



**DEPARTMENT OF CORRECTIONS  
MONTANA STATE PRISON  
OPERATIONAL PROCEDURE**

Procedure No.: MSP 5.4.1	Subject: <b>CORRESPONDENCE, PUBLICATIONS, &amp; PACKAGES</b>	
Reference: DOC Policy No. 5.4.1		Page 1 of 6
Effective Date: November 14, 1997	Revision Date: new effective date – September 1, 2007	
Signature: /s/ Mike Mahoney / 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**

Features - means that the publication contains prohibited images or prohibited writings on a routine or regular basis or promotes itself based on such depictions.

General correspondence – all mail not otherwise privileged.

Nudity - a pictorial depiction where genitalia or female breasts are exposed or covered with props or 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 nudity, actual or simulated sexual acts (including but not limited to sexual intercourse, oral sex or masturbation), tattooing, body piercing, or other images that by their nature or content depict or facilitate criminal activity or gang activity and / or 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.

**III. PROCEDURES**

**A. Correspondence**

**1. General**

- a. The Mail Room Administrative Support Supervisor, with oversight from the Security Major, is responsible for implementing the correspondence program.
- b. The correspondence system provides for the convenient deposit and distribution of inmate correspondence every business day.
- c. Correspondence is prohibited between MSP inmates and any individual committed to MSP 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.

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- 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 social mail an inmate may receive or send, as long as he can afford postage.
- e. All outgoing inmate correspondence and packages must display a complete return address, including "Montana State Prison, 700 Conley Lake Road, Deer Lodge, MT 59722," the inmate's name and identification number.
- f. Incoming and outgoing correspondence and packages with markings, drawings, 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 and holidays, incoming and outgoing letters will not be held more than 24 hours. This standard does not prohibit holding mail for inmates who are temporarily absent from the facility, e.g., hospital or court.
- i. All first-class letters will be forwarded after an inmate's transfer to another facility. Upon an inmate's release all general correspondence will be returned to the sender.
- j. Air, certified, registered, oversized and overweight mail services are available provided the inmate pays for the service.
- k. Inmates may not send or receive taped or other electronic correspondence without prior written approval from the Security Major.
- l. Mail ordered pen pals are not authorized.
2. Privileged Correspondence
  - a. Outgoing Privileged Correspondence:
    - 1) Will indicate on the envelope the inmate's name, his identification number, and the name and address of MSP.
    - 2) Will indicate on the envelope the name and the official status of the addressee.
    - 3) Will not be read by staff.
    - 4) May be inspected for contraband by staff in the presence of the inmate before it is sealed. Whenever this practice is implemented unit staff will mark the envelope as inspected and forward it to the Mailroom for mailing.
    - 5) May be held for a reasonable period of time to allow for verification of the addressee's status.
    - 6) If an inmate has insufficient funds at the time he sends privileged correspondence to the Mail Room for mailing, he 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. 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



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privileged nature of the correspondence. The address on the correspondence must reflect the privileged status of the addressee (attorney, judge, clerk, etc.).

b. Incoming Privileged Correspondence:

- 1) Must clearly indicate the name and official status of the sender on the envelope if it is to be processed as privileged correspondence.
- 2) Will only be opened to inspect for contraband and only in the presence of the inmate. The Security Major 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.
- 3) Will not be read by facility staff.
- 4) May be held for a reasonable period of time to allow for verification of the sender's status.

3. General Correspondence

a. Outgoing General Correspondence:

- 1) Will indicate on the envelope the inmate's name, his identification number, and the name and address of MSP. All outgoing mail may be stamped with MSP's name and address.
- 2) Inmates are allowed to send correspondence, not otherwise prohibited by this policy, to any person or organization unless that person or organization has notified MSP in writing that they object to receiving such correspondence. If a recipient of inmate correspondence notifies MSP 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.
- 3) 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.
- 4) All outgoing general correspondence must be left unsealed and may be read by MSP staff.
- 5) 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 not understood by the reader.
  - h) Drugs or drug paraphernalia.
  - i) Other materials that, if communicated, would create a serious danger to the security of the facility.

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- 6) Inmates are only allowed to send money to those persons on their current approved correspondence/visiting list.
- b. Incoming General Correspondence:
  - 1) There is no limit on the amount of first class mail an inmate is allowed to receive.
  - 2) 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.
  - 3) 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 not understood by the reader.
    - 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) 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.
    - l) Stickers, ink stamps/markings, lip impressions, perfumes, or powders.
  - 4) An approved immediate family member (mother, father, brother, sister, wife, child, grandparent or stepparent) that is listed on the inmate's current correspondence visiting list may send funds in to an inmate. If the funds are not in the form of a U.S. Postal money order that meets the following requirements 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 his identification number.
    - c) Must include the complete, printed, legible name and address of the sender (for comparison with the current correspondence visiting list).

If the sender cancels a money order after it has been received at MSP the U.S. Postal authorities will be notified.

The Security Major or designee may allow an inmate to receive money orders from an approved non-family member on his current correspondence visiting list if no immediate family member on his current



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correspondence visiting list is sending him money or he has no immediate family members on his current correspondence visiting list.

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.

Any funds that are not approved will be returned to the sender.

## **B. 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, and providing such material:
  - 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, his identification number, and the name and address of MSP 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.
2. All book orders and books that come in from vendors will be forwarded to the Property Officer who will screen them for proper authorization and content.
  - a. If the book meets procedural guidelines the Property Officer will process it in accordance with *MSP 4.1.3, Inmate Personal Property*, including inventory and documentation.
  - b. If the Property officer feels an ordered book, or one that comes in from a vendor, is unallowable due to its content, the order or book will be forwarded to the Warden or designee, who has the authority to deny ordering or delivery of the book. Material that has scholarly, literary, or artistic value may be allowed. If the Warden or designee determines a book is unallowable due to its content, he/she will send the inmate and the publisher a written notice outlining the specific reason(s) the material is being rejected. Appropriate documentation concerning the contents of the book will be retained until final resolution of any grievance the inmate may file.

**C. Packages**

1. Incoming packages for inmates are only allowed from approved vendors through approved inmate purchases, and/or through authorized channels. All other packages will be returned to sender.
2. All packages for inmates will be forwarded to the Property Officer at the Property Office. 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. Inmates may only ship packages to persons on their approved correspondence visiting list, and must pay for all shipping expenses.
4. Visitors may pick up outgoing packages with prior written approval of the Security Major or designee.
5. Excluding weekends and holidays, incoming packages will not be held for more than 48 hours. This standard does not prohibit holding packages for inmates who are temporarily absent from the facility, e.g., hospital or court.
6. All packages will be forwarded after an inmate's transfer to another facility. Upon an inmate's release all packages will be returned to the sender.

**D. 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 Mail Room staff will complete and send a "Notice of Undeliverable Mail" to the inmate.
  - b. The inmate must complete the appropriate sections on the form and send it back to the Mail Room.
  - c. If the completed form is not returned to the Mail Room within five working days, or is received without one of the options selected, the correspondence will be returned to the sender at the inmate's expense.
2. When an individual or vendor sends contraband to MSP the Warden or designee may place restrictions on mail, publications, and packages that arrive at MSP from these individuals or vendors. During the restriction all items and mail that arrives at MSP 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 *MSP 5.4.4, Inmate Visiting*.

**IV. CLOSING**

Questions concerning this policy and procedure will be directed to the Mail Room Supervisor.

**V. ATTACHMENTS (none)**