State of Iowa Department of Corrections

Policy and Procedures

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Chapter 5: OFFENDER PROGRAMS
Sub Chapter: MAIL, TELEPHONE, & VISITING
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Subject: INCOMING PUBLICATIONS
PREA Standards: N/A
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Authority:

1. PURPOSE

To describe the procedures that the Iowa Department of Corrections (IDOC) staff will use to process publications coming into the institutions.

2. POLICY

It is the policy of the IDOC to allow incarcerated individuals access to publications when consistent with institutional goals of maintaining internal order, safety, security, and rehabilitation. No publication shall be denied solely on the basis of its appeal to a particular ethnic, racial, religious, or political group. The quantity of printed materials shall be controlled for safety and security reasons.

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3. DEFINITIONS - As used in this document:

A. Publications - A book, booklet, , or a single issue of a magazine, periodical, newsletter, newspaper, plus such other materials addressed to a specific incarcerated individual such as catalogs.

B. Commercially Published Information or Material - Any book, booklet, , magazine, periodical, newsletter, or similar document, including stationery and greeting cards, published, an organization, company, or corporation which is distributed or made available through any means or media for commercial purposes. This definition includes any portion extracted, photocopied, or clipped from such items.

C. Features - The publication contains depictions of nudity or sexually explicit conduct on a routine or regular basis or promotes itself based upon such depictions in the case of individual one-time issues. Publications containing nudity illustrative of medical, educational, or anthropological content may be excluded from this definition.

D. Nudity - A pictorial depiction where genitalia or female breasts are exposed. When the pictorial depiction of the female breast displays the areola or nipple, this material will be rejected.

E. Sexually Explicit - A pictorial depiction of actual or simulated sexual acts including sexual intercourse, oral sex, or masturbation. Sexually explicit material does not include material of a news or information type. Publications concerning research or opinions on sexual, health, or reproductive issues, should be admitted unless they are otherwise a threat to legitimate institution interests.

4. PROCEDURES

A. General

1. Purchases may be made by incarcerated individuals from an institution approved vendor list.

2. A third party may place money on an incarcerated individual's DOC account to purchase publications through an approved vendor.

3. A third party may also purchase books so long as the items are sent directly from the following approved vendors (Books N Things and Edward R. Hamilton Books), and the third party sender is an individual with whom the incarcerated individual is allowed to correspond per IDOC policy **OP-MTV-01**, *Incarcerated Individual Correspondence*.

4. Publications/Books received directly from the Human Rights Defense Center shall be approved. These items cannot be sent from a third party sender.

5. Institutional staff may remove and dispose of items from magazines (i.e. advertising cards, sample products, etc.) prior to issuing the magazine; articles or content shall not be removed.

B. Publication Reviews

1. Publication Review Committee (PRC) Publication Reviews

   a. Each institution shall develop procedures for internal publication review.

   b. Publications may be approved through the internal review process so long as they do not violate the provisions of this policy.

   c. Where internal review determines that the publication may violate the provision of this policy, the publication shall be sent to the Publication Review Committee except when the matter is handled by the classification team as described in paragraphs 2.a.-c. **OP-MTV-02 F-1**, *Publication Review*, shall accompany the publication. The form shall specify the objectionable section or sections of the publication and must clearly articulate how the publication violates publication standards.

2. Classification Team Publication Reviews

   a. If the classification team determines that possession of a particular publication would be detrimental to an incarcerated individual's

treatment program, then the classification team may prevent the incarcerated individual from having that publication. Since such a decision is a classification decision, any review of that decision shall be done through the classification appeal procedures under IDOC Policy **IS-CL-02**, *Incarcerated Individual Classification*, rather than by sending the publication to the Publications Review Committee.

b. In making a decision about a publication, the classification team shall consider whether possession of the publication would hinder an incarcerated individual's ability to successfully participate in and complete a particular treatment program. Thus, for example, an incarcerated individual classified to take the sex offender treatment program may not be allowed to have a publication that has sexual or other content that the classification team finds would interfere with that individual's sex offender treatment, even though other incarcerated individuals may be allowed to have that publication.

c. If a classification appeal reverses the decision regarding an incarcerated individual's possession of a publication and indicates that the individual's participation in a treatment program would not be adversely affected by the individual's possession of the publication, then the publication is still subject to the normal publication review described in this policy.

3. Publications in the institution library may be reviewed through the internal review process. If the review determines the publication violates a provision of this policy, the publication may be removed from the library. Review through the Publication Review Committee is not required for library publications.

C. Religious Materials

If an incarcerated individual has religious publication that is denied for content, the incarcerated individual can file a publication appeal. However, if the incarcerated individual states the publication is needed for their religion and that religion is not recognized by the Iowa Department of Corrections, they must first file a religious appeal as outlined in IDOC Policy **OP-RP-01**, *Religious Programming*. At the conclusion of that appeal, if the religion is approved, publications may then be reviewed/approved through the Publication Review Committee.

D. Publications Review Committee (PRC) Procedures

1. The three person committee shall be appointed by the Director, or designee, and shall include a person with broad exposure to various publications and two persons representing correctional operations.

2. Committee members shall decide if a publication is to be approved, denied. Publications shall initially be sent for review to one of the individuals representing correctional operations.

3. If that individual approves the publication it shall be considered approved by the PRC.

4. If the correctional operations representative determines the publication should be denied, the publication, along with documentation of the reason for the decision on **OP-MTV-02 F-1**, shall be forwarded to the other committee member representing correctional operations for review. If that committee member concurs with the initial denial decision, the publication will be considered denied by the PRC.

5. If there is disagreement between the committee members, the decision to approve, deny shall be made by the third member of the PRC. If all three committee members disagree, the decision of the third member shall govern.

6. When the review process is completed, a Decision Memo will be mailed to the institutional publication review staff. The mailroom shall notify the incarcerated individual of the PRC's decision. The PRC's decision shall be posted on the publication Master List.

7. If, following the PRC approval, institutional staff who submitted the material for review still believes the material is in violation of the provisions of this policy, a secondary review may be requested. Email is an appropriate method for requesting this secondary review.

E. Standards

1. A final decision shall be rendered by the committee within 30 working days of receipt of the publication.

2. When a publication is denied, the incarcerated individual shall have ten days from receipt of the notice of denial to notify the designated institution staff to destroy the publication, where to send the publication at the incarcerated individual's expense, or notify the institution that the decision is being appealed.

3. An incarcerated individual may appeal the PRC's decision within ten days of receipt. The appeal shall be mailed via US Mail to Deputy Director Institution Operations/Designee, Iowa Department of Corrections, 510 E. 12th Street, Des Moines, Iowa 50319. A copy of the *Notice of Decision by Publication Review Committee*, **OP-MTV-02 F-2**, **MUST BE** included with the letter of appeal.

4. If an appealed decision of the Review Committee remains denied, the incarcerated individual shall have five days from receipt of the appeal denial letter to notify the designated institution staff to destroy the publication or where to send the publication at the incarcerated individual's expense.

5. A master list of all publications reviewed by the PRC shall be maintained and made available to incarcerated individuals. Publications listed as approved on the master list must meet current standards at the time the publication comes into an institution.

6. Any staff member who believes that a previously approved publication violates the provisions of this policy may request review through the internal review process, if it is determined that the publication may violate provisions of this policy, the publication shall be sent to the Publication Review Committee for review.

F. Reasons for Denial

A publication may be denied when the publication presents a danger to the security or order of an institution or is inconsistent with rehabilitation goals. Reasons for denying a publication are that the publication:

1. Is likely to be disruptive or produce violence.

2. Contains material which portrays a minor engaged in or simulating any act that is sexual in nature or any nudity of a minor.

3. Contains information relating to escapes or formulating escape plans.

4. Contains information relating to provoking a riot or disturbance.

5. Contains information relating to obtaining an emotional or behavioral state comparable to those produced by a controlled substance, by using aerosols, glue, or other chemical materials.

6. Contains materials that compromise the security of the institution, such as: materials which illustrate, explain, describe, or teach martial arts, or other manufacture of weapons or explosives; material which advocates behavior contrary to duly established institutional rules or Iowa statutes; materials which illustrate, explain, describe, or teach ability to frustrate crowd or riot control methods; materials which illustrate, explain, describe, or teach ability to sabotage or disrupt communications networks including internal and external communications and automated information systems; materials which illustrate, explain, describe, or teach ability to manipulate in any form or fashion locking devices, security restraints, or equipment, etc.

7. Contains information concerning criminal or Security Threat Group activities.

8. Contains encoded material. This shall not automatically include foreign language publications not otherwise prohibited.

9. May violate postal regulations, such as threats, blackmail, contraband, or similar violations.

10. Pursuant to **Iowa Code 904.310A**, any pictorial depiction where male or female genitalia are exposed, including female breasts that display the areola or nipple, or portrayal or simulation of fellatio, cunnilingus, masturbation, ejaculation, sexual intercourse, male erection, bestiality, sadomasochism, excretory functions, lewd exhibition of genitals clothed or unclothed, or other sexually explicit or nude materials will be denied and such material shall not be possessed.

11. A pamphlet, catalog, or other publication whose purpose is primarily or significantly, to sell items or materials that are expressly prohibited inside any

of the IDOC institutions will be denied. The Warden can make exceptions for materials that serve re-entry efforts.

G. Interlibrary Loans

1. Materials received through the Interlibrary Loan are subject to the provisions of this policy and those publications which do not appear on the list of approved publications shall be reviewed through the internal review process. Because of time sensitivity of the Interlibrary Loan material, this review shall take place as soon as practical and within 5 business days.

2. If determined that the publication may violate provisions of the policy, the incarcerated individual who ordered the material must be contacted. The incarcerated individual shall be notified that the material appears to violate the provisions of this policy and will not be allowed without further review. The incarcerated individual may choose to return the publication to the sending library or to submit the publication for further review. If submitted for further review, the incarcerated individual shall be informed that he/she shall be assessed for all applicable costs, including late fees assessed by the library.

3. Interlibrary Loan materials submitted to the Publication Review Committee shall be prioritized to facilitate timely review.