are not allowed to be sent in.
 - o. Music cards are not authorized.
 2. Any immediate family member, as defined by the Montana Department of Corrections Definitions listed above, who are on the inmates approved visiting list may send funds into an inmate. Funds may be mailed in with correspondence, but they must be in the form of a money order that meets the follow requirements or they will be returned to the sender:
 - a. Must be received within 20 days of the date of purchase.
 - b. Must include the full name that the inmate is incarcerated under and her identification number.(On the Money Order)

- c. Must include the complete, printed, legible name and address of the sender (for comparison with the current correspondence visiting list).(On the Money Order)
3. Funds may also be deposited into an inmate's account by authorized senders through an electronic funds transfer process that is established by the Department of Corrections.
4. The Warden or designee **may** allow an inmate to receive money orders from up to three (3) non-family members on her current approved/correspondence visiting list if no immediate family member on her current approved/correspondence visiting list is sending her money or she has no immediate family members on her current approved/correspondence visiting list. If immediate family members are sending money order, then one non-immediate family member **may** be allowed to send in money orders. Both of these scenarios listed above are up to the discretion of the Warden or designee.
5. Inmates may request that the facility transfer money from his/her account to a person on the inmate's approved correspondence or visiting list. A W-9 form must be on file with the Inmate Account Technician for the individual that the money transfer is going to before this can happen.
6. Money may be transferred to an inmate's attorney.
7. The Night Shift Officer assigned to mail duties will receipt all U.S. Treasury Department checks, money orders, refunds, inmate personal savings withdrawals, approved business transactions, or tribal checks. Money orders will be verified under the MWP I Drive Inmate Visitor Log or through OMIS. After the item has been receipted it will be placed in the lock box on Administration for the Inmate Account Tech to retrieve and place on the inmates account.
8. All funds (money orders, etc.) will be returned to the sender the next business day, if the sender is not authorized to send in funds according to the Inmates approved visiting Thee unapproved money order will be sealed and stamped –(Against Policy) and sent back to the sender USPS.

G. Publications

1. An inmate or a person on the inmate's approved visiting list may order new books, magazines, newspapers, or other printed matter on behalf of the inmate, providing such material is sent directly by the publisher or an authorized retail outlet. Inmates may receive publications in any language or code to include books, magazines, and newspapers sent directly from the publisher and prepaid publications sent directly from a publisher, book club, or book store. The inmate must have prior approval from one of the Night Shift Lieutenants prior to the books, magazines etc... or other printed material being ordered. If the inmate is paying directly for the items, they must have the appropriate amount of money on their account in order to order the item. The Night Shift Lieutenants will log the approved items into the computer. Magazines, books, etc... will be opened and searched prior to delivery. If a Night Shift Lieutenant believes the order is unallowable due to its content, the request will be forwarded to the Publications Review Committee approval or denial of the magazine or other publication. The following will also apply:

- a. Indicates the name of the sender (to establish that the person that sent it is on the inmate's approved visiting list). The inmate will be issued an undeliverable notice for publications received without this information.
 - b. Indicates the inmate's name, her identification number, and the name and address of MWP when it arrives. Anything received without this information will be returned to sender or disposed of.
 - c. Does not contain prohibited images or writings.
 - d. Does not contain instructions for the manufacturing of explosives, weapons, drugs, or drug paraphernalia.
 - e. Does not advocate violence or activities that may disrupt the safety or security of the facility.
 - f. Does not advocate racial, religious or national supremacy or hatred.
 - g. Does not encourage behavior that is detrimental to security or rehabilitation such as gambling, illegal sexual activities, or the commission of a crime.
 - h. Does not violate any other policy.
 - i. Is not the result of a contract purchase, such as music or book clubs.
 - j. Does not contain a credit card or credit card application.
 - k. Publications with perfume cards and sample packs of hygiene items will be forwarded to the Review committee for approval or disapproval.
2. All books that come in from vendors will be reviewed by the Mail processing staff that will screen them for proper authorization and content and then will fill out a property receipt if approved for passing and forward it to the Property Officer for passing of the books to the inmate ensuring it is added to the property file. If the item is against policy/procedure the Mail officer will fill out an undeliverable slip and give it to the on Shift Supervisor.
- a. If the book meets procedural guidelines the Property Officer will process it in accordance with *MWP 4.1.3, Inmate Personal Property*, including inventory and documentation.
 - b. If mailroom staff feels a publication is unallowable due to its content, the order or book will be forwarded to the Publication Review Committee, who has the authority to deny delivery of the publication. Material that has scholarly, literary, or artistic value may be allowed. If the Publication Review Committee determines a periodical (magazine) or book violates policy, the book will be returned with the publication review form and the mailroom will send the inmate an undeliverable notice.
 - c. The Publication Review Committee will keep appropriate documentation concerning the contents of the book until final resolution of any grievance or action the inmate may file.

H. Packages

1. Incoming packages will be approved by the Property Officer. Inmate packages are only allowed from approved visitors, by approved vendors through approved inmate purchases, and/or through authorized channels. All other packages will be returned to sender. All packages for inmates will be opened and processed by the Night Shift officers, if the package has met all requirements a property receipt will be filled out and given to the property officer. If the package is against policy/procedure an undeliverable slip filled out and given to the night shift Supervisor along with the package.
2. All packages for inmates will be forwarded to the Property Officer. The Property Officer will screen them for proper authorization and process them in accordance with the inmate property policy and/or procedures, including the inventory and documentation of approved package contents, and disposing of the packaging outside the facility.
3. The Property Officer will coordinate with the inmate accounts technician to ensure inmates have sufficient funds to mail a package prior to sending any packages, and follow proper accounting procedures.
4. Inmates may only ship packages to persons on their approved correspondence visiting list, and must pay for all shipping expenses.
5. Visitors may pick up outgoing packages with prior written approval from the Property Officer, Inmate Services or Administrative Staff through the Visiting Center. Packages will not remain in visiting waiting to be picked up for more than 30 days, those items over 30 days will be destroyed and the inmate notified if still housed at MWP.
 - a. Excluding weekends and holidays, incoming packages and outgoing packages will not be held for inspection for more than 72 hours. This standard does not prohibit holding packages for inmates who are temporarily absent from the facility, e.g., hospital or court or urgent situation.
 - b. All packages will be returned to sender if an inmate has been released or transferred to another facility.

I. Undeliverable Mail and Publications

1. Except for books, and as otherwise noted, incoming correspondence and publications found to be in violation of this policy will be considered undeliverable and processed as follows:
 - a. The Night Shift Officer will bundle all mail that is deemed undeliverable and fill out a "Notice of Undeliverable Mail" to be sent to the inmate and forward the mail to the Night Shift Lieutenant. The Night Shift Lieutenant will also make the determination whether the mail is undeliverable per policy, and will send the "Notice of Undeliverable Mail" to the inmate if in their review of the mail agrees that the mail is undeliverable.
 - b. The inmate must complete the appropriate sections on the "Notice of Undeliverable Mail" form and send it back to the Night Shift Lieutenant whose shift sent them the "Notice of Undeliverable mail" form.
 - c. If the completed form is not returned to the Night Shift Lieutenant within five working days, or is received without one of the options selected, the correspondence will be destroyed.

- d. If the Night Shift Lieutenant is unsure if something is Undeliverable, they may refer the question to the Deputy Warden of Security. The Night Shift Lieutenant may also speak with the inmate to determine what the inmate is requesting to have done with the undeliverable.
2. If bulk mailings are properly addressed and denied for content, the Montana Women's Prison will follow the process noted in Section I Number (a).
If bulk mailings are not addressed as prescribed by this policy, the Montana Women's Prison is *not* required to provide an undeliverable notice to the offender; however, facility administrators are advised to consult the U.S. Postal Regulations and local post office regarding the proper handling of these items, i.e., whether the postal service destroys them or delegates to the facility the permission to destroy them.
 3. When an individual or vendor sends contraband to Montana Women's Prison the Warden or designee may place restrictions on mail, publications, and packages that arrive at MWP from these individuals or vendors. During the restriction all items and mail that arrives at MWP from these individuals or vendors will be processed as undeliverable.
 - a. The Warden or designee will send written notice to the restricted individual or vendor concerning the restriction.
 - b. The Warden or designee may rescind a restriction upon written application for lifting of the restriction from the restricted party.
 - c. If the contraband is sent by an approved visitor, that person's visiting privileges will be restricted as outlined in *MWP 3.3.8, Inmate Visiting*.

IV. CLOSING

Questions concerning this policy and procedure will be directed to the Deputy Warden of Security or the Mail Manager.

V. ATTACHMENTS

NOTICE OF UNDELIVERABLE MAIL

(Attachment A)

PUBLICATION REVIEW FORM

(Attachment B)

**MT WOMEN'S PRISON
NOTICE OF UNDELIVERABLE MAIL**

INMATE NAME: _____ DOC ID #: _____ UNIT: _____ DATE: _____

You have received the following undeliverable item(s): _____

From/To: _____

Indicate below your wish as to the disposition of these items, **IF FORM IS NOT RETURNED, ENTIRE ITEM(S) WILL BE DESTROYED AFTER 5 DAYS.**

_____ Return to sender. Please enclose a stamped, self addressed envelope.

_____ Destroy.

_____ Send to third party. Please enclose a stamped, self addressed envelope.

Correctional Officer

Inmate Signature

Mail Department

Do Not Write Below

Item Disposition: _____ DATE: _____

Form Updated 10/08

Montana Women's Prison

Publication Committee Review Form

Magazine Title: _____

Issue or Month: _____

Mailroom Officer who initially denied the Magazine: _____
Name

Date

Mailroom Officer's reason for initially denying this Magazine:

Date book was initially denied by the Mailroom:

Date

Date book needs to be reviewed by Committee Members: _____

Approved _____ Disapproved _____
DW Security or Designee – M W P

Approved _____ Disapproved _____
Grievance Officer or Designee – M W P

Approved _____ Disapproved _____
DW Programming – M W P