

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
July 11 19 86
William F. Clayton
CLERK

Bernard Crowe, et al.
Plaintiff,
v.
Don R. Erickson, et al.,
Defendant

CIV72-4101

ORDER

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The State of South Dakota has moved this Court by request of Richard Dale, Assistant Attorney General, on behalf of officials at the Springfield Correctional Facility for an Order allowing them to periodically withhold delivery of incoming mail addressed to Ruth Packard, an inmate of that institution, for a period of no longer than seventy-two (72) hours after receipt in order to conduct tests on the mail to ascertain whether "hits" of LSD are contained thereon. This Court received sworn testimony from Lt. Robert Dooley, an official of the Springfield Correctional Facility, who has been conducting an investigation into this matter since April 30, 1986. Lt. Dooley's testimony has established a strong probability that Ruth Packard has received an illegal substance through the mail and that creditable evidence exists that such activity poses a serious threat to the security, order and discipline of the Springfield Correctional Facility. The Court further finds that the withholding of the mail of this individual is justified in order to stop the receipt of an illegal substance and to ascertain if the criminal laws of the State of South Dakota are being violated.

IT IS THEREFORE HEREBY ORDERED, this Court's Order filed on the 29th day of January, 1975, in the case of Crow v. Erickson, 72-4101, notwithstanding, Superintendent Lynn DeLano, or her successor, personally or through her designated representative shall be authorized to periodically withhold incoming mail addressed to Ruth

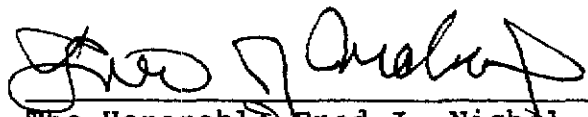
Packard for a period not to exceed seventy-two (72) hours after receipt and to transmit such mail to law enforcement officials for the purpose of conducting any necessary tests to ascertain whether "hits" of LSD or any other illicit substance is contained therein or thereon. This Order further authorizes law enforcement officials to indefinitely retain any such mail containing an illicit substance for use as criminal evidence against any person connected with such illegal activities.

It is further ORDERED that any communications from public officials or attorneys licensed to practice law shall be specifically excluded from this Order provided, however, that the Superintendent or her designee shall be allowed a reasonable period of time to contact any such purported public official or attorney to determine the authenticity of any such correspondence.

It is further ORDERED that this authorization be effective upon the service of a copy hereof on Ruth Packard and shall continue until her release from the Penitentiary.

Dated this 11th day of July, 1986, at Sioux Falls, South Dakota.

BY THE COURT:



The Honorable Fred J. Nichols
Senior U.S. District Court Judge

ATTEST:

William F. Clayton
Clerk of Courts

By De Ann Notelson
Deputy