



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

Procedure:	<b>MWP 3.3.6 Offender Mail</b>	
Effective Date:	April 10, 2004	Page 1 of 11 and 2 Attachments
Revision Date(s):	March 14, 2021	
Reference(s):	DOC 3.3.6 Offender Mail	
Signature:	/s/ Jennie Hansen	/ Warden

**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**

**Contraband** - any item possessed by an inmate or found within the facility that is illegal by law, prohibited by policy or by the Warden/Designee including altered items or items being used for other than their intended purpose.

**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 inmate’s legal spouse, natural or adoptive parents and children, siblings, grandchildren, grandparents, corresponding in-law, person verified as being primarily responsible for raising the inmate in the absence of a parent and any other member of the inmate’s household as documented in OMIS.

**Legal or Privileged Correspondence** – Any correspondence to or from the office of a licensed attorney, court, court official, Montana Human Rights Bureau, consular official, or any individual or entity designated to receive Prison Rape Elimination Act communications, and any correspondence or documents (e.g., a summons and complaint) sent to a sheriff’s office for service of process. Privileged correspondence includes correspondence to and from attorneys associated with recognized legal advocacy groups, such as the ACLU, the Montana Innocence Project, and Disability Rights Montana.

**Mail** – All mail, including correspondence, publications, packages and approved monies.

**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 or picture 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 oral 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.

### III. PROCEDURES

#### A. Correspondence

##### 1. General

- a. The Mail Clerk, with oversight from the Disciplinary Hearings Officer (DHO), is responsible for processing all correspondence.
- b. Correspondence 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, if she can afford postage.
- e. All outgoing inmate correspondence and packages must display a complete return address including "Montana Women's Prison, 701 South 27<sup>th</sup> Street Billings, MT 59101," and the inmate's name and identification number.
- f. Incoming and outgoing correspondence and packages with markings, drawings, stickers, return address labels or acronyms on them will be returned to the sending party.



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- g. All general correspondence will be opened, inspected for contraband and can be read. Currency and contraband found may be returned to sender.
- h. Excluding weekends, holidays or urgent situations, incoming and outgoing letters and publication will not be held for initial inspection for more than 72 hours unless further inspection is needed. This standard does not prohibit holding mail for inmates who are temporarily absent from the facility, e.g., hospital or court. All first-class general correspondence 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.

## **2. Legal or Privileged Correspondence**

- a. Legal or Privileged correspondence consists of correspondence to and from:
  - 1. Licensed attorneys, court, court official, Montana Human Rights Bureau, consular official, or any individual or entity designated to receive Prison Rape Elimination Act communications, and any correspondence or documents sent a Sheriff's Office for services of process. Privileged correspondence includes correspondence to and from attorneys associated with recognized legal advocacy groups, such as the ACLU, the Montana Innocence Project, and Disability Rights Montana.
- b. The following standards apply to legal or privileged correspondence:
  - 1. If outgoing, the inmate must indicate on the envelope the name and official status of the addressee and present the correspondence unsealed to staff, who will inspect the enclosed correspondence by shaking the pages to ensure contraband is not hidden before the inmate seals the envelope.
  - 2. If incoming, the sender must indicate on the envelope his or her name and official status and the correspondence 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 administrator or designee.

### **B. Outgoing Legal or 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 Mail Clerk will log outgoing Legal Mail in OMIS. The same officer will ensure outgoing legal or 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 mailbox.
- f. May be held for no more than 48 hours to allow for verification of the addressee's status, excluding weekends and holidays and urgent situations.
- g. If an inmate has insufficient funds, refer to the indigent procedure MWP4.1.4.

#### **C. Incoming Legal or Privileged Correspondence:**

- a. Must clearly indicate the name and official status of the sender on the envelope if it is to be processed as legal or privileged correspondence.
- b. If incoming, the sender must indicate on the envelope his or her name and official status and the correspondence will be opened by staff to inspect for contraband on the presence of the inmate, unless waived by the inmate in writing, or in circumstances which may indicate contamination as approved by the administrator or designee.
- c. Incoming legal or privileged correspondence will be logged in OMIS, stamped and placed in the appropriate pod box by the Mail Clerk.
- d. May be held for no more than 72 hours, unless further inspection is needed, to allow for verification of the sender's status, excluding weekends, holidays, urgent situations, or the inmate is absent from the facility.
- e. If a staff member unintentionally opens a piece of legal or privileged correspondence, they must immediately notify the on-duty supervisor (or designee) and write an incident report – also they must stop scanning that correspondence.

#### **D. General Correspondence**

- a. 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:
  - 1. Staff will exercise due diligence and make a good faith effort to translate and review contents within ten calendar days for compliance with this procedure.
  - 2. If translation will delay the normal mailing of the correspondence, the inmate will be notified.



3. 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.
4. 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.
5. If the department is unable to attain translator services, inmates will continue to receive correspondence.

**E. Outgoing Mail:**

- a. The Mail Clerk will process all outgoing inmate mail.
- 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 mail, not otherwise prohibited by this procedure, to any person or organization unless that person or organization has notified the facility administrator or designee in writing that they object to receiving such correspondence. If a recipient of inmate correspondence notifies MWP's Administrator or designee 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 mail contains any of the following, the mail will be held, may be considered undeliverable, and may be investigated:
  1. Sexually explicit material.
  2. Threats of physical harm against any person or threats of or participation in criminal activity.
  3. Blackmail or extortion including Security Threat Group activity.
  4. Contraband.
  5. Plans to escape or assist another to escape.

6. Plans for activities in violation of facility rules, such as riots.
7. Drugs or drug paraphernalia.
8. Other materials that, if communicated, would create a serious danger to the security of the facility.
9. Inmates are only allowed to send money to those persons on their current approved correspondence/visiting list.
10. Any violation of U.S. Postal Service regulation, law, or policies.

**F. Incoming General Correspondence:**

- a. Will be sorted by unit for inmates and for staff by the Mail Clerk.
- b. Those pieces of mail not deemed undeliverable will be sorted into their appropriate pod box and delivered to Intake.
- c. Mail for inmates who are no longer housed at the facility will not be opened. The Mail Clerk 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 completely 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 30 days if applicable.
- 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. Money orders must be filled in completely and accurately with the inmate's name and AO number.
  3. Be receipted by the Mail Clerk;
  4. 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 yellow copy and the Mail Clerk retaining the piece of undeliverable mail with the pink portion of the undeliverable slip attached to it. The white copy will be forwarded to records.

- f. First class mail addressed to an inmate or inmate group in care of a staff member or department:
1. Must clearly state the inmate's name and identification number.
  2. Will be opened and inspected for contraband.
- g. If any incoming correspondence contains any of the following, the correspondence will be held, may be considered undeliverable, and may be investigated:
1. Sexually explicit material.
  2. Threats of physical harm against any person or threats of participation in criminal activity.
  3. Blackmail or extortion.
  4. Contraband.
  5. Plans to escape or assist another to escape.
  6. Plans for activities in violation of facility rules (such as riots).
  7. Code or foreign language (See Page 4 section D).
  8. Drugs or drug paraphernalia.
  9. Other material, which if communicated, could create a serious danger to the security of the facility.
  10. Any violation of a U.S. Postal Service regulation, law, or policy.
  11. Recorded correspondence unless the inmate obtained proper approval from the facility administrator or designee.
  12. 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.
  13. Stickers, tape, ink stamps/markings, lip impressions, perfumes, glitter, or powders.
  14. Postage stamps are not allowed to be sent in.



- h. Greeting cards that have music, that are layered or have a pop-up are not allowed. Greeting cards may be allowed on the following holidays and will be copied by the Mail Clerk:
  - 1. Mother's Day.
  - 2. St. Valentine's Day.
  - 3. Christmas.
  - 4. Inmate Birthday.
- i. Incoming correspondence may contain photocopies of drawings in pencil or crayon, painting, or greeting cards, provided the photocopies do not violate any other provision(s) of this procedure

#### **G. Incoming Money**

- a. Individuals 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:
  - 1. Must include the name and AO number that the inmate is incarcerated under (On the Money Order).
  - 2. Must include the complete, printed, legible name and address of the sender (for comparison with the current correspondence visiting list) (On the Money Order).
- b. All senders must be approved visitors that can be verified through OMIS.
- c. 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.

#### **H. Publications**

- a. 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, following staff determination that content does not violate the provisions of this or any other existing DOC policy or facility-specific procedure or contain, advocate for, or encourage the following:
  - 1. Instructions for manufacturing of explosives, weapons, drugs, or drug paraphernalia.
  - 2. Violence or disruption of the safety and security of the facility.



3. Racial, religious, or national supremacy or hatred.
  4. Behavior that is detrimental to rehabilitation such as gambling, illegal sexual activity, or the commission of a crime.
  5. Sexually explicit material.
- b. 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 have procedures for adequate inmate notification.
  - c. Bulk mailing not addressed as prescribed by this procedure may not be delivered and the facility is not required to provide an undeliverable notice to the inmate. Facility administrators are advised to consult the U.S. Postal Regulations and local Post Office regarding the proper handling of undeliverable bulk mailings, i.e. whether the Postal Service destroys them or delegates to the facility the permission to destroy them.

#### **I. Packages**

- a. All incoming packages will be inspected by staff. If the package is undeliverable, it will be sent out immediately. Inmate packages are only allowed 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 by the Mail Clerk and inspected. If the package has met all requirements, the package will be forwarded to the Property Officer for processing. If the package is against policy/procedure an undeliverable slip filled out and the package will be returned to sender by the Mail Clerk.
- b. All approved packages for inmates will be forwarded to the Property Officer. The Property Officer will process the package and complete a property receipt.
- c. If any part of the package is considered undeliverable, the entire package may be returned to sender.
- d. The Mail Clerk will coordinate with the inmate accounts technician to ensure inmates have enough funds to mail a package prior to sending any packages and follow proper accounting procedures.
- e. Inmates must pay for all shipping expenses.
- f. 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.

1. Excluding weekends and holidays, incoming packages, and outgoing packages may be held for inspection for no more than 72 hours, unless further inspection is needed. This standard does not prohibit holding packages for inmates who are temporarily absent from the facility, e.g., hospital or court or urgent situation.
2. All packages will be returned to sender if an inmate has been released or transferred to another facility.

## **J. Undeliverable Mail and Publications**

- a. 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:
  1. The Mail Clerk will 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.
  2. The inmate must complete the appropriate sections on the "Notice of Undeliverable Mail" form and send it back to the Mail Clerk.
  3. If the completed form is not returned to the Mail Clerk within five working days, or is received without one of the options selected, the correspondence will be destroyed.
  4. If the Mail Clerk is unsure if something is Undeliverable, they may refer the question to the DHO. The Mail Clerk may also speak with the inmate to determine what the inmate is requesting to have done with the undeliverable.
- b. 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.
- c. 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.
  1. The Warden or designee will send written notice to the restricted individual or vendor concerning the restriction.

- a. The Warden or designee may rescind a restriction upon written application for lifting of the restriction from the restricted party.
- b. 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 procedure will be directed to the Associate Warden of Security or the Disciplinary Hearings Officer.

#### **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

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**Do Not Write Below**  
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Item Disposition: \_\_\_\_\_ DATE: \_\_\_\_\_

Form Updated 10/08

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**EXAMPLE ONLY USE CARBON COPY**



