

DC-ADM 803, Inmate Mail and Incoming Publications Procedures Manual
Section 3 – Handling and Distribution of Mail

4. Outgoing correspondence must be sealed and delivered to the mailroom by the staff coordinator.

E. Incoming Publications

1. General Procedures

- a. ***Incoming publications are not to be considered outside purchases under DC-ADM 815, "Personal Property, State Issued Items, and Commissary/Outside Purchases," or Department policy 6.5.1, "Administration of L5 Housing Units," unless the publication may be obtained from the facility library in which case the publication may only be obtained as a loan through the facility library.***
- b. All publications must be received from the original source ***or the facility library***. Covers of hardbound publications may be damaged through examination or removed where inspection of the cover is deemed necessary and no reasonably available alternative form of inspection is adequate.¹¹
- c. Magazines must be mailed directly from the original source. Single copies of small letter-sized pamphlets may be received in regular correspondence from family members, friends, or religious advisors.¹²
- d. Newspapers may be mailed or delivered to the facility.¹³
- e. Publications, new or used, that are sent directly from a publisher, bookstore, book club, distributor, or department store, accompanied by a packing slip, shall usually be deemed to have come from the original source.
- f. Books, newsletters, and other mail from non-profit religious and charitable organizations, when addressed to an individual inmate shall be delivered to the inmate even if mailed at less than first or second-class mail rates (Presorted Standard Mail rate), as long as the publication is permitted based on all other criteria set forth in this policy.
- g. Inmates are permitted to receive donated publications, with the following stipulations:
 - (1) must be mailed directly from the original source (e.g., publisher, bookstore, book club, distributor, or department store);
 - (2) must be specifically addressed to an individual inmate; and

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- (3) any donated publication containing content that may be in violation of the security, obscenity, **explicit sexual material**, and/or nudity criteria must be forwarded to the IPRC for review and approval before permitting the material.
- h. Donated publications may also be accepted for common inmate use/reference. Such publications may come from any source (not necessarily the “original source”) to the extent that the publication will enhance library or religious offerings without compromising security operations. Therefore, publications donated to a facility must be forwarded to the Librarian or FCPD as appropriate, upon receiving security clearance and IPRC approval, when necessary.
- i. If a publication **or photograph that is otherwise permitted to be possessed by an inmate** contains content that may potentially violate any of the criteria set forth in **Subsection E.3. below**, the Mailroom Supervisor, School Principal, or the Librarian shall forward these publications to the IPRC, along with an **Incoming Publication Review Form (Attachment 3-A)**.¹⁴
- j. If a publication contains a free sample item (lotion, perfume, etc.), the Facility Manager/designee shall review the item to determine if it shall be permitted into the facility. If it is determined that the item is not to be permitted into the facility, it is to be removed from the publication and the publication is to be delivered to the inmate.
- k. An inmate may receive more than one copy of a publication only with special approval of the IPRC.
- l. Upon transfer, publications/**photographs** approved at one facility shall not necessarily be permitted in another facility. The IPRC at the receiving facility will review any publications/**photographs** that **may violate the criteria set forth in this policy**.
- m. Upon receipt of mail sent at less than First or Second Class Rate, the mail inspector shall verify that the stamp specifically states “Presorted Standard Mail” and if the words “Presorted Standard Mail” are not printed on the mail, it shall be processed as regular incoming mail.
- n. If the words “Presorted Standard Mail” are marked on the item, the mail inspector shall determine if the item meets the definition of a publication as defined in the Glossary of Terms. If the criteria for a publication is met, it shall be accepted and processed in accordance with **Subsection E.2. below**, regardless of the postal rate at which it was mailed. If the item has a “Presorted Standard Mail Stamp,” but does not meet the criteria for a publication, delivery will be refused.

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2. Review Process

- a. The IPRC shall determine whether written or printed material is a publication within 10 working days after the material is received.
- b. Each issue of a publication shall be reviewed individually **except that a publication that appears on the Department's Prohibited Publication List (Attachment 3-B) in accordance with Subsection E.5. below** shall be banned **without review**. When the determination is made to deny a publication that is included on the **Department's Prohibited Publication List**, the staff person denying the publication must provide the inmate with individual notice that the publication has been **prohibited**. This shall be done using the **Notice of Incoming Publication Denial Form (Attachment 3-C)** and requires completion of Section I only.
- c. **When a facility IPRC determines to deny a publication it must enter the name, date, publisher and reason(s) that the publication was denied, including page numbers, on the Notice of Incoming Publication Denial Form.**
- d. The IPRC shall notify the inmate of a decision to disapprove an incoming publication **or photograph** by providing an individual, written notice to the inmate, using the **Notice of Incoming Publication Denial Form**.
- e. Any publication that contains one or more sections dealing with prohibited topics must be disapproved in its entirety. If a publication is disapproved because of a section(s) dealing with prohibited topics, neither facility staff nor the original source may alter the publication by removing the prohibited section(s) in an attempt to make the publication acceptable. The publication must remain in its original format.
- f. **All publications and photographs** shall be reviewed against the criteria listed in **Subsection E.3. below**.
- g. No publication shall be prohibited solely on the basis that the publication is critical of penal facilities in general, of a particular facility, of a particular facility staff member, of an official of the Department or of a correctional or penological practice in this or in any other jurisdiction.
- h. Recognized original source textbooks in chemistry, physics, or the social sciences, shall be permitted as long as these publications adhere to the criteria outlined below in **Subsection E.3. below**.

3. Criteria

A request for and receipt of any publication or photograph may be disapproved when the publication **or photograph** contains content considered to pose a potential threat to security, contains **nudity, explicit sexual materials, or obscene material as defined below**:

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a. Security Issues

Written narratives/language and/or visual/graphic representations/images containing any of the following content shall be denied:

- (1) information regarding the manufacture of explosives, incendiaries, weapons, escape devices or other contraband;
- (2) instruction regarding the ingredients or manufacture of poisons, drugs, or intoxicating beverages;
- (3) writings which advocate violence, insurrection or guerrilla warfare against the government or any of its facilities or which create a danger within the context of the correctional facility;
- (4) writings that advocate, assist, or are evidence of criminal activity or facility misconduct;
- (5) racially inflammatory material, material that could cause a threat to the inmates, staff, and security of the facility, **material that encourages or promotes the belief that one group of persons is superior over another, or describes rites or ceremonies that include instruments that could be used to cause harm to one's self or others, except if this material is contained in religious material or a sacred text in which case it must be reviewed using the criteria set forth in paragraph c. below,** or
- (6) maps, road atlas, etc. that **would facilitate the planning of an escape or criminal activity or would pose a security threat to the Department, its staff, contractors, volunteers, or facilities.**

b. **Publications or Photographs Containing Obscene Material, Explicit Sexual Material, and Nudity (See Decision Making Process for Granting or Refusing Exceptions to the Nudity Prohibition, Attachment 3-D)**

- (1) **Except as provided below, correspondence, publications and/or photographs containing obscene material, explicit sexual material, and/or nudity as defined in the Glossary of Terms are prohibited from entering a facility or being possessed within a facility.**
- (2) **Correspondence, publications, or photographs containing nudity, explicit sexual material, or obscene material as defined in the Glossary of Terms may be permitted if the material has artistic, educational, or medical value. The following considerations shall guide the Department in determining whether to permit nudity, explicit sexual material, or obscene material:**
 - (a) **Is the material in question contained in a publication that regularly features sexually explicit content intended to raise levels of sexual**

arousal or to provide sexual gratification, or both? If so, then the publication shall be denied for inmate possession.

- (b) Is it likely that the content in question was published or provided with the primary intention to raise levels of sexual arousal or to provide sexual gratification, or both? If so the publication or content will be denied for inmate possession.**
- (3) Notwithstanding the provisions of paragraph (2) above, an inmate under the age of 18 shall not be permitted to receive or possess obscene material or explicit sexual material.**

c. Religious Materials and Sacred Texts

- (1) Religious material and sacred texts that contain otherwise prohibited material shall be prohibited if they explicitly direct followers to act violently or encourage violent acts against persons of other races, nationalities, religions, etc. or direct the use of instruments to cause harm to one's self or others. Religious material and sacred texts that only promote a sincerely held belief as opposed to directing followers to act on those beliefs shall be permitted.**
- (2) The following considerations will guide the Department in determining whether religious material and sacred texts are to be permitted or prohibited:**
 - (a) Does the religious material or sacred text contain racially inflammatory material or encourage or promote the belief that one group of persons is superior over another or contain descriptions of religious rites that may include instruments that could be used to harm one's self or others?**
 - i. If not, the religious material or sacred text must be permitted.**
 - ii. If so, does the religious material or sacred text explicitly direct followers to act violently or encourage violent acts against persons of other races or nationalities, etc. or to use instruments to harm ones self or others?**
 - (b) The IPRC may consult with the facility chaplaincy program director in evaluating religious publications and sacred texts. The Department's Policy Director, Office of Planning, Research, and Statistics (PRS) shall consult with the Religious Accommodation Review Committee in reviewing appeals from the denial of religious publications or sacred texts.**