

<p style="text-align: center;"><b>STATE OF IOWA</b> <b>DEPARTMENT OF CORRECTIONS</b></p> <p style="text-align: center;"><b>POLICY</b> <b>AND PROCEDURES</b></p>		Policy Number	Applicability
		OP-MTV-02	<input checked="" type="checkbox"/> DOC <input type="checkbox"/> CBC
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		Public Access	728
Chapter 5	Sub Chapter	Related DOC Policies	Administrative Code Reference
OFFENDER PROGRAMS	MAIL, TELEPHONE, & VISITING	OP-MTV-01	201-20.6
Subject		ACA Standards	Responsibility
INCOMING PUBLICATIONS		4-4490	Jerry Bartruff Jean Schlichtemeier Diann Wilder- Tomlinson
		Effective Date	Authority
		December 2013	John Baldwin Director Signature on file at Iowa DOC

## I. PURPOSE

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

## II. POLICY

It is the policy of the IDOC to allow offenders 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. **(4-4490)**

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**III. DEFINITIONS** – See Policy **AD-GA-16** for Definitions.

**IV. PROCEDURES**

This policy refers to periodicals, newspapers, books, pamphlets, magazines, newsletters or similar materials published by any individual, organization, company, or corporation, and made available for a commercial purpose.

- A. General
  - 1. All publications shall be ordered and sent directly from an approved publisher or bookstore which does mail order business.
  - 2. Purchases may be made by third parties so long as the item is sent directly from the approved vendor and the third party sender is an individual with whom the offender is allowed to correspond per IDOC Policy OP-MTV-01, Offender Correspondence.
  - 3. 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. Each institution shall develop procedures for internal publication review.
  - 2. Publications may be approved through the internal review process so long as they do not violate the provisions of this policy.

3. Where internal review determines that the publication may violate the provision of this policy, the publication shall be sent to the Publication Review Committee with **OP-MTV-02 F-1** 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.
4. 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

Religious materials are subject to and may be approved through the **institution's internal review process**. Any publication which may violate the provisions of this policy shall be reviewed 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, or controlled. 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, or control 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 out the institutional publication review staff. The mailroom shall notify **the offender 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 offender shall have five 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 offender's expense, or notify the institution that the decision is being appealed.
3. **An offender may appeal the PRC's decision or denial for rehabilitation** goals within ten days of receipt of the decision by mailing via US Mail written objections to the Administrator, Division of Investigative Services, Iowa Department of Corrections, 510 E. 12<sup>th</sup> Street, Des Moines, Iowa 50319.
4. If an appealed decision of the Review Committee remains denied, the offender 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 offender's expense.
5. A master list of all publications reviewed by the PRC shall be maintained and made available to offenders. 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, or advocate 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 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. Portrayal or simulation of fellatio, cunnilingus, masturbation, ejaculation, sexual intercourse, male erection, bestiality, sadomasochism, excretory functions, lewd exhibition of genitals or other sexually explicit materials will be denied when the material is detrimental to rehabilitation goals.

11. Contains hard-core pornography depicting patently offensive representations of oral, anal or vaginal intercourse, actual or simulated, involving humans, or depicting patently offensive representations of masturbation, excretory functions, or bestiality, or lewd exhibition of the genitals, which the average adult taking the material as a whole in applying statewide contemporary community standards would find appeals to the prurient interest: and which the material taken as a whole, lacks serious literary, scientific, political, or artistic value as prohibited by Iowa Code Section 728.4.
12. 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/Superintendent can make exceptions for materials that serve re-entry efforts.

#### G. Controlled Publications

1. Any publication that contains material described under section F of this policy that is not approved or denied by the PRC may be controlled for the security and order of the institution.
2. Publications which contain material portraying or simulating fellatio, cunnilingus, masturbation, ejaculation, sexual intercourse, or male erection and are not approved or denied by the PRC will be controlled for the security and order of the institution.
3. Institutional procedures shall be established for the offender to reserve time in a designated controlled area and obtain the controlled publication for reading during specified times.
4. The publication will be secured until the offender makes arrangements for further review of the material.
5. An offender may have secured no more than a total of ten books or ten magazines at any given time. Any that are in excess of the limit must be sent out of the institution at the offender's expense, destroyed, or taken with the offender upon release.

#### H. 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 offender who ordered the material must be contacted. The offender shall be notified that the material appears to violate the provisions of this policy and will not be allowed without further review. The offender may choose to return the publication to the sending library or to submit the publication for further review. If submitted for further review, the offender 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.