



POLICY DIRECTIVE

Policy:	DOC 3.3.6 INMATE MAIL IN SECURE FACILITIES
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I. POLICY

The Department of Corrections secure facilities permit inmates to send and receive mail in accordance with the provisions of this policy and subject only to the limitations necessary to maintain public safety and facility order, security, health, and rehabilitation.

II. APPLICABILITY

All Department secure facilities.

III. DEFINITIONS

Contraband – Any item possessed by an inmate or found within the facility that is illegal by law, prohibited by policy or procedure, or unauthorized by those legally charged with the administration and operation of the facility.

Electronic Message – An approved electronic means of communications provided through an approved vendor for inmates to send and receive audio and video messages.

Facility Administrator – The official, regardless of local title (administrator, warden, superintendent), ultimately responsible for the facility or program operation and management.

General Mail – All mail not otherwise considered legal or privileged mail.

Legal or Privileged Mail – Confidential communication directly: a. between an inmate and an attorney (to seek or provide legal services); b. from an inmate to a court; c. to any individual or entity designated to receive Prison Rape Elimination Act (PREA) communications; or d. from Department legal counsel or outside legal counsel representing the Department.

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

Sexually Explicit Material – Material that portrays, depicts, or describes:

1. Nudity, which includes exposed, partially exposed, or transparently exposed male or female genitalia, pubic area, or anus, or female areola. Photographs, pictures, or images that contain blackened dots, stars, or other similar such covering of the areola of the female breast or of human genitalia will also be considered as nudity.
2. Sex act(s), including but not limited to genital to genital, oral to genital, anal to genital, or oral to anal contact or penetration, genital or anal contact or penetration with an inanimate object, masturbation, sadistic or masochistic abuse, bondage, bestiality, and/or bodily excretory behavior which appears to be sexual in nature.
3. Participant(s) who appear to be nonconsenting, dominated, degraded, humiliated, or in a submissive role, and/or acting in a forceful, threatening, dominating, or violent manner that appears to be sexual in nature; and/or
4. Minor(s), or models depicting minors, in a sexually suggestive setting, pose, or attire.

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.

IV. Department Directives

A. General Mail Requirements

1. Outgoing mail must indicate on the envelope the sending inmate's name, identification number, and the proper name and address of the facility in which the inmate is incarcerated. It may be stamped by the facility with the facility name and address.
2. Inmates must leave outgoing general mail unsealed so that it may be reviewed by facility staff.
3. If a recipient of inmate mail notifies the Facility Administrator or designee that the recipient does not wish to receive mail from an inmate, the facility will notify the inmate and return to the inmate any mail addressed to the recipient.
4. For financial transactions, consistent with *DOC 1.2.6 Offender Financial Transactions*, inmates may request that the facility transfer money from their trust account to a person on the inmate's approved mailing or visiting list.
5. General mail that is in a language other than English, completely or in part, will not be treated differently because it is not written in English. The Department uses translation services through an approved vendor; however, the mail 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 10 business days for compliance with this policy;
 - b. if translation will delay the normal mailing of the mail, the inmate will be notified;
 - c. if attempts to translate are unsuccessful within 10 business days, the inmate will be provided a written notice of the undeliverable mail including a description of why the document was rejected and the efforts made to translate the document; and
 - d. mail may be rejected for a reason specified in *Attachment A: Inmate Mail Rejection Reasons*.
6. Inmates may not send or receive mail that contains sexually explicit material including publications that feature on a regular basis or promote sexually explicit material.
7. Sending and receiving mail is not allowed between an inmate and any individual committed to a Department operated or contracted secure facility unless the Facility Administrator(s) approve an exception on a case-by-case basis.
8. General incoming or outgoing mail found to contain any of the following will be held and may be referred to the Investigations Bureau, which will investigate according to Department policy and determine whether the inmate will be informed that the mail is undeliverable pending the investigation:
 - a. threats of physical harm against any person or threats of, or participation in, criminal activity;
 - b. blackmail or extortion;
 - c. plans for activities in violation of Department policy or facility-specific prohibitions, such as riots or plans to escape or assist another to escape;
 - d. contraband including drugs or drug paraphernalia;
 - e. other material which, if communicated, would create a serious danger to facility security; or
 - f. contents that violate U.S. Postal regulations.
9. The Facility Administrator, or designee, is responsible for assigning a staff member to oversee the following requirements:
 - a. requirements governing inmate mail must be available to staff, inmates, and inmates' correspondents;

- b. when an inmate bears the cost of postage, there is no limit on the source, destination, amount, or content of incoming or outgoing mail, within the parameters of this policy, including, but not limited to, air, certified, insured, oversized, and overweight mail services;
- c. the convenient deposit and distribution of mail on every business day;
- d. all incoming and outgoing inmate general mail may be opened, read, and inspected for contraband and prohibited content;
- e. staff inspect, confiscate, and dispose of contraband including, but not limited to, currency and unauthorized enclosures and staff notify inmates of such actions;
- f. methods for identification and handling of prohibited mail;
- g. first-class general mail is not forwarded after an inmate's transfer or release and will be returned to the sender;
- h. if an inmate is transferred to a different Department operated or Department contracted secure facility, the inmate's legal or privileged mail will be returned to sender with a notice of the inmate's new address;
- i. inform inmates on any changes to U.S. Postal Service regulations and rates;
- j. indigent inmates are provided packets monthly, including:
 - 1) envelopes for personal correspondence for the facility to mail out; and
 - 2) 8 legal mailings or up to \$10 of legal mailings, whichever is greater;
- k. handling restricted items, for example, credit cards or credit card applications, or other materials that may be disposed of on the basis of security; and
- l. incoming and outgoing mail inspection processes adhere to the following time frames, (excluding weekends, holidays, urgent situations, and when the inmate is temporarily absent from the facility, for example, in the hospital or on leave to court):
 - 1) non-scanned and legal or privileged mail are held for inspection no longer than 72 hours; and
 - 2) packages are held for inspection no longer than 72 hours.

B. Incoming Mail Requirements

1. Scannable mail that is received at a secure facility instead of at the vendor's mailing address will be returned to the sender.
 - a. Exception: Mail for inmates at Crossroads Correctional Center, Dawson County Correctional Facility, and Saguaro Correctional Center must be sent to those facilities' designated mailing addresses.
2. To prevent contraband from entering secure facilities, all scannable incoming mail must be addressed to the **vendor's** mailing address (*for the mailing address and a list of scannable, non-scanned, and legal or privileged mail items, see Attachment B*).
 - a. Inmates are responsible for providing the vendor's mailing address to senders.
 - b. Incomplete or incorrect **inmate** information will result in mail being returned to the sender with a checked reason indicating that information is missing that is required for processing.
 - c. Mail received without the **sender's** full first and last name and/or return address will be returned undeliverable.
3. Review and approval authority for mail content remains with the secure facility's authorized staff. Scanned mail is reviewed for approval or rejection by secure facility staff. Approved scanned mail is sent electronically to inmates' tablets.
4. For rejections and appeals, see IV.F below.
5. After scannable mail is scanned, the vendor will destroy the original mail unless retention is required for investigative purposes.
6. Except as provided below, inmates may request printing of their electronic content by facility staff. The cost of the printing is 25 cents per page and is paid for by the inmate.

7. Electronic content is not available to inmates from the Department after they discharge from a secure facility.
 - a. Before their discharge from a secure facility, inmates may request and purchase printed copies of their messages, letters, and/or photographs.
 - b. After their discharge from a secure facility, inmates can create an inmate mail account online by going to the mail vendor's website. Inmates who move from a secure facility to another secure facility will not have access to their electronic content at the other secure facility.

C. Non-Scanned Mail

1. All non-scanned mail must be addressed to the **secure facility's** mailing address. Any non-scanned mail incorrectly sent to the **vendor's** mailing address will be returned to the sender. If an envelope or other container that contains scannable mail is received at a secure facility, all contents will be returned to the sender, even if the contents also include non-scanned mail.
 - a. **Publications**
 - 1) The Department Publication Review Committee will review, approve, and deny all publications that enter secure facilities.
 - 2) Facility Administrators will serve on the Publication Review Committee or appoint employees under their supervision to represent their facility. Each facility will have representation on the committee.
 - 3) The Department maintains a rejected publication list in accordance with *Attachment A: Inmate Mail Rejection Reasons*.
 - 4) The Publication Review Committee will meet annually to reevaluate the rejected publication list and *Attachment A*.
 - 5) Following determination that content does not violate *Attachment A*, inmates may receive publications in any language including books, magazines, and newspapers sent directly from the publisher and prepaid publications sent directly from a publisher, book club, or bookstore.
 - 6) Deliveries of books, magazines, newspapers, advertising brochures, catalogs, newsletters, or other published materials may be provided to an inmate when the publication is addressed to the individual inmate and includes the appropriate inmate identification number; if mailings are properly addressed and denied for content, facilities must provide adequate inmate notification.
 - 7) Bulk mailings not addressed as prescribed by this policy may not be delivered and the facility is not required to provide an undeliverable notice to the inmate. Facility Administrators are advised to consult U.S. Postal regulations and the local post office regarding the proper handling of undelivered bulk mailings, such as whether the postal service destroys them or delegates to the facility the permission to destroy them.
 - b. **Financial and ID Mail:** Money orders, cash currency, payment checks, credit/debit cards, prepaid cards, wet signature documents (unless they can be initiated within the facility), birth certificates, passports, and social security cards must be sent directly to the secure facility. (Only **copies** are scannable.)
 - 1) Inmates are only allowed to send money to those persons on their approved visiting list.
 - 2) Inmates may receive funds through the mail from approved parties.
 - 3) Approved parties may send funds to an inmate when funds are in the form of a money order or cashier's check. Funds must meet the following requirements:
 - a) in a separate envelope addressed to "Mailroom inmate funds";
 - b) received within 20 days of the date of purchase;
 - c) include the inmate's first and last name and Department identification number;
 - d) include the completed, printed, legible name and address of the sender (for comparison with the approved list).
 - 4) In addition to mail, the Department maintains an electronic funds and transfer process through which authorized senders may deposit funds into an inmate's account.

- 5) The administrative support supervisor or designee will forward funds such as U.S. Treasury Department checks, refunds, inmate personal savings withdrawals, approved business transactions, or tribal checks to accounting staff to be credited to the inmate's account.
 - 6) Unapproved funds or delivery that does not comply with this policy will be returned to sender.
- c. Packages
- 1) A designated facility staff member will:
 - a) screen and approve all inmate packages;
 - b) process packages in an area inaccessible to inmates;
 - c) dispose of all packaging material outside of the facility; and
 - d) inventory and document package contents.
 - 2) Inmates will pay to ship packages and send them only to persons on the inmate's approved mailing or visiting list.
 - 3) Care packages (only for juveniles) must be sent directly to juvenile correction facilities.

D. Legal or Privileged Mail

1. Legal or privileged mail is defined as confidential communication directly:
 - a. between an inmate and an attorney (to seek or provide legal services);
 - b. from an inmate to a court;
 - c. to any individual or entity designated to receive Prison Rape Elimination Act (PREA) communications; or
 - d. from Department legal counsel or outside legal counsel representing the Department.
2. Any such mail incorrectly sent to the **vendor's** mailing address will be returned to the sender.
 - a. Note: If any mail that is not clearly marked as legal or privileged mail but contains legal or privileged documents is opened by vendor staff as a standard process, it will be processed as non-legal, non-privileged mail. For legal or privileged mail that was scanned because it was not clearly marked, the physical copy will be provided to the inmate if requested by the inmate within 30 days of when the mail was received.
3. Any questionable legal or privileged mail will be verified with the sender before delivery to the inmate.
4. Legal or privileged mail must be marked on the front of the envelope as "Legal Mail," "Privileged Mail," "Legal Correspondence," or "Privileged Correspondence," and must have a mailing address or return address that clearly indicates that the mail is to or from a source listed in the definition of "Legal or Privileged Mail."
5. Staff may not read the content of incoming or outgoing legal or privileged mail. For such mail received by the vendor, the vendor will not open or process the mail; it will be returned to the sender.
6. The following standards apply to legal or privileged mail:
 - a. if outgoing, the inmate must indicate on the envelope the name and official status of the addressee, and present the mail unsealed to staff, who will inspect the enclosed mail by shaking the pages to ensure no contraband is hidden before the inmate seals the envelope; and
 - b. if incoming, the sender must indicate on the envelope the sender's name and official status and the mail will be opened by staff to inspect for contraband in the presence of the inmate, unless waived by the inmate in writing, or in circumstances which may indicate contamination as approved by the Facility Administrator or designee.

E. Electronic Messages

1. Facilities offer electronic text and picture message capabilities to inmates through the Department's vendor-provided electronic messaging service.

2. Inmates will access electronic message services through inmate issued tablets and must adhere to the guidelines set forth in *DOC 3.3.10 Offender Issued Computer Tablets*.
3. Senders may initiate contact with an inmate; the Department will not block electronic messages solely because they did not originate from the inmate. These messages are still subject to review as provided in this policy.
4. Recipients will be able to accept or deny electronic message requests.
5. Recipients will be charged for accepted requests and will incur a fee per electronic message.
6. Electronic messages will be subjected to the same restrictions as physical mail, as applicable.
7. The Facility Administrator may suspend or revoke electronic message services due to violations of Department policy.
8. The Facility Administrator or designee may temporarily or permanently block a sender from transmittal of electronic messages to an inmate if the sender has sent a message in violation of policy.
 - a. Notice of the block shall be sent to the sender after initiation of the block.
 - b. The notice will inform the blocked individual of the opportunity to ask for a review of the decision by an official who did not participate in the original decision to block the individual.
 - c. The decision to block a sender from the transmittal of electronic messages does not impact that sender's ability to communicate by mail, telephone, or video calling.

F. Rejections and Appeals

1. The Department will allow uncensored inmate mail in accordance with this policy.
2. Rejected **outgoing** mail is automatically reviewed by the Facility Administrator or designee, and investigative staff if necessary, and the inmate must be provided notice of the rejection. The notice cites the specific reason(s) for rejection and informs the inmate of their right to an appeal. The notice will be distributed within 10 business days of the facility processing the mail.
3. If mailroom employees censor or reject **incoming** non-scanned mail, scanned mail, or electronic messages:
 - a. within 10 business days of the facility receiving the mail, staff will:
 - 1) send the inmate's tablet a notice of rejection, notice of right to appeal, and an appeal form; and
 - 2) notify the sender, either by postcard or electronically as applicable, with specific reasons for rejection and the option for requesting review of the decision.
 - b. after notification, inmates will have 10 days to submit an appeal.
 - 1) A facility mail room staff member or designee who did not participate in the original disapproval of the mail will review appeals within 10 days of receipt of the appeal and either uphold the rejection or allow delivery. If the rejection is reversed, the mail will be sent to the addressee within 7 days of the reversal.
 - 2) Staff will respond electronically to an inmate's appeal and document the response in the offender management system.
4. Facilities will maintain upheld rejection records.

V. CLOSING

Questions about this policy should be directed to the Facility Administrator or Central Services Operations Bureau.

VI. REFERENCES

- A. *45-7-307, MCA*
- B. *DOC 1.2.6; DOC 3.1.17; DOC 3.3.10*

VII. ATTACHMENTS

- A. *DOC 3.3.6 Attachment A: Inmate Mail Rejection Reasons*
- B. *DOC 3.3.6 Attachment B: Scannable, Non-Scanned, and Legal or Privileged Mail*



ATTACHMENT A: INMATE MAIL REJECTION REASONS*

**The rejection reasons below may appear on the rejection notice that is provided to inmates when incoming mail is rejected by the facility mailroom or vendor. Rejections are automatically reviewed by the Facility Administrator or designee or Publication Review Committee.*

Rejection Reasons

1.	Not specifically authorized, or required for rejection, by <i>DOC 3.3.6 Inmate Mail in Secure Facilities</i> or any other policy, directive, or applicable operational memorandum
2.	Advocates behavior that is detrimental to the inmate or their rehabilitation or to the facility
3.	Attempts to establish contact with a person or their guardian who has requested not to be contacted by the inmate, when the inmate is aware or should be aware of the request
4.	Violates sentencing conditions and/or court order or otherwise attempts to establish prohibited contact between sender and recipient
5.	Contains an unknown substance(s) or contraband, or relates to sending contraband into or out of the facility
6.	Contains items written or drawn in crayon or gel pen, contains excessive marker ink, or contains or has been treated with perfume, glitter, and/or other items that could be easily misidentified
7.	Contains escape plans and/or other information related to escape
8.	Provides technical/detailed information on security systems, equipment, and practices used in the correctional field
9.	Contains plans for activity that violates federal or state law, administrative rules, Department policy, and/or local facility rules
10.	Contains instructional and/or "how to" material for committing illegal activities
11.	Depicts or describes the procedures for constructing or using weapons, ammunition, bombs, and/or other destructive devices, or includes life sized photograph(s)/graphic illustration(s) of these items
12.	Provides instructions on martial arts, fighting/self-defense techniques, and/or how to disable/disarm others
13.	Appears to be in code
14.	Contains written/graphic information on security equipment/operations or facility blueprints/diagrams
15.	Contains detailed maps/charts of Montana, except those received by the facility libraries
16.	Contains information that could create a risk of physical harm to the inmate or another person if the communication were allowed
17.	Contains sexually explicit material, sexually suggestive poses and/or references sexually explicit behavior. May include altered images, strategically placed graphics, or airbrushing. Sexually explicit behavior must be the predominant theme when rejecting written and/or audio-based publications or letters
18.	The publication(s) are not in English, and the Publication Review Committee cannot confirm that they comply with Department policy.
19.	Contains publications or documents, other than legal mail sent from a legal entity/agency, that have been altered (for example, pages torn/removed, extraneous markings, etc.)
20.	Advocates violence against others and/or the overthrow of authority
21.	Advocates that a protected class or group of individuals is inferior and/or makes such class/group the object of ridicule and/or scorn, and may reasonably be thought to precipitate a violent confrontation between the recipient and a member(s) of the target group
22.	Purports to be legal or privileged mail, but upon inspection is determined to be general mail
23.	Contains cash or personal check(s) or any form of payment from unapproved individuals
24.	Contains markings of gang symbols or symbols of other unauthorized groups that may reasonably be thought to precipitate violence

25.	Contains multiple or similar copies/photocopies of the same photograph, document, and/or publication/subscription, in whole or part
26.	Contains pre-franked envelopes and/or non-canceled postage stamps without prior approval from the Facility Administrator or designee.
27.	Contains mail, information, or other items relating to another incarcerated inmate(s) without prior approval from the Facility Administrator or designee, or attempts or conveys unauthorized inmate-to-inmate mail
28.	Contains a blank greeting card or postcard, or contains any stickers/labels
29.	Contains a photograph, card, poster, and/or calendar that is padded, laminated/layered, musical, and/or exceeds scannable dimensions
30.	Contains unauthorized audio or video, including public disclosure audio or video
31.	Contains clipping(s)/copies of copyrighted material, including books. Single clippings or copies from public domain publications (for example, newspapers or magazines) are allowed.
32.	Contains or attempts to obtain an item(s) not approved and paid for in advance through facility designated channels
33.	Solicits and/or contains money or anything of value, except as allowed by <i>DOC 1.2.6 Offender Financial Transactions</i> , from anyone other than approved parties without prior approval from the Facility Administrator or designee. This does not preclude authorized purchases through approved vendors.
34.	Requests/directs another person to provide money or anything of value to a third party without prior approval from the Facility Administrator or designee
35.	Contains a metal and/or inflexible binder
36.	Contains sweepstakes, contests, lottery tickets, or other mailings soliciting or offering games of chance. Publications that contain a sweepstakes or contest entry will not be restricted. However, inmates are not authorized to enter sweepstakes or contests of any kind.
37.	Includes a solicitation from an inmate for a "pen pal" or from a third party that matches inmates with potential pen pals
38.	Contains a used publication or a publication from a vendor that has been notified by the Department they are prohibited from sending publications to inmates



ATTACHMENT B: SCANNABLE, NON-SCANNED, AND LEGAL OR PRIVILEGED MAIL

Type	Description	Requirements and Notes
<p>A</p>	<p>Scannable mail includes envelopes and written content other than the content specified in B and C below.</p> <p>Sender must address scannable mail to the scanning vendor as follows: Inmate First and Last Name, Inmate DOC Number, Secure Facility Name, P.O. Box 247, Phoenix, MD 21131.</p> <p>Exception: Mail for inmates at Crossroads Correctional Center or Saguaro Correctional Center must be sent to those facilities' designated mailing addresses.</p> <p>For money orders, cash currency, payment checks, passports, social security cards, credit/debit cards, prepaid cards, and birth certificates, only copies are scannable.</p>	<p>To meet vendor mail processing standards, scannable mail sent to an inmate must display the following information: 1) Sender's complete first and last name. Initials for a last name are not acceptable. 2) Sender's complete return address. 3) Inmate's complete first and last name. Initials for a last name are not acceptable. 4) Inmate DOC number. 5) Secure facility full name. Abbreviations are not acceptable.</p> <p>Mail received without the sender's full name and/or return address will be returned undeliverable.</p> <p>Mail received by the vendor with incomplete inmate information will not be processed and will be returned to the sender with a checked reason indicating that information is missing that is required for processing.</p> <p>Note: Any illegal or suspicious drugs received by the vendor in the mail will be separated. The scanning vendor will notify local police to take possession of the substance and notify the secure facility with photographs of the mail and suspicious substance(s).</p>
<p>B</p>	<p>Non-scanned mail must be addressed to the secure facility and includes but is not limited to: 1) books 2) magazines 3) newspapers 4) care packages sent to juvenile correction facilities 5) financial and ID mail, except scannable copies as noted above 6) documents that require a wet signature <i>(unless they can be initiated within the facility)</i></p>	<p>Any non-scanned mail incorrectly sent to the vendor's mailing address will be returned to the sender.</p> <p>If an envelope or other container that contains scannable mail is received at a secure facility, all contents will be returned to the sender, even if the contents also include non-scanned mail.</p>
<p>C</p>	<p>Legal or privileged mail must be sent to the secure facility.</p> <p>Legal or privileged mail is defined as confidential communication directly: a. between an inmate and an attorney (to seek or provide legal services); b. from an inmate to a court; c. to any individual or entity designated to receive Prison Rape Elimination Act (PREA) communications; or d. from Department legal counsel or outside legal counsel representing the Department.</p>	<p>The vendor will not open or process any incoming legal or privileged mail; it will be returned to the sender</p> <p>If any mail that is not clearly marked as legal or privileged mail but contains legal or privileged documents is opened by vendor staff as a standard process, it will be processed as non-legal, non-privileged mail. For legal or privileged mail that was scanned because it was not clearly marked, the physical copy will be provided to the inmate if requested by the inmate within 30 days of when the mail was received.</p>