



Screening Inmate Mail For **THREATENING OR DANGEROUS MATERIALS**

By Tripp Brinkley

“Governor’s mail booby-trapped!” So began one of the hundreds of newspaper headlines that appeared after apparent letter bombs were sent to numerous state governors. The letters were indeed booby-trapped; they contained incendiary devices rigged with matches set to ignite when the contents were removed. What was surprising was that the letters came from a correctional facility in Nevada. The details of the case are still under investigation, but the question that lingers, regardless of the outcome, is how to prevent similar dangerous mail from ever leaving the walls of a correctional facility.

Another version of a threatening letter came from an inmate in North Dakota. His letter began, “I am hereby making a formal declaration of war on the city of Fargo, because of the numerous violations of my constitutional rights.” He went on to threaten the people of the city and make demands, including \$40 million in perceived damages. Instead, he was convicted of mailing threatening com-

munications and now faces a sentence of 30 years to life. What this inmate received is likely what he wanted all along — to stay in prison. The start date of his self-declared war was the day he was originally scheduled to be released from prison.

Past Danger

Threats, devices and suspicious materials are not uncommon to inmates’ mail. Inmates seeking revenge often mail threatening letters with powders or other suspicious substances to prosecutors, witnesses and others they blame for their incarceration. Some inmates approaching release dates have been known to mail threats to the president or other prominent public figures in an effort to remain in prison. There are even inmates of state prisons who mail threats in the hope of being prosecuted federally so they can move to a federal facility, which may be more comfortable than their current surroundings. Besides cre-

ating panic and prompting emergency responses by local first-responders or other emergency personnel, these kinds of threats and suspicious substances drain the resources of the federal law enforcement agency responsible for investigating threatening or dangerous mail — the U.S. Postal Inspection Service.

For more than 200 years, the U.S. Postal Inspection Service has been entrusted with safeguarding the U.S. mail and postal system from all criminal attack. Since the tragic anthrax mailings of 2001, threatening or dangerous mail has been an almost overwhelming problem for this relatively small law enforcement agency. Prior to 2001, postal inspectors focused most of their attention on traditional criminal acts that involve mail, such as post office robberies, mail theft, corporate fraud, narcotics trafficking and child pornography. Inspectors also dealt with a variety of dangerous mail, including bombs sent through the mail, and they had considerable experience investigating hoax anthrax mailings that primarily targeted abortion clinics.

New Threats

The anthrax attacks had enormous consequences for the U.S. Postal Service and changed the way mail is perceived by the public. Although the risk of encountering dangerous mail is remote — less than one in 100 billion pieces since 2001 — it nonetheless creates fear and has altered the way people and businesses handle mail. Any powder or unusual substance in the mail is met with the suspicion that it may contain anthrax, ricin or some other deadly material. Otherwise harmless substances, including sugar or sand, have prompted evacuations of businesses and post offices, requiring significant emergency resources from local first-responders and extensive testing by public health laboratories. The U.S. Postal Service has invested hundreds of millions of dollars in biohazard detection systems so that postal facilities can screen mail for anthrax. Ventilation and filtration systems have been installed on mail processing equipment to reduce the potential for cross-contamination of mail. The technology implemented to protect the postal system and the public is extensive, but incidents of suspicious mail still require a response by trained professionals.

There are approximately 2,000 postal inspectors nationwide and, since 2001, they have responded to more than 20,000 incidents of suspicious powders, hoaxes and related threats. Each incident had to be evaluated and cleared before normal operations could resume. Except for the first anthrax letters, none of the incidents has been found to pose a significant risk to the public. Occasionally, the substances were relatively dangerous chemicals that should not have been mailed, but the overwhelming majority of suspicious material was found to be harmless. Even so, the impact of such events has been very costly, resulting in lost productivity and increased production costs, and anxiety for those involved.

Correction's Role

A surprising number of suspicious mailings originate in correctional facilities. Written threats penned by inmates are difficult to screen in outgoing mail. However, much of the suspicious mail from correctional facilities contains powders or other material placed in envelopes and parcels. Even in controlled environments, inmates find ways to mimic threatening substances. Powders such as soap, dried toothpaste, flour or even dirt are adequate stand-ins for harmful materials. And problem mail may contain truly hazardous substances, such as feces or dried blood. More creative inmates have tried to construct explosives from items such as batteries and butane lighters. Even when they fail, improvised explosive devices can incite significant fear upon delivery, or when detected in the mail stream.

Correctional facilities may use a variety of tools to reduce suspicious, outgoing mail. Unfortunately, administrators may be unaware of available solutions to the problem. With good reason, the privacy of U.S. mail is held in high regard. While in the custody of the U.S. Postal Service, first-class mail is sealed against inspection. That means that when mail is deposited into a U.S. Postal Service receptacle or accepted by an employee or authorized agent, it may not be opened without a federal search warrant except under the most exigent circumstances. Correspondence coming in or out of a correctional facility is different. According to postal regulation found in Section 274.96 of the U.S. Postal Service's Administrative Support Manual, inmate mail does not enjoy the right to privacy.

Section 274.96 Mail Addressed to Prisoners States: "Authorized personnel of prisons, jails or other correctional institutions, under rules and regulations promulgated by the institution, may open, examine and censor mail sent from or addressed to an inmate of the institution. An inmate may designate in writing an agent outside the institution to receive his or her mail, either through an authorized address of the agent, if the mail is so addressed, or at the delivery post office serving the institution, if the mail is addressed to the inmate at the institution."

If an inmate consents to sending or receiving mail at the institution, the inmate's mail, both incoming and outgoing, is subject to being opened, examined and censored. Moreover, once the U.S. Postal Service delivers the mail, it becomes the property of the institution, not the inmate. It is up to the discretion of the institution as to how mail will be processed. Outgoing mail is also the property of the institution until it is handed over to the U.S. Postal Service. Until it is accepted by a U.S. Postal Service employee or deposited in one of its receptacles, correspondence is no different than any other inmate property. Correctional facilities would be well within their authority to open, examine and censor outgoing correspondence and packages. Most facilities have a system to allow private communication for special mail such as legal correspondence, communications with members of Congress, courts and other similar circumstances. These policies do not necessarily preclude the screening of inmate mail for dangerous materials.

Examining incoming and outgoing mail would also reduce another significant problem. Inmates frequently use the mail to conduct fraudulent schemes. Some of the more

common schemes involve “lonely hearts” or similar pen-pal scams and other means to obtain money from unsuspecting victims. Inmates have also perpetrated some extensive and highly organized counterfeiting operations from within their cells. Screening mail would likely disclose patterns of mail unique to these scams and prevent the fraudulent operations from continuing. For inmates who are known to have participated in these scams, the U.S. Postal Inspection Service recommends particularly close examination of incoming and outgoing mail. A few effective screening procedures include the following:

- Ensure the return address on inmate mail clearly identifies the source. Some inmates have actually sent mail with a return address listing a vague “suite number” address. This kind of misleading information is especially suspicious.

- Verify the identity of inmates mailing letters or packages and ensure it matches return address information. Inmates often attempt to use names or other identifying information of fellow inmates when mailing illegal materials.
- Require inmates to submit outgoing mail in a condition that is open for inspection. This policy is particularly effective in reducing the mailing of powders and dangerous materials.
- Implement additional screening for mail of inmates who have previously misused their mailing privilege.

The Federal Bureau of Prisons has been very successful in combating the problem of dangerous mailings by inmates, and its correspondence procedures can be modified for use in any size state or local correctional facility. For additional information, visit the BOP Web site

at www.bop.gov. The BOP program statement for correspondence, which details the inmate mail policy, can currently be found at www.bop.gov/policy/progstat/5265_011.pdf.

Correctional facilities can help reduce incidents of suspicious or dangerous materials, frauds and contraband in the mail. The anthrax attacks created a fear of powder in the mail, and that fear has unfortunately resulted in a new tool for threats. But with a little prevention and education on the part of correctional authorities, inmates can be denied the use of this threatening tool.

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