



State of North Carolina
Department of Correction
Division of Prisons

POLICY & PROCEDURES

Chapter: D
Section: .0100
Title: **Publications Received/
Possessed by Inmates**
Issue Date: 03/22/10
Supersedes: 04/10/06

.0101 INMATE PUBLICATION PRIVILEGES

Upon initial assignment to a Division of Prisons facility, each inmate should be informed of the following:

- (a) An inmate in medium or close custody may receive a reasonable number of hard back and paperback books, newspapers, magazines, newsletters and vendor catalogs directly from the publisher, except that inmates assigned to H-Con, M-Con, I Con, or Disciplinary Segregation may not possess hardback or spiral-bound publications because of the potential for such publications to be used as weapons. Publisher is defined to include legitimate wholesale marketers and distribution centers for published materials. The term publisher also includes established retailers (Barnes & Noble, Borders, etc.) if selling published material is part of their business. The amount or volume of permitted materials which any inmate may maintain at any given time may be limited as necessary for security, sanitation and safety considerations, including the potential for blocking access to the cell and the creation of a fire hazard.
- (b) An inmate in minimum custody may receive publications from any source, subject to a routine search for contraband.
- (c) Inmates ordering publications must forward their payment for subscriptions or individual publications with their order; inmates shall not receive publications of any kind on a trial basis with payment postponed.
- (d) Inmates may exchange newspapers, magazines, books newsletters and vendor catalogs. Any attempt to use this means to exchange contraband or to use publications as an item of barter shall subject the offender to appropriate disciplinary action.
- (e) The processing of an inmate's request for a money order to pay for a subscription does not include a blanket approval for each issue/edition of the publication. Each publication is subject to review in accordance with this policy.
- (f) When a portion of a publication is disapproved, the entire publication will be disapproved. There will be no attempt to remove or censor the disapproved material.
- (g) Publications that include a CD/DVD(s) shall be approved, if the publication meets all other requirements of the policy. However, the CD/DVD must be removed and destroyed prior to delivery to the inmate.

.0102 FACILITY REVIEW: ADMINISTRATIVE PROCEDURES

- (a) Mailroom staff may perform the initial screening of incoming publications for compliance with this procedure. The publication will then be forwarded to Warden/Superintendent or Deputy/Assistant Superintendent for the purpose of disapproving receipt or possession of a publication by an inmate.
- (b) The Warden/Superintendent or Deputy/Assistant Superintendent of each facility should approve or disapprove publications for receipt or possession by inmates on a case-by-case and/or an issue-by-issue basis in accordance with the requirements of this policy. Individual review of each issue or edition of a publication prior to rejection is required. Rejection of several issues of a subscription publication is not sufficient reason to reject the subscription publication in perpetuity.
- (c) The Warden/Superintendent or Deputy/Assistant Superintendent of each facility is responsible for reviewing and for submitting disapproved publications and the completed Disapproved Publication Log (see Attachment #1), to the chairperson of the Publications Review Committee once each week. Only one copy of each publication or issue should be submitted. Duplicate copies should be held at the facility pending final action by the Publication Review Committee.

.0103 FACILITY REVIEW: PUBLICATION APPROVAL/DISAPPROVAL

All publications received at the facility should be reviewed prior to distribution to an inmate. A determination should be made to approve or disapprove the publication in accordance with the criteria listed in D.0109. When a publication is disapproved, the Warden/Superintendent or Deputy/Assistant Superintendent takes the following action:

- (a) The Master List of Disapproved Publications available on OPUS shall be reviewed for any publications already disapproved by the Publication Review Committee. The Master List shall contain only publications disapproved during the previous twelve (12) months. When a publication addressed to an inmate appears on the Master List, the inmate shall be informed (by Attachment #2) that the publication is disapproved based on a previous disapproval by the Publication Review Committee. If the publication is on the Master List, there are no further appeal rights and the inmate may elect to have the publication forwarded at the inmate's expense to another address, or else the publication will be destroyed. If a publication is disapproved based on the Master List, Attachment #2 shall be completed and delivered to the inmate within seven (7) working days of the facility's receipt of the publication. If the Warden/Superintendent or Deputy/Assistant Superintendent disapproves a publication that is not on the Master List, the following paragraphs (b) through (i) apply.
- (b) The Warden/Superintendent or Deputy/Assistant Superintendent shall make a complete written record of the reason(s) for disapproving the publication on the Disapproved Publications Log using Attachment #1, including specific page numbers, a notation

describing the disapproved material, and the applicable section in D.0109. Only the specific page or pages justifying the reason or reasons for disapproval should be listed. A single page that contains disapproved material is sufficient to disapprove the entire publication, but more than one page that contains disapproved material may, in the discretion of the reviewer, be listed if the disapproved material on each listed page is described separately. Citations to ranges of pages (for example, "pages 35 through 45") that do not describe separately the disapproved material on each page in the range are not acceptable. Descriptions and justifications should be specific enough to enable the Publication Review Committee (if there is an appeal) to turn to each listed page and immediately identify which words or images were disapproved and why.

- (c) Within seven (7) working days of the arrival of the publication at the facility, the inmate is written using the attached form stating the reason(s) for the disapproval and the appeal options. (See Attachment #3). The inmate shall be given a copy of the completed Attachment #3.
- (d) The inmate should choose one of the following options on the disposition of the publication. If the inmate refuses to sign the form or select an option, a notation is made on the Disapproved Publications Log and the publication is forwarded to the Publication Review Committee along with the Disapproval and Appeal/Waiver Form.
 - (1) Appeal the decision of the Warden/Superintendent or Deputy/Assistant Superintendent to the Publication Review Committee for final review and approval or disapproval, with the later ability to send the publication to an alternate address, specified by the inmate and at the inmate's expense if personal funds are available, if the publication is disapproved by the Publication Review Committee.
 - (2) Forward the publication to an alternate address specified by the inmate and at the inmate's own expense if personal funds are available and agree to waive the appeal to the Publication Review Committee, or
 - (3) Agree to waive the appeal to the Publication Review Committee and agree to have the publication destroyed.
- (e) When an inmate elects to appeal the decision of the Warden/Superintendent or Deputy/Assistant Superintendent to the Publication Review Committee, the Warden/Superintendent or Deputy/Assistant Superintendent forwards to the Publication Review Committee the completed Disapproved Publication Log, the actual publication and the inmate's signed statement of appeal.
- (f) When an inmate elects to forward the publication to an alternate address of his or her choosing, the Warden/Superintendent or Deputy/Assistant Superintendent forwards the publication to the new address and forwards to the Publication Review Committee the inmate's signed waiver of appeal and the Disapproved Publication Log with the disposition

of the publication noted as “publication forwarded by inmate to new address”.

- (g) When an inmate elects to waive the appeal to the Publication Review Committee and agrees to have the publication destroyed, the Warden/Superintendent or Deputy/Assistant Superintendent forwards to the Publication Review Committee the completed Disapproved Publication Log and the inmate’s signed waiver of appeal.
- (h) When an inmate elects to appeal the decision of the Warden/Superintendent or Deputy/Assistant Superintendent to the Publication Review Committee, with the option/ability to send the publication to an alternate address if the publication is disapproved, the Warden/Superintendent or Deputy/Assistant Superintendent forwards to the Publication Review Committee the completed Disapproved Publication Log, the actual Publication and the Inmate’s signed statement of appeal. The inmate can only forward the publication to the alternate address AFTER it is returned disapproved from the Publication Review Committee.
- (i) Only one copy of each withheld publication or issue should be submitted. Duplicate copies should be held at the facility pending final action by the Publication Review Committee.

.0104 PUBLICATION REVIEW COMMITTEE

The Publication Review Committee will consist of two (2) members and one (1) chairperson who are appointed by the Director of Prisons or his designee. Each member will conduct independent reviews of disapproved publications and materials which have been received. The chairperson is the final approving authority when the committee members do not agree. The chairperson also has the authority to overrule the committee, with consultation from the Chief of Program Services, when the decision of the committee is not consistent with policy. Members of the Publication Review Committee will meet once a quarter with the Chief of Program Services to review, revise, and discuss the process and ensure compliance with the policy.

.0105 PUBLICATION REVIEW COMMITTEE PROCEDURES

- (a) The Master List of Disapproved Publications available in OPUS should be reviewed for any publications previously disapproved by the Publication Review Committee. When a publication is listed as disapproved, the publication will be returned to the Warden/Superintendent or Deputy/Assistant Superintendent. (See Attachment # 6) The Chairperson of the Publication Review Committee will notify the inmate of this decision according to policy and inform the inmate of options for disposing of the material. (See Attachment #4).
- (b) The Committee should review all publication denials to ensure division-wide consistency for those publications disapproved for receipt or possession by inmates.
- (c) The Committee should make a determination as to whether each publication reviewed should or should not be disapproved in accordance with the criteria in this policy. The Committee

should consult as needed with staff who have expertise in matters of religious publications, security threat groups or other areas as necessary.

- (d) Within seven (7) working days of receipt of a publication, the Publication Review Committee should complete its review of the publication. The Committee should return the approved publication(s) to the facility from which they were received and notify the Warden/Superintendent or Deputy/Assistant Superintendent of its decision. All disapproved publications are held by the committee pending notification of the publisher and the publisher's response. Upon completion of the publisher appeal process, all disapproved publications held by the Publication Review Committee are returned to the facility and are handled like any other personal property that the inmate is not entitled to have in his or her possession as set forth in the policy on Disposition of Unauthorized Property, F.0504 (a) & (b). All attempts should be made to ensure that the inmate receives a response to the appeal within forty-five (45) days of the date the inmate files the appeal.
- (e) The chairperson of the Committee records the decisions of the Committee on the Master List of Disapproved Publications in OPUS. The Master List of Disapproved Publications lists those volumes, issues or editions of a publication that are disapproved. The Master List of Disapproved Publications does not ban the publication title but only those volumes, issues or editions that have been reviewed and rejected for receipt or possession by inmates.
- (f) The Committee shall include as an addendum to the Master List of Disapproved Publication a list of the names of publishers (if any) whose publications were disapproved within the past 12 months because the Committee could not determine that they are legitimate publishers and/or because their publications were found to contain contraband.

.0106 NOTIFICATION TO INMATES OF PUBLICATION REVIEW COMMITTEE DECISIONS

- (a) The Master List of Disapproved Publications and The Master List of Disapproved Publishers are available in OPUS to all facilities. The Warden/Superintendent or Deputy/Assistant Superintendent will ensure appropriate facility staff are aware of the list and how to access it through OPUS and will make a copy available for inmate review through the library or other areas accessible to inmates. The list will be updated no less often than every thirty (30) days. In addition, the Publication Review Committee may, from time to time, issue and make available to inmates, for inmates' information, lists of magazine titles (rather than lists of individual magazine issues) and book titles that were, but no longer are, on the Master List of Disapproved Publications because they were disapproved more than twelve (12) months ago.
- (b) The Warden/Superintendent should notify inmates who appealed the Committee's decision within **seven (7)** working days of receiving the decision. For publications approved by the Publication Review Committee, the Warden/Superintendent or designee will inform the inmate in writing that the publication has been approved and will forward the publication to

the inmate. For publications disapproved by the Publication Review Committee, the Chairperson of the Publication Review Committee will inform the inmate using the attached form letter. (See Attachment #4.)

.0107 NOTIFICATION TO PUBLISHERS OF PUBLICATION DISAPPROVALS AND APPEAL RIGHTS OF PUBLISHERS

When pursuant to law the Division of Prisons rejects a publication mailed to an inmate, the publisher shall be notified in writing of the reason for rejection and the procedure to follow to appeal the rejection, including the responsibility of the publisher to submit a written appeal. In addition to the required written notification to a publisher when an inmate appeals the decision to reject a publication, the publisher will also be notified by the Chairperson of the Publication Review Committee when a publication is rejected and the decision is not appealed by the inmate. This written appeal must be submitted to the Director of Prisons or his designee, as advised in the rejection notice, (See attachment #5) within fifteen (15) days of receipt of the written notification from the Committee that the publication was disapproved. If the publisher appeals, the Division of Prisons will notify the publisher of the outcome of the review within fifteen (15) days of receipt of a timely submitted written request for review.

.0108 CONDITIONS FOR RECEIPT OR POSSESSION

Inmates will be permitted to receive or possess written or pictorial materials which are consistent with institution security, safety, inmate rehabilitation and federal and state regulations governing staff work environment and section .0101 of this policy.

.0109 SPECIFIC CRITERIA FOR PUBLICATION DISAPPROVAL

- (a) The Division is required to maintain institution security for both inmates and staff members and to facilitate to the extent possible rehabilitation of inmates. Rehabilitation includes but is not limited to the acquisition of appropriate personal and social skills and responses, and the acquiring of self-control. Because inmates are permitted to exchange or otherwise redirect permitted materials within the facility, the treatment of materials is not dependent upon the status, background or underlying offense of the intended recipient. No publication or material will be withheld solely on the basis of its appeal to a particular ethnic, racial or religious group. A publication may not be rejected solely because its content is religious, philosophical, political, social or sexual, or because its content is unpopular or repugnant. Publications that provide unbiased reporting of actual news and events are not normally withheld.
- (b) Materials which pose a threat to the specified objectives may do so either directly, or indirectly. Direct threats include but are not limited to the active advocacy of escape, interference with security devices, or violence against staff or others. Indirect threats to these objectives include but are not limited to: (1) materials which advocate or facilitate collective action or affiliation by inmates either generally or with respect to validated Security Threat

Groups; (2) materials, with the exception of foreign language publications as noted in .0109 (e), containing or facilitating communications which are not readily understandable to reviewing staff; (3) materials which may be used to harass, distract, demean, or intimidate staff or others; (4) or materials which impede inmate rehabilitation. Materials which impede inmate rehabilitation may include any item or depiction which encourages or reinforces the perception of other persons as potential objects for physical or sexual aggression.

- (c) Prohibited materials may fall into more than one category or description. For example, the same material may constitute a depiction of unlawful violence, a violation of law, a threat to rehabilitation and be used to intimidate or sexually harass or intimidate staff. The categories and descriptions below are for administrative use only and are not intended to be mutually exclusive. When materials are prohibited under this policy, all applicable categories and examples shall be deemed to apply, whether or not specified in any resulting written notice to the inmate or publisher.
- (d) The following specific categories of prohibited materials are by way of illustration only. Other materials which create or reasonably have the potential to create an articulable threat to the specified objectives may be withheld and processed as provided in the policy at the direction of the Warden/Superintendent or Deputy/Assistant Superintendent.
- (e) Foreign Language Publications. Foreign language publications do not, per se, require disapproval. Inmates may receive such publications. Staff may visually inspect foreign language publications to determine if they contain prohibited pictorial communications. If, and only if, a foreign language publication appears to contain such communications, the Warden/Superintendent or Deputy/Assistant Superintendent may obtain an accurate translation in order to finally determine whether it should be disapproved because it is obscene or presents a threat to order, security, and rehabilitation. This policy is not intended to prohibit inmates from receiving scholarly, news, or popular publications, including newspapers, not written in English.
- (f) This policy section does not apply to foreign language publications which are governed in .0109 (e) above. The Warden/Superintendent or Deputy/Assistant Superintendent should disapprove a publication for receipt and possession by inmates and forward it to the Publication Review Committee for final action if the publication can be reasonably documented to contain the following:

Threats to institutional safety and security include but are not limited to materials which depict, describe or advocate or which include:

- (A) the commission of criminal activity and/or the violation of state or federal laws and/or the violation of the Division of Prisons policy and/or inmate disciplinary policy and procedures.

- (B) the manufacture, simulation and/or concealment of weapons, ammunition, explosives, incendiaries, or escape devices and/or escape techniques.
- (C) the ingredients and/or manufacture of poisons, drugs, intoxicants, abrasives, corrosives or other toxic or illegal substances.
- (D) violence, disorder, insurrection or terrorist/gang activities against individuals, groups, organizations, the government or any of it's' institutions.
- (E) instructions and/or information, which contain technical specifications for or may be used to alter or defeat electronic, mechanical or other security devices, facility blueprints, procedures, diagrams and/or information concerning security techniques and training of personnel and/or canine units.
- (F) instructions and/or information, which may be used to alter or defeat institutional systems of communication.
- (G) instructions and/or information relating to the ability or attempt to physically assault, disable, injure or kill a person.
- (H) violence against any ethnic, racial or religious group or which reasonably appears likely to provoke or to precipitate a violent confrontation between the recipient or recipients or any other inmate in possession of same and a member or members of the target group.
- (I) materials which are used or which reasonably appear likely to be used to intimidate or sexually harass facility staff or visitors.
- (J) material which is written for or supports the activities of a validated Security Threat Group; or material which in any way supports, incites, promotes, encourages or advocates any type of gang activity by pictorials or writings or sign gang language or insignia. Sign gang language alone, in isolation of other material that supports, incites, promotes, encourages, or advocates any type of gang activity, should not be cause for rejection.
- (K) sexually explicit material which by its nature or content poses a threat to the security, good order, or discipline of the institution, or facilitates criminal activity. Sexually explicit materials are defined as pictorial depictions of sex acts involving any person of any age, or written depictions of sex acts involving violence, sadomasochism, sex with animals, or sex with any person who is under age 18 (or, if the person's age is not stated in the text, who could reasonably be thought to be under age 18). The term sex acts means actual or simulated sexual acts, including sexual intercourse, oral sex, or masturbation. In addition, pictorial materials which depict exposed, full frontal view of

uncovered human genitalia, exposed genitalia from the rear or the female breast are specifically deemed to be a threat to institutional order, security and safety and a threat to inmate rehabilitation and are prohibited. This prohibition shall not apply to patently medical, artistic, anthropological or educational commercial publications, including but not limited to *National Geographic*, works of art displayed in public galleries, i.e., Art News, anatomy texts or comparable materials.

- (L) items or materials which can be used for the improper purpose of establishing personal information about a staff member, victim or any other citizen. This prohibition includes but is not limited to a drivers license, drivers license records check, property title or deed, tax listing information, social security card, birth certificate, passport, military discharge papers, personal financial documents such as credit cards, checkbooks or similar items. Items sent to aid an inmate who is being prepared legitimate transition to the community are received and maintained for the inmate in a secure location until the inmate is released.
- (M) Publication is larger “8-1/2 x 11” and/or more than two (2) inches thick, and the facility head determines that the size of the publication may create a space or security problem.
- (N) Publication is hardbound or spiral-bound and the publication is addressed to an inmate who is assigned to H-con, M-con, I-con or on Disciplinary Segregation.
- (O) Publication is from a source that is not a legitimate marketer or distributor of published material.
- (P) Publication is from a source that is in conflict with the custody level of the inmate to whom it is addressed (see D.010 (a) and (b) above).
- (Q) Publication contains contraband, such as money, postal stamps or objects that may be utilized as weapons. (For publications that contains CDs or DVDs, see D.0101 (g) above).

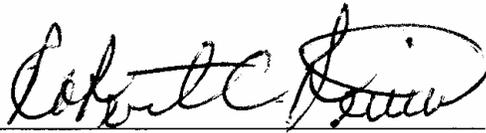
.0110 STAFF TRAINING ON INMATE PUBLICATIONS

- (a) The Division of Prisons has produced (and will update from time to time as necessary) a training video that describes the publications policy set forth in this policy D.0100.
- (b) The persons listed below must view the video before they are assigned any responsibility in screening incoming publications addressed to inmates, and no less often than every 12 months for as long as they have any responsibility in screening such publications. Each viewing of the video by each person shall be documented in OPUS.

- The Chief of Program Services for the Division of Prisons
 - Each Publication Review Committee Member
 - Each Facility Head (Warden, Administrator, or superintendent)
 - Each Assistant Superintendent designated by a facility head to approve and disapprove incoming publications addressed to inmates
 - Each mailroom employee who assists in screening incoming publications addressed to inmates
 - Any other person who assist in screening incoming publications addressed to inmates
- (c) Each facility head is responsible for ensuring that training and documentation at his or her facility is carried out in accordance with D.0110 (b) above.

.0111 INMATE ACCESS TO PUBLICATIONS POLICY, D.0100

At each facility a copy of this policy (section D.0100) shall be made available in a library to which inmates in the general population have access and/or shall be placed on a bulletin board on which official notices to inmates are posted



Director of Prisons

3/22/10

Date

D.0100_03_22_10.doc

Disapproved Publications Log

(To be sent to the Publication Review Committee **weekly** by the facility with disapproved publications and/or the inmate appeal/waiver form.)

This publication/material has been disapproved due to the violation of Division of Prisons Policy Chapter D, Section .0109 (f), because it contains threats to institutional safety and security including but not limited to materials which depict, describe or advocate or which include:

NOTE: THE APPROPRIATE DISAPPROVAL REASON	
Reason .0109 A	The commission of criminal activity and/or the violation of state or federal laws and/or the violation of the Division of Prisons policy and/or inmate disciplinary policy and procedures. Comments: _____ _____
Reason .0109 B	The manufacture, simulation and/or concealment of weapons, ammunition, explosives, incendiaries, or escape devices and/or escape techniques. Comments: _____ _____
Reason .0109 C	The ingredients and/or manufacture of poisons, drugs, intoxicants, abrasives, corrosives or other toxic or illegal substances. Comments: _____ _____
Reason .0109 D	Violence, disorder, insurrection or terrorist/gang activities against individuals, groups, organizations, the government or any of its' institutions. Comments: _____ _____
Reason .0109 E	Instructions and/or information, which contain technical specifications for or may be used to alter or defeat electronic, mechanical or other security devices, facility blueprints, procedures, diagrams and/or information concerning security techniques and training of personnel and/or canine units. Comments: _____ _____
Reason .0109 F	Instructions and/or information, which may be used to alter or defeat institutional systems of communication. Comments: _____ _____
Reason .0109 G	Instructions and/or information relating to the ability or attempt to physically assault, disable, injure or kill a person. Comments: _____ _____

Reason .0109 H	<p>Violence against any ethnic, racial or religious group or which reasonably appears likely to provoke or to precipitate a violent confrontation between the recipient or recipients or any other inmate in possession of same and a member or members of the target group.</p> <p>Comments: _____ _____</p>
Reason .0109 I	<p>Materials which are used or which reasonably appear likely to be used to intimidate or sexually harass facility staff or visitors.</p> <p>Comments: _____ _____</p>
Reason .0109 J	<p>Material which is written for or supports the activities of a validated Security Threat Group; or material which in any way supports, incites, promotes, encourages or advocates any type of gang activity by pictorials or writings or sign gang language or insignia. Sign gang language alone, in isolation of other material that supports, incites, promotes, encourages, or advocates any type of gang activity, should not be cause for rejection.</p> <p>Comments: _____ _____</p>
Reason .0109 K	<p>Sexually explicit material which by its nature or content poses a threat to the security, good order, or discipline of the institution, or facilitates criminal activity. Sexually explicit materials are defined as pictorial depictions of sex acts involving any person of any age, or written depictions of sex acts involving violence, sadomasochism, sex with animals, or sex with any person who is under age 18, (or, if the person's age is not stated in the text, who could reasonably be thought to be under age 18). The term sex acts means actual or simulated sexual acts, including sexual intercourse, oral sex, or masturbation. In addition, pictorial materials which depict exposed, full frontal view of uncovered human genitalia, exposed genitalia from the rear or the female breast are specifically deemed to be a threat to institutional order, security and safety and a threat to inmate rehabilitation and are prohibited. This prohibition shall not apply to patently medical, artistic, anthropological or educational commercial publications including but not limited to <i>National Geographic</i>, works of art displayed in public galleries, i.e., Art News, anatomy texts or comparable materials.</p> <p>Comments: _____ _____</p>
Reason .0109 L	<p>Items or materials which can be used for the improper purpose of establishing personal information about a staff member, victim or any other citizen. This prohibition includes but is not limited to a drivers license, drivers license records check, property title or deed, tax listing information, social security card, birth certificate, passport, military discharge papers, personal financial documents such as credit cards, checkbooks or similar items. Items sent to aid an inmate who is being prepared legitimate transition to the community are received and maintained for the inmate in a secure location until the inmate is released.</p> <p>Comments: _____ _____</p>

Reason .0109 M	Publication is larger than "8-1/2 x 11" and/or more than two (2) inches thick, and the facility head determines that the size of the publication may create a space or security problem. Comments: _____ _____
Reason .0109 N	Publication is hardbound or spiral-bound and the publication is addressed to an inmate who is assigned in H-con, M-con, I-con, or on Disciplinary Segregation. Comments: _____ _____
Reason .0109 O	Publication is from a source that is not a legitimate marketer, and/or distributor of published material. Comments: _____ _____
Reason .0109 P	Publication is from a source that is in conflict with the custody level of the inmate to whom it is addressed. Comments: _____ _____
Reason .0109 Q	Publication contains contraband, such as money, postal stamps or objects that may be utilized as weapons. Comments: _____ _____

Reason .0109 E	Instructions and/or information, which contain technical specifications for or may be used to alter or defeat electronic, mechanical or other security devices, facility blueprints, procedures, diagrams and/or information concerning security techniques and training of personnel and/or canine units. Page Number(s): _____ Comments: _____ _____
Reason .0109 F	Instructions and/or information, which may be used to alter or defeat institutional systems of communication. Page Number(s): _____ Comments: _____ _____
Reason .0109 G	Instructions and/or information relating to the ability or attempt to physically assault, disable, injure or kill a person. Page Number(s): _____ Comments: _____ _____
Reason .0109 H	Violence against any ethnic, racial or religious group or which reasonably appears likely to provoke or to precipitate a violent confrontation between the recipient or recipients or any other inmate in possession of same and a member or members of the target group. Page Number(s): _____ Comments: _____ _____
Reason .0109 I	Materials which are used or which reasonably appear likely to be used to intimidate or sexually harass facility staff or visitors. Page Number(s): _____ Comments: _____ _____
Reason .0109 J	Material which is written for or supports the activities of a validated Security Threat Group; or material which in any way supports, incites, promotes, encourages or advocates any type of gang activity by pictorials or writings or sign gang language or insignia. Sign gang language alone, in isolation of other material that supports, incites, promotes, encourages, or advocates any type of gang activity, should not be cause for rejection. Page Number(s): _____ Comments: _____ _____
Reason .0109 K	Sexually explicit material which by its nature or content poses a threat to the security, good order, or discipline of the institution, or facilitates criminal activity. Sexually explicit materials are defined as pictorial depictions of sex acts involving any person of any age, or written depictions of sex acts involving violence, sadomasochism, sex with animals, or sex with any person who is under age 18, (or, if the person's age is not stated in the text, who could reasonably be thought to be under age 18). The term sex acts means actual or simulated sexual acts, including sexual intercourse, oral sex, or masturbation. In addition, pictorial materials which depict exposed, full frontal view of uncovered human genitalia, exposed genitalia from the rear or the female breast are specifically deemed to be a threat to institutional order, security and safety and a threat to inmate rehabilitation and are prohibited. This prohibition shall not apply to patently medical, artistic, anthropological or educational commercial publications including but not limited to <i>National Geographic</i> , works of art displayed in public galleries, i.e., Art News, anatomy texts or comparable materials. Page Number(s): _____ Comments: _____ _____ _____

Reason .0109 L	Items or materials which can be used for the improper purpose of establishing personal information about a staff member, victim or any other citizen. This prohibition includes but is not limited to a drivers license, drivers license records check, property title or deed, tax listing information, social security card, birth certificate, passport, military discharge papers, personal financial documents such as credit cards, checkbooks or similar items. Items sent to aid an inmate who is being prepared legitimate transition to the community are received and maintained for the inmate in a secure location until the inmate is released. Page Number(s): _____ Comments: _____ _____
Reason .0109 M	Publication is larger than "8-1/2 x 11" and/or more than two (2) inches thick, and the facility head determines that the size of the publication may create a space or security problem. Comments: _____ _____
Reason .0109 N	Publication is hardbound or spiral-bound and the publication is addressed to an inmate who is assigned in H-con, M-con, I-con, or on Disciplinary Segregation. Comments: _____ _____
Reason .0109 O	Publication is from a source that is not a legitimate marketer, and/or distributor of published material. Comments: _____ _____
Reason .0109 P	Publication is from a source that is in conflict with the custody level of the inmate to whom it is addressed. Comments: _____ _____
Reason .0109 Q	Publication contains contraband, such as money, postal stamps or objects that may be utilized as weapons. Comments: _____ _____

Do you choose to have the disapproved publication(s) mailed to a different address or destroyed?

If you do not indicate a choice within three (3) working days of the date shown above, the publication will be destroyed.

Mailed: I would like to send the item(s) to the address I have indicated. I am aware that the cost of this mailing must be paid from my funds. (Name and address)

Destroyed

Inmate Signature _____

Staff Signature/Date Received _____

cc: Inmate Copy Facility File

Attachment #3
Page 2 of Attachment #3

No, I choose NOT to appeal, (Failure to indicate a choice will be considered a choice NOT to appeal).

If you choose NOT to appeal, do you choose to have the disapproved publication mailed to a different address or destroyed? (If you do not indicate a choice or if you do not submit this form within three (3) working days of the date shown above, the publication will be destroyed).

Mailed: I would like to send the publication to the address I have indicated. I am aware that the cost of this mailing must be paid from my funds. (Name and address)

Destroyed

Inmate Signature _____

Staff Signature/Date Received _____

cc: Inmate Copy
 Facility File
 Publication Review Committee File

This publication/material has been disapproved due to the violation of Division of Prisons Policy Chapter D, Section .0109 (f), because it contains threats to institutional safety and security including but not limited to materials which depict, describe or advocate or which include:

COMPLETE THE APPROPRIATE DISAPPROVAL REASON	
Reason .0109 A	The commission of criminal activity and/or the violation of state or federal laws and/or the violation of the Division of Prisons policy and/or inmate disciplinary policy and procedures. Page Number(s): _____ Comments: _____ _____ _____
Reason .0109 B	The manufacture, simulation and/or concealment of weapons, ammunition, explosives, incendiaries, or escape devices and/or escape techniques. Page Number(s): _____ Comments: _____ _____ _____

Reason .0109 C	<p>The ingredients and/or manufacture of poisons, drugs, intoxicants, abrasives, corrosives or other toxic or illegal substances.</p> <p>Page Number(s): _____ Comments: _____</p> <p>_____</p> <p>_____</p>
Reason .0109 D	<p>Violence, disorder, insurrection or terrorist/gang activities against individuals, groups, organizations, the government or any of its' institutions.</p> <p>Page Number(s): _____ Comments: _____</p> <p>_____</p> <p>_____</p>
Reason .0109 E	<p>Instructions and/or information, which contain technical specifications for or may be used to alter or defeat electronic, mechanical or other security devices, facility blueprints, procedures, diagrams and/or information concerning security techniques and training of personnel and/or canine units.</p> <p>Page Number(s): _____ Comments: _____</p> <p>_____</p> <p>_____</p>
Reason .0109 F	<p>Instructions and/or information, which may be used to alter or defeat institutional systems of communication.</p> <p>Page Number(s): _____ Comments: _____</p> <p>_____</p> <p>_____</p>
Reason .0109 G	<p>Instructions and/or information relating to the ability or attempt to physically assault, disable, injure or kill a person.</p> <p>Page Number(s): _____ Comments: _____</p> <p>_____</p> <p>_____</p>
Reason .0109 H	<p>Violence against any ethnic, racial or religious group or which reasonably appears likely to provoke or to precipitate a violent confrontation between the recipient or recipients or any other inmate in possession of same and a member or members of the target group.</p> <p>Page Number(s): _____ Comments: _____</p> <p>_____</p> <p>_____</p>
Reason .0109 I	<p>Materials which are used or which reasonably appear likely to be used to intimidate or sexually harass facility staff or visitors.</p> <p>Page Number(s): _____ Comments: _____</p> <p>_____</p> <p>_____</p>
Reason .0109 J	<p>Material which is written for or supports the activities of a validated Security Threat Group; or material which in any way supports, incites, promotes, encourages or advocates any type of gang activity by pictorials or writings or sign gang language or insignia. Sign gang language alone, in isolation of other material that supports, incites, promotes, encourages, or advocates any type of gang activity, should not be cause for rejection.</p> <p>Page Number(s): _____ Comments: _____</p> <p>_____</p> <p>_____</p>

Reason .0109 K	<p>Sexually explicit material which by its nature or content poses a threat to the security, good order, or discipline of the institution, or facilitates criminal activity. Sexually explicit materials are defined as pictorial depictions of sex acts involving any person of any age, or written depictions of sex acts involving violence, sadomasochism, sex with animals, or sex with any person who is under age 18, (or, if the person's age is not stated in the text, who could reasonably be thought to be under age 18). The term sex acts means actual or simulated sexual acts, including sexual intercourse, oral sex, or masturbation. In addition, pictorial materials which depict exposed, full frontal view of uncovered human genitalia, exposed genitalia from the rear or the female breast are specifically deemed to be a threat to institutional order, security and safety and a threat to inmate rehabilitation and are prohibited. This prohibition shall not apply to patently medical, artistic, anthropological or educational commercial publications including but not limited to <i>National Geographic</i>, works of art displayed in public galleries, i.e., Art News, anatomy texts or comparable materials.</p> <p>Page Number(s): _____ Comments: _____</p> <p>_____</p> <p>_____</p>
Reason .0109 L	<p>Items or materials which can be used for the improper purpose of establishing personal information about a staff member, victim or any other citizen. This prohibition includes but is not limited to a drivers license, drivers license records check, property title or deed, tax listing information, social security card, birth certificate, passport, military discharge papers, personal financial documents such as credit cards, checkbooks or similar items. Items sent to aid an inmate who is being prepared legitimate transition to the community are received and maintained for the inmate in a secure location until the inmate is released.</p> <p>Page Number(s): _____ Comments: _____</p> <p>_____</p> <p>_____</p>
Reason .0109 M	<p>Publication is larger than "8-1/2 x 11" and/or more than two (2) inches thick, and the facility head determines that the size of the publication may create a space or security problem.</p> <p>Comments: _____</p> <p>_____</p> <p>_____</p>
Reason .0109 N	<p>Publication is hardbound or spiral-bound and the publication is addressed to an inmate who is assigned in H-con, M-con, I-con, or on Disciplinary Segregation.</p> <p>Comments: _____</p> <p>_____</p> <p>_____</p>
Reason .0109 O	<p>Publication is from a source that is not a legitimate marketer, and/or distributor of published material.</p> <p>Comments: _____</p> <p>_____</p> <p>_____</p>
Reason .0109 P	<p>Publication is from a source that is in conflict with the custody level of the inmate to whom it is addressed.</p> <p>Comments: _____</p> <p>_____</p> <p>_____</p>
Reason .0109 Q	<p>Publication contains contraband, such as money, postal stamps or objects that may be utilized as weapons.</p> <p>Comments: _____</p> <p>_____</p> <p>_____</p>

Reason .0109 F	Instructions and/or information, which may be used to alter or defeat institutional systems of communication. Page Number(s): _____ Comments: _____ _____
Reason .0109 G	Instructions and/or information relating to the ability or attempt to physically assault, disable, injure or kill a person. Page Number(s): _____ Comments: _____ _____
Reason .0109 H	Violence against any ethnic, racial or religious group or which reasonably appears likely to provoke or to precipitate a violent confrontation between the recipient or recipients or any other inmate in possession of same and a member or members of the target group. Page Number(s): _____ Comments: _____ _____
Reason .0109 I	Materials which are used or which reasonably appear likely to be used to intimidate or sexually harass facility staff or visitors. Page Number(s): _____ Comments: _____ _____
Reason .0109 J	Material which is written for or supports the activities of a validated Security Threat Group; or material which in any way supports, incites, promotes, encourages or advocates any type of gang activity by pictorials or writings or sign gang language or insignia. Sign gang language alone, in isolation of other material that supports, incites, promotes, encourages, or advocates any type of gang activity, should not be cause for rejection. Page Number(s): _____ Comments: _____ _____
Reason .0109 K	Sexually explicit material which by its nature or content poses a threat to the security, good order, or discipline of the institution, or facilitates criminal activity. Sexually explicit materials are defined as pictorial depictions of sex acts involving any person of any age, or written depictions of sex acts involving violence, sadomasochism, sex with animals, or sex with any person who is under age 18, (or, if the person's age is not stated in the text, who could reasonably be thought to be under age 18). The term sex acts means actual or simulated sexual acts, including sexual intercourse, oral sex, or masturbation. In addition, pictorial materials which depict exposed, full frontal view of uncovered human genitalia, exposed genitalia from the rear or the female breast are specifically deemed to be a threat to institutional order, security and safety and a threat to inmate rehabilitation and are prohibited. This prohibition shall not apply to patently medical, artistic, anthropological or educational commercial publications including but not limited to <i>National Geographic</i> , works of art displayed in public galleries, i.e., Art News, anatomy texts or comparable materials. Page Number(s): _____ Comments: _____ _____
Reason .0109 L	Items or materials which can be used for the improper purpose of establishing personal information about a staff member, victim or any other citizen. This prohibition includes but is not limited to a drivers license, drivers license records check, property title or deed, tax listing information, social security card, birth certificate, passport, military discharge papers, personal financial documents such as credit cards, checkbooks or similar items. Items sent to aid an inmate who is being prepared legitimate transition to the community are received and maintained for the inmate in a secure location until the inmate is released. Page Number(s): _____ Comments: _____ _____

Reason .0109 M	Publication is larger than "8-1/2 x 11" and/or more than two (2) inches thick, and the facility head determines that the size of the publication may create a space or security problem. Comments: _____
Reason .0109 N	Publication is hardbound or spiral-bound and the publication is addressed to an inmate who is assigned in H-con, M-con, I-con, or on Disciplinary Segregation. Comments: _____
Reason .0109 O	Publication is from a source that is not a legitimate marketer, and/or distributor of published material. Comments: _____
Reason .0109 P	Publication is from a source that is in conflict with the custody level of the inmate to whom it is addressed. Comments: _____ _____
Reason .0109 Q	Publication contains contraband, such as money, postal stamps or objects that may be utilized as weapons. Comments: _____

Listed below are the options available to you in this matter.

If you do not indicate a choice within three (3) working days of the date shown above, the publication will be destroyed.

Do you choose to have the disapproved publication(s) mailed to a different address or destroyed?

Mailed: I would like to send the item(s) to the address I have indicated. I am aware that the cost of this mailing must be paid from my funds. (Name and address).

Destroyed

Inmate Signature _____

Staff Signature/Date Received _____

Thank you for your attention to this information.

cc: Facility File
Publication Review Committee File

LETTER TO PUBLISHER

(To be sent to publisher following the decision of the Publication Review Committee)

Name of Publisher:
Address:

DATE:

To the Publisher:

This letter is to advise you that the following issue(s) of publication(s) sent to an inmate of the North Carolina Department of Correction, Division of Prisons, has been disapproved for delivery to the inmate.

[Publication name, volume/issue/number, pages

This action was taken for the following reasons:

These issues contain material which violates North Carolina Division of Prisons policy D.0100, Publications Received/Possessed By Inmates. This material could be detrimental to the security and good order of the prison facility and the rehabilitation of inmates and is disapproved for the reason(s) indicated. The numbers for those pages which were reviewed on which violations were found are listed above with the issues containing them. Please note the pages listed may not be the only pages in the material that violate North Carolina Division of Prisons policy; however, any violation is grounds for disapproval of the entire publication.

You may obtain an independent review of this decision by writing within fifteen (15) days of receipt of this letter to the Assistant Director of Support Services, North Carolina Department of Correction, Division of Prisons, 4260 MSC, Raleigh, NC 27699-4260.

Print Name: _____

Title: _____

Signature: _____

Date: _____

Sincerely,

Chairperson of the Publication Review Committee

cc: Assistant Director of Support Services
Publication Review Committee File

LETTER TO PUBLISHER

This publication/material has been disapproved due to the violation of Division of Prisons Policy Chapter D, Section .0109 (f) because it contains threats to institutional safety and security including but not limited to materials which depict, describe or advocate or which include:

COMPLETE THE APPROPRIATE DISAPPROVAL REASON	
Reason .0109 A	The commission of criminal activity and/or the violation of state or federal laws and/or the violation of the Division of Prisons policy and/or inmate disciplinary policy and procedures. Page Number(s): _____ Comments: _____ _____
Reason .0109 B	The manufacture, simulation and/or concealment of weapons, ammunition, explosives, incendiaries, or escape devices and/or escape techniques. Page Number(s): _____ Comments: _____ _____
Reason .0109 C	The ingredients and/or manufacture of poisons, drugs, intoxicants, abrasives, corrosives or other toxic or illegal substances. Page Number(s): _____ Comments: _____ _____
Reason .0109 D	Violence, disorder, insurrection or terrorist/gang activities against individuals, groups, organizations, the government or any of its' institutions. Page Number(s): _____ Comments: _____ _____
Reason .0109 E	Instructions and/or information, which contain technical specifications for or may be used to alter or defeat electronic, mechanical or other security devices, facility blueprints, procedures, diagrams and/or information concerning security techniques and training of personnel and/or canine units. Page Number(s): _____ Comments: _____ _____
Reason .0109 F	Instructions and/or information, which may be used to alter or defeat institutional systems of communication. Page Number(s): _____ Comments: _____ _____
Reason .0109 G	Instructions and/or information relating to the ability or attempt to physically assault, disable, injure or kill a person. Page Number(s): _____ Comments: _____ _____
Reason .0109 H	Violence against any ethnic, racial or religious group or which reasonably appears likely to provoke or to precipitate a violent confrontation between the recipient or recipients or any other inmate in possession of same and a member or members of the target group. Page Number(s): _____ Comments: _____ _____

Reason .0109 I	Materials which are used or which reasonably appear likely to be used to intimidate or sexually harass facility staff or visitors. Page Number(s): _____ Comments: _____
Reason .0109 J	Material which is written for or supports the activities of a validated Security Threat Group; or material which in any way supports, incites, promotes, encourages or advocates any type of gang activity by pictorials or writings or sign gang language or insignia. Sign gang language alone, in isolation of other material that supports, incites, promotes, encourages, or advocates any type of gang activity, should not be cause for rejection. Page Number(s): _____ Comments: _____
Reason .0109 K	Sexually explicit material which by its nature or content poses a threat to the security, good order, or discipline of the institution, or facilitates criminal activity. Sexually explicit materials are defined as pictorial depictions of sex acts involving any person of any age, or written depictions of sex acts involving violence, sadomasochism, sex with animals, or sex with any person who is under age 18, (or, if the person's age is not stated in the text, who could reasonably be thought to be under age 18). The term sex acts means actual or simulated sexual acts, including sexual intercourse, oral sex, or masturbation. In addition, pictorial materials which depict exposed, full frontal view of uncovered human genitalia, exposed genitalia from the rear or the female breast are specifically deemed to be a threat to institutional order, security and safety and a threat to inmate rehabilitation and are prohibited. This prohibition shall not apply to patently medical, artistic, anthropological or educational commercial publications including but not limited to <i>National Geographic</i> , works of art displayed in public galleries, i.e., Art News, anatomy texts or comparable materials. Page Number(s): _____ Comments: _____
Reason .0109 L	Items or materials which can be used for the improper purpose of establishing personal information about a staff member, victim or any other citizen. This prohibition includes but is not limited to a drivers license, drivers license records check, property title or deed, tax listing information, social security card, birth certificate, passport, military discharge papers, personal financial documents such as credit cards, checkbooks or similar items. Items sent to aid an inmate who is being prepared legitimate transition to the community are received and maintained for the inmate in a secure location until the inmate is released. Page Number(s): _____ Comments: _____
Reason .0109 M	Publication is larger than "8-1/2 x 11" and/or more than two (2) inches thick, and the facility head determines that the size of the publication may create a space or security problem. Comments: _____
Reason .0109 N	Publication is hardbound or spiral-bound and the publication is addressed to an inmate who is assigned in H-con, M-con, I-con, or on Disciplinary Segregation. Comments: _____
Reason .0109 O	Publication is from a source that is not a legitimate marketer, and/or distributor of published material. Comments: _____
Reason .0109 P	Publication is from a source that is in conflict with the custody level of the inmate to whom it is addressed. Comments: _____
Reason .0109 Q	Publication contains contraband, such as money, postal stamps or objects that may be utilized as weapons. Comments: _____

