

MONTGOMERY COUNTY SHERIFF'S OFFICE

JEFFERY T. SMITH
SHERIFF



CARL J. RUST
UNDERSHERIFF

200 CLARK DRIVE, P.O. Box 432, FULTONVILLE, NEW YORK 12072 ★ (518) 853-5500/(518)853-4096 FAX

MONTGOMERY COUNTY SHERIFF'S OFFICE	NUMBER: CD 09-02-00
CORRECTIONS DIVISION	EFFECTIVE DATE: 05/21/03
POLICY AND PROCEDURES	REVISION DATE: 04/21/2021
ESSENTIAL SERVICES	PAGE: 1 OF 1 PAGES
SUBJECT: CORRESPONDENCE	DISTRIBUTION: ALL AUTHORIZED PERSONNEL
AUTHORITY: SHERIFF	ISSUED BY: ADMINISTRATOR
REFERENCES: SCOC 7004	

POLICY:

IT IS THE POLICY OF THE MONTGOMERY COUNTY CORRECTIONAL FACILITY TO ENSURE THAT ALL INCARCERATED INDIVIDUALS HAVE UNLIMITED ACCESS TO SEND AND RECEIVE CORRESPONDENCE CONSISTENT WITH THE REQUIREMENTS OF STATE COMMISSION OF CORRECTIONS MINIMUM STANDARDS 7004.

PROCEDURES:

A. GENERAL INFORMATION:

1. THERE WILL BE NO LIMITATIONS ON THE AMOUNT OF CORRESPONDENCE AN INCARCERATED INDIVIDUAL MAY SEND OR RECEIVE WITH ANY PERSON.
2. THERE WILL BE NO LIMITATIONS ON THE LANGUAGE, IN WHICH THE CORRESPONDENCE IS WRITTEN.

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3. IF AN INCARCERATED INDIVIDUAL IS UNABLE TO READ OR WRITE, HE / SHE MAY RECEIVE ASSISTANCE FROM A MEMBER OF THE FACILITY'S STAFF OR, AT THE DISCRETION OF THE FACILITY ADMINISTRATOR OR HIS DESIGNEE, FROM ANOTHER INCARCERATED INDIVIDUAL.
4. THE FACILITY WILL MAKE AVAILABLE, TO THE INDIGENT INCARCERATED INDIVIDUAL POPULATION, STATIONERY AND POSTAGE FOR AT LEAST TWO (2) - ONE OUNCE PIECES OF CORRESPONDENCE EACH WEEK, IN ACCORDANCE WITH N.Y.S.C.O.C. MINIMUM STANDARDS 7004.
 - A. INDIGENT INCARCERATED INDIVIDUALS WHO HAVE NOT YET USED ALL THE STATIONARY ITEMS PREVIOUSLY PROVIDED WILL NOT BE PERMITTED TO REQUEST ADDITIONAL STATIONARY ITEMS UNTIL THOSE ITEMS PREVIOUSLY PROVIDED HAVE BEEN USED.
5. STATIONERY AND POSTAGE ITEMS ARE AVAILABLE FOR PURCHASE FROM THE INCARCERATED INDIVIDUAL COMMISSARY.
6. ANY AND ALL CORRESPONDENCE DELIVERED TO THE INCARCERATED INDIVIDUAL MAY BE RETAINED BY THE INCARCERATED INDIVIDUAL IN HIS OR HER HOUSING UNIT, SUBJECT TO THE PROVISIONS OF POLICY CD-04-02-06, SECTION (B).

B. DEFINITIONS:

LEGAL PRIVILEGED CORRESPONDENCE - CORRESPONDENCE TO OR FROM ATTORNEYS AND INDIVIDUALS UNDER THE DIRECT SUPERVISION OF ATTORNEYS, LEGAL ASSISTANCE AGENCIES AND INDIVIDUALS UNDER THE DIRECT SUPERVISION OF LEGAL ASSISTANCE AGENCIES AND COURTS.

GENERAL PRIVILEGED CORRESPONDENCE - CORRESPONDENCE TO AND FROM THE STATE COMMISSION OF CORRECTION AND OTHER CORRECTIONAL OFFICIALS, LOCAL, STATE, FEDERAL LAW ENFORCEMENT AGENCIES, AND THE MEDIA.

CONTRABAND - ALL ITEMS WHICH ARE NOT PERMITTED OR CONSTITUTE A THREAT TO THE SAFETY, SECURITY OR GOOD ORDER OF THE FACILITY.

C. OUTGOING INCARCERATED INDIVIDUAL CORRESPONDENCE:

1. ALL OUTGOING INCARCERATED INDIVIDUAL NON-PRIVILEGED CORRESPONDENCE SHALL BE SEALED BY THE INCARCERATED INDIVIDUAL AND MUST BEAR THE INCARCERATED INDIVIDUAL'S NAME AND THE FACILITY'S ADDRESS IN THE UPPER LEFT-HAND CORNER OF THE ENVELOPE.
2. ONLY THE SENDERS NAME AND RETURN ADDRESS AND THE RECIPIENTS NAME AND ADDRESS WILL BE WRITTEN ON THE ENVELOPES. INCARCERATED INDIVIDUALS ARE NOT ALLOWED TO DRAW OR WRITE ANY GRAFFITI ON THE ENVELOPES.

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3. ALL OUTGOING INCARCERATED INDIVIDUAL CORRESPONDENCE WILL BE GIVEN TO THE HOUSING UNIT SUPERVISOR.
4. THE HOUSING UNIT SUPERVISOR WILL ENSURE THAT ALL OUTGOING CORRESPONDENCE HAS THE INCARCERATED INDIVIDUAL'S NAME AND THE FACILITY ADDRESS AND THAT ENVELOPES HAVE NOT BEEN DEFACED BY GRAFFITI.
5. THE HOUSING UNIT SUPERVISOR WILL RETURN TO THE INCARCERATED INDIVIDUAL ANY UNACCEPTABLE OUTGOING CORRESPONDENCE AND THE REASON WHY SUCH MAIL IS UNACCEPTABLE.
6. AFTER LOGGING THE OUTGOING MAIL IN THE HOUSING UNIT LOGBOOK, THE HOUSING UNIT SUPERVISOR WILL DELIVER THE INCARCERATED INDIVIDUALS' OUTGOING CORRESPONDENCE TO THE CENTRAL CONTROL ROOM FOR PROCESSING.
7. ALL INCARCERATED INDIVIDUALS' OUTGOING CORRESPONDENCE WILL BE PROPERLY RECORDED IN THE "OUTGOING CORRESPONDENCE LOG" BY THE A-LINE CENTRAL CONTROL OFFICER, SUCH INFORMATION WILL INCLUDE:
 - A. INCARCERATED INDIVIDUAL'S NAME; AND HOUSING LOCATION;
 - B. CURRENT DATE;
 - C. RECIPIENT'S NAME AND ADDRESS.
8. THE B-LINE SUPERVISOR WILL ENSURE THAT ALL OUTGOING INCARCERATED INDIVIDUAL CORRESPONDENCE IS FORWARDED TO THE UNITED STATES POSTAL SERVICE AT LEAST ONCE EACH BUSINESS DAY.
9. OUTGOING INCARCERATED INDIVIDUAL CORRESPONDENCE WILL NOT BE READ OR SEARCHED FOR CONTRABAND EXCEPT WHEN THE FACILITY ADMINISTRATOR, OR DESIGNEE, DETERMINES THAT THERE IS A REASONABLE SUSPICION TO BELIEVE THAT SUCH CORRESPONDENCE MAY THREATEN THE SAFETY AND SECURITY OF THE FACILITY OR OF ANOTHER PERSON.
10. THE AFFECTED INCARCERATED INDIVIDUAL SHALL BE NOTIFIED IN WRITING OF THE SPECIFIC FACTS AND REASONS FOR SUCH DETERMINATION, AND SHALL BE PRESENT WHEN SUCH CORRESPONDENCE IS OPEN.
11. AT THE DISCRETION OF THE FACILITY ADMINISTRATOR, IF SUCH NOTIFICATION MAY ENDANGER THE SAFETY AND SECURITY OF THE FACILITY, NOTIFYING THE INCARCERATED INDIVIDUAL OF THE SPECIFIC FACTS AND REASONS MAY BE DELAYED. THE INCARCERATED INDIVIDUAL SHALL BE IMMEDIATELY NOTIFIED WHEN THE DANGER NO LONGER EXISTS.

D. INCOMING INCARCERATED INDIVIDUAL CORRESPONDENCE:

1. INCOMING INCARCERATED INDIVIDUAL CORRESPONDENCE WILL BE DELIVERED TO THE FACILITY EACH BUSINESS DAY.
2. ALL INCOMING INCARCERATED INDIVIDUAL CORRESPONDENCE WILL BE RECORDED IN THE "INCOMING INCARCERATED INDIVIDUAL CORRESPONDENCE LOG" BY THE B-LINE CENTRAL CONTROL, SUCH INFORMATION WILL INCLUDE:

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- A. INCARCERATED INDIVIDUAL'S NAME AND HOUSING LOCATION;
 - B. CURRENT DATE;
 - C. SENDER'S NAME AND ADDRESS.
3. THE CORRESPONDENCE WILL THEN BE SORTED AND WILL REMAIN IN CENTRAL CONTROL UNTIL PICKED UP BY A C-LINE SUPERVISOR.
- A. WHEN THE K-9 IS ON DUTY, THE B-LINE SUPERVISOR WILL HAVE ALL MAIL SEARCHED BY THE K-9, THE MAIL WILL THEN BE DISTRIBUTED TO ALL HOUSING UNITS PRIOR TO 1900 HOURS.
 - B. INCARCERATED INDIVIDUAL PACKAGES RECEIVED IN CENTRAL CONTROL WILL BE SEARCHED BY THE K-9 AND THEN FORWARDED TO BOOKING FOR DISTRIBUTION TO THE INCARCERATED INDIVIDUAL (S).
4. AFTER LOGGING THE INCOMING MAIL IN THE HOUSING UNIT LOGBOOK, ALL CORRESPONDENCE WILL BE OPENED IN THE PRESENCE OF THE INTENDED INCARCERATED INDIVIDUAL, CORRESPONDENCE WILL BE OPENED AND SEARCHED, SOLELY TO ENSURE THE ABSENCE OF CONTRABAND.
- A. STAMPS AND STICKERS WILL BE REMOVED FROM ALL CORRESPONDENCE TO ENSURE THE ABSENCE OF CONTRABAND.
5. ANY CASH, MONEY ORDERS OR CERTIFIED CHECKS ENCLOSED IN THE INCARCERATED INDIVIDUAL'S CORRESPONDENCE, WILL BE DEPOSITED INTO THAT INCARCERATED INDIVIDUAL'S COMMISSARY ACCOUNT, AND A RECEIPT INDICATING THE DEPOSITED AMOUNT WILL BE GIVEN TO THE INCARCERATED INDIVIDUAL. NO PERSONAL CHECKS WILL BE ACCEPTED.
6. IN THE EVENT A PERSONAL CHECK IS RECEIVED, SAID CHECK WILL BE DELIVERED TO THE POD OFFICER WITH THE POD'S MAIL. THE POD OFFICER WILL INFORM THE INCARCERATED INDIVIDUAL THAT THE CHECK MAY:
- A. BE PLACED IN THE INCARCERATED INDIVIDUAL'S PROPERTY BOX; A RECEIPT FOR THE CHECK WILL BE GIVEN TO THE INCARCERATED INDIVIDUAL.
 - B. BE DESTROYED IN THE PRESENCE OF THE POD OFFICER.
 - C. BE RETURNED TO THE SENDER; THE INCARCERATED INDIVIDUAL MUST PLACE THE CHECK IN A ENVELOPE, SEAL AND ADDRESS SAID ENVELOPE IN THE PRESENCE OF THE POD OFFICER; THE ENVELOPE WILL BE DELIVERED TO THE CENTRAL CONTROL OFFICER TO BE LOGGED IN THE OUTGOING MAIL LOG BOOK AND BE SENT OUT IN THE NEXT OUTGOING MAIL.

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7. ALL INCARCERATED INDIVIDUALS WILL BE ENCOURAGED TO ADVISE THEIR FAMILY AND FRIENDS TO REFRAIN FROM SENDING CASH MONEY THROUGH THE MAIL.
8. INCOMING INCARCERATED INDIVIDUAL CORRESPONDENCE, WILL NOT BE READ WITHOUT THE WRITTEN ORDER OF THE FACILITY ADMINISTRATOR. THE READING OF SUCH INCARCERATED INDIVIDUAL CORRESPONDENCE SHALL COMPLY WITH THE REQUIREMENTS OF SECTION 7004.3 (B) OF THE MINIMUM STANDARDS.
9. ANY INCOMING MAIL THAT IS ADDRESSED TO AN INCARCERATED INDIVIDUAL THAT HAS BEEN RELEASED OR TRANSFERRED TO ANOTHER FACILITY WILL NOT BE OPENED. **THE OUTSIDE OF THE ENVELOPE WILL BE MARKED "RETURN TO SENDER, NO LONGER HERE."** IT WILL THEN BE SENT BACK TO THE POSTAL SERVICE THE NEXT BUSINESS DAY.

E. PRIVILEGED CORRESPONDENCE-- LEGAL / GENERAL:

1. ALL INCARCERATED INDIVIDUALS' INCOMING LEGAL / GENERAL PRIVILEGED CORRESPONDENCE SHALL NOT BE OPENED AND INSPECTED FOR CONTRABAND EXCEPT IN THE PRESENCE OF THE INCARCERATED INDIVIDUAL TO WHOM THE CORRESPONDENCE IS ADDRESSED.
2. ALL INCARCERATED INDIVIDUALS' OUTGOING LEGAL / GENERAL PRIVILEGED CORRESPONDENCE SHALL NOT BE OPENED AND INSPECTED FOR CONTRABAND EXCEPT WHEN THE FACILITY ADMINISTRATOR BELIEVES THAT THERE IS A REASONABLE SUSPICION THAT THE CONTENTS OF SUCH CORRESPONDENCE CONSTITUTE A THREAT TO THE SECURITY AND SAFETY OF THE FACILITY OR ANOTHER PERSON.
3. ALL INCARCERATED INDIVIDUALS' INCOMING OR OUTGOING LEGAL PRIVILEGED MAIL MAY BE READ ONLY IF A LAWFUL SEARCH WARRANT HAS BEEN OBTAINED WHICH ALLOWS FOR THE READING OF SUCH CORRESPONDENCE; S.C.O.C 7004.4 (D).
4. THE INCARCERATED INDIVIDUAL FOR WHOM THE CORRESPONDENCE IS INTENDED MUST BE PRESENT WHEN SUCH CORRESPONDENCE IS BEING READ.
5. ALL INCARCERATED INDIVIDUALS' INCOMING / OUTGOING GENERAL PRIVILEGED CORRESPONDENCE MAY BE READ WHEN THE FACILITY ADMINISTRATOR BELIEVES THERE IS A REASONABLE SUSPICION THAT THE CONTENTS OF SUCH CORRESPONDENCE MAY CONSTITUTE A SERIOUS THREAT TO THE SECURITY AND SAFETY OF THE FACILITY OR ANOTHER PERSON.

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6. THE FACILITY ADMINISTRATOR WILL SPECIFY IN WRITING THE FACTS AND REASONS WHY THE INCARCERATED INDIVIDUAL'S CORRESPONDENCE IS BEING READ, AND WILL ENSURE THAT THE INTENDED INCARCERATED INDIVIDUAL IS PRESENT WHEN SUCH MAIL IS BEING READ.

F. CONTRABAND FOUND IN INCOMING INCARCERATED INDIVIDUAL CORRESPONDENCE:

1. ANY INCOMING INCARCERATED INDIVIDUAL CORRESPONDENCE THAT IS FOUND TO CONTAIN CONTRABAND WILL BE FORWARDED, WITH THE CONTRABAND, TO THE FACILITY ADMINISTRATOR OR HIS DESIGNEE.
2. IF THE CONTRABAND FOUND INVOLVES A CRIMINAL OFFENSE, THE FACILITY ADMINISTRATOR WILL FORWARD SUCH CONTRABAND TO THE APPROPRIATE LEGAL AUTHORITIES FOR FURTHER ACTION.
3. IF THE CONTRABAND DOES NOT INVOLVE A CRIMINAL OFFENSE, SUCH CONTRABAND WILL BE RETURNED TO THE SENDER.
4. THE FACILITY ADMINISTRATOR WILL FORWARD SUCH CORRESPONDENCE TO THE INTENDED INCARCERATED INDIVIDUAL RECIPIENT WITH A WRITTEN NOTICE AS TO THE NATURE OF THE CONTRABAND AND ITS DISPOSITION, EXCEPT IF SUCH ACTION MAY INTERFERE WITH ANY CRIMINAL INVESTIGATION OF THE MATTER. SUCH WRITTEN NOTICE WILL INCLUDE:
 - A. THE NAME AND ADDRESS OF THE SENDER;
 - B. THE NATURE OF THE CONTRABAND RETURNED;
 - C. A STATEMENT OF THE SPECIFIC FACTS AND REASONS UNDERLYING SUCH DETERMINATION.

G. RESTRICTIONS ON CORRESPONDENCE:

1. IF AFTER READING ANY INCARCERATED INDIVIDUAL'S INCOMING CORRESPONDENCE, PURSUANT TO S. C. O. C. MINIMUM STANDARDS 7004 (B), THE FACILITY ADMINISTRATOR BELIEVES THAT THERE IS REASONABLE SUSPICION THAT SUCH CORRESPONDENCE OR EXCERPTS FROM SUCH CORRESPONDENCE, POSE A THREAT TO THE SECURITY AND GOOD ORDER OF THE FACILITY, SUCH CORRESPONDENCE WILL BE RETURNED TO THE SENDER WITH A WRITTEN EXPLANATION STATING THE SPECIFIC FACTS AND REASONS WHY THE CORRESPONDENCE IS BEING RETURNED. A COPY OF THIS LETTER SHALL BE FORWARDED TO THE INCARCERATED INDIVIDUAL SO HE / SHE IS AWARE OF THE DECISION TO NOT ALLOW THE CORRESPONDENCE INTO THE FACILITY.
 - A. FOR THE PURPOSES OF THIS PART, CORRESPONDENCE SHALL NOT BE DEEMED TO CONSTITUTE A THREAT TO THE SAFETY, SECURITY OR GOOD ORDER OF A FACILITY SOLELY BECAUSE IT:

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1. CRITICIZES A CORRECTIONAL FACILITY, ITS STAFF, OR THE CORRECTIONAL SYSTEM; OR
2. ESPOUSES UNPOPULAR IDEAS, INCLUDING IDEAS THAT FACILITY STAFF DEEM NOT CONDUCTIVE TO REHABILITATION OR CORRECTIONAL TREATMENT.
2. IF, AFTER READING ANY INCARCERATED INDIVIDUAL'S INCOMING CORRESPONDENCE, PURSUANT TO S.C.O.C. MINIMUM STANDARDS 7004, THE FACILITY ADMINISTRATOR BELIEVES THAT THERE IS REASONABLE SUSPICION THAT SUCH CORRESPONDENCE OR EXCERPTS FROM SUCH CORRESPONDENCE CONSTITUTE A CRIMINAL OFFENSE, SUCH CORRESPONDENCE WILL BE FORWARDED TO THE APPROPRIATE LEGAL AUTHORITIES.
3. THE FACILITY ADMINISTRATOR WILL ENSURE THAT ANY READING OR DETERMINATION MADE PURSUANT TO THE READING OF ANY INCARCERATED INDIVIDUALS CORRESPONDENCE PURSUANT TO S.C.O.C MINIMUM STANDARDS 7004 SHALL BE COMPLETED WITHIN 24 HOURS AFTER RECEIPT OF SUCH CORRESPONDENCE AT THE FACILITY.
4. AT THE FACILITY ADMINISTRATOR'S DISCRETION, ANY INCARCERATED INDIVIDUAL MAY BE PROHIBITED FROM SENDING OR RECEIVING ANY CORRESPONDENCE TO OR FROM INDIVIDUALS DESIGNATED BY THE FACILITY ADMINISTRATOR, PURSUANT TO S.C.O.C. MINIMUM STANDARDS 7004.5.
5. SHOULD THE QUANTITY OF PRIVILEGED LEGAL MAIL/PAPERWORK OR GENERAL CORRESPONDENCE STORED WITHIN THE CELL POSE A FIRE SAFETY HAZARD, THEN ARRANGEMENTS MAY BE MADE WITH THE SHIFT SUPERVISOR TO STORE A REASONABLE AMOUNT OF PAPERWORK WITHIN THE CELL AND THE REMAINING PAPERWORK STORED IN A SEPARATE LOCATION WHICH SHALL BE REASONABLY ACCESSIBLE UPON REQUEST.