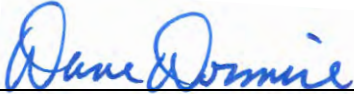

**MISSOURI DEPARTMENT OF CORRECTIONS
INSTITUTIONAL SERVICES
PROCEDURE MANUAL**

IS13-1.2 Censorship Procedure

October 5, 2013

Effective Date:



Dave Dormire, Director
Division of Adult Institutions



Matt Sturm, Director
Division of Offender Rehabilitative Services

I. PURPOSE: It is the policy of the Missouri Department of Corrections to respect and respond to the reading and audio needs and preferences of offenders, consistent with the security needs and good order the department's facilities and offices, public safety and security of correctional facilities and the public in maintaining and achieving the rehabilitative goals set for the offender. This procedure is established to ensure consistency in the censorship of correspondence, printed and recorded materials and pictures received by offenders, sent by offenders or found in possession of offenders throughout the correctional facilities. Censorship plays an important part in maintaining the safety and security of correctional facilities and the public and in maintaining and achieving the rehabilitative goals set for the offender.

A. AUTHORITY: Sections 217.175 and 217.275 RSMo

B. APPLICABILITY: Department staff members at any facility or institution under the jurisdiction of the division of adult institutions or the division of offender rehabilitative services. The chief administrative officer or designee of any facility housing offenders under the jurisdiction of the division of adult institutions or the division of offender rehabilitative services will develop standard operating procedures based on the guidelines established herein.

C. SCOPE: Nothing in this procedure is intended to give a protected liberty interest to any offender. This procedure is intended to guide staff member's actions.

II. DEFINITIONS:

A. Censorship Committee: A group, established by the chief administrative officer (CAO), consisting of at least 2 supervisory level staff members that review incoming, outgoing and impounded items to determine whether they meet the guidelines of this procedure.

B. Censorship: The withholding of an otherwise permissible item of correspondence, written or recorded material or picture.

C. Chief Administrative Officer (CAO): The highest ranking individual at the worksite, as designated below. Exception: Staff at the worksite who do not report to the worksite CAO will be accountable to the deputy or assistant division directors or central office section heads who are in their chain of command.

1. Director's Office

a. Deputy Department Director

2. Department Sections in the Director's Office

a. Deputy Department Director

- b. Central Office Section Heads
- 3. Division of Probation and Parole
 - a. Division Director or designee
 - b. Chief State Supervisor
 - c. Assistant Division Director or designee
 - d. Regional Administrator
 - e. Superintendents
 - f. Field Service Administrators
 - g. District Administrators
- 4. Division of Adult Institutions
 - a. Division Director or designee
 - b. Deputy Division Director or designee
 - c. Assistant to the Division Director or designee
 - d. Wardens
- 5. Division of Offender Rehabilitative Services
 - a. Division Director or designee
 - b. Assistant Division Director or designee
 - c. Wardens
 - d. Central Office Section Heads
- 6. Division of Human Services
 - a. Division Director or designee
 - b. Central Office Section Heads
 - c. Regional Training Administrators
- D. **Contraband:** Any unauthorized article, item, or substance.
- E. **Correspondence:** Any written communication to or from an offender, including, but not limited to letters, notes, post cards, and greeting cards.
- F. **Depicts:** Represents in a picture.
- G. **Describes:** Represents in words.
- H. **Nude Pictures:** Any picture showing the human male or female genitals, totally nude buttocks, pubic area or any part of the female nipple including the following:
 - 1. Any picture that appears to be of a child, male or female, that is bare-chested will be considered a nude picture.
 - 2. Any pictorial depiction with less than a fully opaque covering is considered a nude picture. Opaque refers to something impervious to the passage of light or not transparent and that cannot be removed or made transparent by the viewer.
 - 3. Any picture displaying g-string or thong style apparel will be considered a nude picture.

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4. Pictures in a magazine or other publication of general circulation shall not be considered a nude picture.
 5. Computer generated pictures or pictures that appear to be from the Internet will be considered nude pictures.
- I. **Picture:** A visual representation of a person, object or scene, including but not limited to photographs, drawings, cartoons or sketches.
 - J. **Printed Materials:** Books, booklets, publications, magazines, newspapers, periodicals, circulars, brochures, flyers, pamphlets, manuals, comic books, clippings from printed materials and catalogues, whether originals or photocopies.
 - K. **Privileged Mail:** Mail being sent to, or received from, consulates, judges, attorneys, courts, elected and appointed state officials, sheriffs, chief administrative officers, associates/assistants and central office sections heads.
 1. Mail received from privileged categories will be determined by the return address on the envelope.
 - a. This does not include mail between offender counsel substitutes, offender library aides and offenders and their offender codefendants, candidates not elected as police chiefs and other law enforcement agency personnel.
 - L. **Probable Cause:** When there is a physical evidence or trustworthy information which would support a determination that any inappropriate written material or other inappropriate materials are concealed.
 - M. **Reasonable Suspicion:** When the observations, experience, training and education of a person causes a determination to be made that inappropriate materials are concealed.
 - N. **Recorded Materials:** Including, but not limited to, compact discs, audio tapes and cassette tapes.
 - O. **Sexually Explicit Materials and Pictures:** Items which by their nature or content pose a threat or are detrimental to the security, good order or discipline of the institution, offender rehabilitation, or facilitate criminal activity, including, but not limited to the following that depicts or describes:
 1. explicit sex acts, sadistic sex acts, or sex acts in violation of state or federal law. This includes, but is not limited to, intercourse, sodomy, fellatio, cunnilingus or masturbation,
 2. sex acts where one participant appears to be non-consenting,
 3. sex acts where one participant appears to be forceful, threatening, or violent,
 4. sex acts where one participant is dominating another,
 5. sex acts where one participant is degraded or humiliated,
 6. sex acts or behaviors where one participant appears to be a child,
 7. sex acts where penetration is visible,
 8. any bodily excretory function (defecation, ejaculation or urination),
 9. bondage, sadomasochistic behavior (sexual gratification by inflicting or submitting to physical or emotional abuse) or bestiality (sexual relations between a human and an animal).

10. Sexually explicit material does not include material of a news or informational type, or material illustrative of medical, scientific, artistic, religious, educational, or anthropological content.

- P. **Violence:** Written threats to harm others, any description of criminal violence, or photos of violence that would cause a reasonable person to believe reading or seeing these items could provoke an individual to cause harm to others.

III. PROCEDURES:

A. CENSORED CORRESPONDENCE, RECORDED MATERIALS OR PICTURES:

1. Questionable correspondence or recorded materials or pictures received in the mail, being sent out via the mail, or impounded during a search will be submitted to the censorship committee.
2. The censorship committee should reach a consensus decision whether an item is to be censored.
 - a. If the item's contents are not permitted, the committee should complete a censorship notification form and covenant not to sue form.
 - b. Institutional staff members will clearly mark the page(s) that violate censorship guidelines and explain the basis for the censorship determination.
 - c. If any part of an item or mailing is prohibited by this procedure, the entire item should be censored.
 - d. Unit staff members will provide the forms to the offender. After witnessing and obtaining the offender's signature on the covenant not to sue form, a unit staff member will complete their portion of the form and place the original in the offender's classification file in accordance with institutional services procedures regarding classification files.
 - (1) Distribution and retention of forms will be in accordance with departmental procedures regarding record retention.
 - e. A copy of the covenant not to sue form will be placed on the top of the item and attached securely with a staple.
 - (1) Memos are not required unless specific information needs to be included to explain the basis for the censorship determination.
 - f. If the offender signs the covenant not to sue form, the offender will be permitted to have the censored item sent out of the institution in accordance with institutional services procedures regarding offender property and control.
 - (1) If the censored item contains evidence of a crime or creates a specific safety or security risk to the institution, the item should be impounded and held as evidence in accordance with institutional services procedures regarding offender property and control.
 - g. If the offender disagrees with the determination of the censorship committee, the offender may have the determination reviewed in accordance with departmental procedures regarding offender grievances.
 - h. If the censorship committee has a question about whether to censor an item, the item may be referred to the legal section in central office for an opinion.

B. GENERAL CENSORSHIP GUIDELINES:

1. Offenders shall not be allowed to possess any item which is prohibited by this procedure.
2. Offenders will be permitted uninterrupted correspondence, printed or recorded materials or pictures as long as the correspondence, printed or recorded materials or pictures:
 - a. pose no threat to the safety and security of the institution, public officials, offenders, or the general public,
 - b. do not hinder the rehabilitation of an offender,
 - c. are not being used to further illegal or deceptive activities, and
 - d. meet all other specifications contained in this procedure.
3. Correspondence, printed or recorded materials, and pictures may not be rejected because:
 - a. the content is religious, philosophical, social, sexual, political or is unpopular or repugnant, or
 - b. the content is critical of the institution, staff or state and federal government.
 - (1) All correspondence, printed or recorded materials, and pictures will be reviewed on a case by case basis.
4. The censorship of an issue of a publication may not be relied upon to support an exclusion of a subsequent issue.
 - a. For example, if the January issue of XYZ magazine is censored, this censorship determination may not be used to justify the censorship of the February issue of XYZ. Each separate edition must be evaluated independently in accordance with this procedure.
5. Censorship of Recorded Materials:
 - a. Due to the time and burden of reviewing recorded materials, staff members are not required to listen to recorded materials to determine if the recorded material meets the specifications contained in this procedure.
 - b. Staff members should use current available resources to determine if the contents of the recorded materials are acceptable.
 - c. Current available resources include, but are not limited to:
 - (1) All recordings with a parental advisory warning, or similar designation, shall be censored.
 - (2) Printed materials included with the recorded materials such as cover art, song lyrics, etc.
 - (3) Internet web sites which provide the lyrics or a rating for the recorded material.
6. If there is probable cause to believe that an offender is using the mail to engage in an unauthorized business enterprise or to defraud a member of the public:

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- a. the facts that led to that conclusion should be documented and a direct order should be given to the offender to discontinue that practice, and
 - b. an investigation shall be conducted and the offender referred for prosecution if appropriate.
7. Offenders will not be reimbursed by the department for materials that are censored.
 8. An offender's particular rehabilitation needs may be taken into account when censoring any outgoing, incoming or impounded correspondence, printed or recorded materials, or pictures.
- C. INCOMING GENERAL CORRESPONDENCE, PRINTED MATERIALS, PICTURES AND RECORDED MATERIALS:
1. Offenders are prohibited from receiving correspondence, printed or recorded materials, or pictures that:
 - a. constitute a threat to the security, good order or discipline of the institution,
 - b. may facilitate or encourage criminal activity,
 - c. may interfere with the rehabilitation of an offender.
 2. Correspondence, printed or recorded materials or pictures are subject to being censored in compliance with this procedure if the item:
 - a. promotes, incites, or advocates violence, disorder or the violation of state or federal law, or advocates, facilitates or otherwise presents a risk of lawlessness, violence, anarchy or rebellion against a governmental authority,
 - b. provides technical information on the design, construction, or use of an instrument or device which could endanger institutional security or safety; such as:
 - (1) methods for constructing or using weapons, ammunition, bombs, or incendiary devices,
 - (2) schematics or information on how a gun or a weapon is built, or
 - (3) displays someone being threatened by a firearm.

NOTE: Materials or pictures which simply display firearms are not prohibited.
 - c. provides information on how to obtain prohibited publications or provides information on how to order unauthorized items or contraband, such as mail order catalogues,
 - d. are so radically inflammatory as to be reasonably likely to cause violence,
 - e. contains information which can be used to instill violence or hatred among the offender population,
 - f. portrays, encourages, or describes methods of escape from a correctional facility including:
 - (1) blueprints, drawings, or other similar detailed descriptions of correctional institutions, courthouses, and medical care facilities, and detailed roadmaps or railway maps of Missouri and any states contiguous to Missouri,

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- g. portrays or describes recipes or processes for brewing alcoholic beverages or manufacturing drugs or poison, or that describes how to abuse prescribed medication,
 - h. are or appear to be written or recorded in code or a language that staff are unable to interpret with current available resources,
 - i. depicts, describes or encourages activities which may lead to the use of physical violence or group disruption,
 - (1) Sign language or style of dress alone (in the absence of other material that supports, incites, or advocates any type of illegal gang activity) will not be the cause of censorship.
 - (2) Pictures containing sign language or dress can be copied and copies sent to the gang task force committee for tracking purposes; however, the original pictures should be delivered to the offender.
 - j. encourages or instructs in the commission of criminal activity,
 - k. contains personal information about a staff member or any member of the staff member's family, unless it is sent by the staff member and ¹he is related to the offender; or is provided with the approval of the CAO,
 - (1) This includes personal information published in newspapers.
 - l. contains unauthorized free items or items that pose a threat to safety and security of the institution, with the exception of publications,
 - (1) Examples of free items include, but are not limited to:
 - (A) compact discs (CDs),
 - (B) digital video discs (DVDs),
 - (C) pull-out perfume,
 - (D) lotion,
 - (E) shampoo or cologne samples,
 - (F) magnets,
 - (G) stickers,
 - (H) electronic items,
 - (I) battery items, and
 - (J) and any items that are available for offender purchase through the facility's canteen.
 - (2) Reading materials such as books, magazines, brochures, newspapers, etc. will not be considered free items for the purpose of this procedure.

¹ All references in this procedure to the male gender are used for convenience only and shall be construed to include both female and male genders.

- (3) Free items consisting of calendars are subject to each institution's restrictions on the size of calendars and whether such items are available for purchase in the facility's canteen.
- (4) Free items consisting of posters are allowed as long as they remain inside the magazine (there is no size restriction since the poster will remain inside the magazine).
- (5) Unauthorized free items contained in publications shall be removed and discarded as long as the publication is not otherwise subject to being censored pursuant to this procedure. If the publication is not censored, the publication will be given to the offender once the unauthorized free items are removed and discarded.
- (6) Fold-over perfume or cologne samples are not considered free unauthorized items because they do not pose a threat to the safety or security of the institution and are not available for sale in the institution canteen.
 - (A) Publications containing these types of samples may be given to the offenders as long as the publication is not otherwise subject to being censored pursuant to this procedure.
- m. recorded materials that have an affixed parental advisory label including explicit content,
- n. consists of threats of physical harm to any person or threats of criminal activity,
- o. contains or concerns sending contraband within, into or out of the institution,
- p. advocates or promotes role-playing or similar fantasy games,
- q. depicts or describes information detrimental to the offender's rehabilitation,
 - (1) An explanation must be provided as to the reason why the particular correspondence, written or recorded material, or picture is detrimental to the offender's rehabilitation.
- r. contains detailed instructions of wrestling maneuvers, boxing maneuvers, self-defense maneuvers, or the martial arts, such as judo, karate, aikido, kendo, kung fu, or similar types of techniques,
- s. contains depictions or drawings of tattoos that can be reproduced,
- t. contains inappropriate sexual behavior, sexually explicit materials and pictures as defined in the definitions of this procedure for nude pictures and explicit materials and pictures,
- u. encourages or instructs on gambling activities or contains gambling paraphernalia, or
- v. contains information on how to defeat or disable computer or network security.

D. OUTGOING GENERAL CORRESPONDENCE:

- 1. Offenders are prohibited from sending correspondence that constitute a threat to the security, good order, or discipline of the institution, may facilitate or encourage criminal activity, or may interfere with the rehabilitation of the offender.
- 2. The following correspondence pose such a risk and are subject to being censored when the correspondence:
 - a. contains an escape plot or any other clear threats to the institution,

- b. is sent to a victim of any criminal offense for which the offender is serving a sentence unless approved by the CAO,
- c. is sent to any person whom the offender is restrained from writing by a court order,
- d. is sent to any person who has requested in writing that the offender not correspond with them.
 - (1) This shall also include children under the age of 18 when the parent or guardian of the child has requested in writing that the offender not be allowed to correspond with the child.
- e. concerns transporting contraband within, into, or out of the institution,
- f. contains plans for criminal activity,
- g. is written in code or in a language that staff is unable to interpret with current resources,
- h. contains threats to the safety or security of staff, other offenders, or the public,
- i. contains information which if communicated would create a danger of physical violence or harm to any person,
- j. contains threats, derogatory, or personal attacks against any person,
- k. solicits, claims, or demands gifts, goods, or money by false statements, threats, intimidation or extortion from another person or firm,
- l. is detrimental to the offender's rehabilitation.
 - (1) an explanation must be provided as to the reason(s) why the particular correspondence, is detrimental to the offender's rehabilitation.

E. DISPOSAL OF CENSORED CORRESPONDENCE, PRINTED OR RECORDED MATERIALS AND PICTURES:

- 1. All incoming correspondence, printed or recorded materials, and pictures shall be disposed of in accordance with institutional services procedures regarding offender property and control after any grievances and/or court actions are final.
- 2. If the censored items contains evidence of a crime or creates a specific safety or security risk to the institution, the item should be impounded and held as evidence in accordance with institutional services procedures regarding offender property and control.
- 3. Any outgoing correspondence that is censored shall be disposed of in accordance with institutional services procedures regarding offender property and control after any grievances and/or court proceedings are final.

IV. REFERENCES:

- A. 931-3474 Covenant Not to Sue
- B. 931-3485 Censorship Notification
- C. D1-8.1 Criminal Investigation Unit Responsibilities and Actions
- D. D1-11.3 Record Retention
- E. D5-3.2 Offender Grievances

- F. IS13-1.1 Offender Mail Procedures
- G. IS22-1-1 Offender Property and Control Procedures

V. HISTORY: This procedure previously contained in Division Rule 118.010 Offender Mail and Telephone Calls. Original effective November 1, 1980; revised June 15, 1984 and November 19, 1984 and within IS13-3.1 Offender Mail. Original effective date February 17, 1989; revised July 15, 1991, June 1, 1992, October 15, 1992, April 1, 1995, June 17, 2002, May 11, 2003, February 7, 2005, June 20, 2005, December 30, 2005, January 30, 2006 and May 1, 2006.

- A. Original Effective Date: December 17, 2009
- B. Revised Effective Date: February 1, 2010
- C. Revised Effective Date: January 1, 2011
- D. Revised Effective Date: October 5, 2013

STATE OF MISSOURI
DEPARTMENT OF CORRECTIONS
COVENANT NOT TO SUE

INSTITUTION	DATE
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OFFENDER NAME	DOC NUMBER
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THE MISSOURI DEPARTMENT OF CORRECTIONS CURRENTLY HAS CERTAIN MATERIAL(S) DESCRIBED AS:

STORAGE LOCATION

THIS MATERIAL HAS BEEN CENSORED. IF YOU DO NOT WISH TO HAVE THE ABOVE MENTIONED MATERIAL(S) CONFISCATED, YOU MAY SIGN THIS RELEASE AND HAVE THE MATERIAL(S) SENT TO SOMEONE OF YOUR CHOOSING. IF YOU DO NOT SIGN THIS AGREEMENT, THE ABOVE MENTIONED MATERIAL(S) WILL BE CONFISCATED.

1. I understand that the Department of Corrections censored the above described material(s).
2. I agree not to bring any legal action against the Department of Corrections because of the censorship of the above described material(s), and in return the Department of Corrections will deposit in the mail, postage to be paid by me, the above described material(s) to an address designated by me, or released to a visitor according to established property procedures.
3. I agree not to bring any legal action in regard to the storage of the above mentioned material(s) which will be retained at the institution until such time as it can be mailed out or sent out with a visitor according to established property procedures.

(CHECK ONLY ONE BOX IN THIS SECTION)

4A. I take all responsibility for directing that the above-described material(s) be mailed to:

OR

B. I take all responsibility for directing that the above-described material(s) be sent out with visitor:

5. I further agree to release any claims I may now, or in the future, have against the Department of Corrections for anything not specifically noted in this release in return for the release of the above noted materials.

6. I have read, or have had this release read and explained to me, and understand this release.

OFFENDER'S SIGNATURE	DATE
WITNESS' SIGNATURE AND TITLE	DATE



STATE OF MISSOURI
DEPARTMENT OF CORRECTIONS
CENSORSHIP NOTIFICATION

		INSTITUTION
OFFENDER NAME	DOC NUMBER	HOLDING UNIT
<p>The Censorship Committee has reviewed materials sent to you. Pursuant to our review of this material, we conclude that the security of this institution will be at risk if the material is delivered to you within this institution because the material:</p> <ol style="list-style-type: none"> 1. constitutes a threat to the security, good order or discipline of the institution; 2. may facilitate or encourage criminal activity, or 3. may interfere with the rehabilitation of an offender. 		
<p>THIS CONCLUSION IS BASED UPON THE FACT THAT THE MATERIAL: (SELECT ALL REASONS THAT MAY APPLY)</p>		
<p>ADDITIONAL COMMENTS:</p>		
MATERIAL SENT BY	DATE RECEIVED	
TITLE		
AUTHOR	PUBLICATION DATE	
PUBLISHER	SERIES/VOLUME NUMBER	
COMMITTEE MEMBER	DATE	
COMMITTEE MEMBER	DATE	

MO 931-3485 (12-12)

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