

STATE OF OHIO



DEPARTMENT OF REHABILITATION
AND CORRECTION

SUBJECT: Printed Material	PAGE <u>1</u> OF <u>6</u>
	NUMBER: 75-MAL-02
RULE/CODE REFERENCE: 5120-01; 5120-9-19; 5120-425 5120.426; 5120.427; 5120-428	SUPERSEDES: 75-MAL-02 dated 09/16/06
RELATED ACA STANDARDS: 4-4490	EFFECTIVE DATE: November 29, 2013
	APPROVED: 

I. AUTHORITY

This policy is issued in compliance with Ohio Revised Code 5120.01 which delegates to the Director of the Department of Rehabilitation and Correction the authority to manage and direct the total operations of the Department and to establish such rules and regulations as the Director prescribes.

II. PURPOSE

The purpose of this policy is to clarify the implementation and application of Administrative Rule 5120-9-19, Printed Material, in regard to the inspection, screening, and processing of certain types of printed material.

III. APPLICABILITY

This policy applies to all inmates and staff of the Department of Rehabilitation and Correction and particularly to mailroom screeners who process inmate mail and other staff who are responsible for reviewing or screening printed material intended for inmates.

IV. DEFINITIONS

Printed Materials - As used in this policy, the term “printed materials” means any publication, document, or record including, but not limited to, the following: newspapers, magazines, pamphlets, books, photographs, drawings, prerecorded magnetic audio tape. The term printed materials does not include either personal letters or advertising mail as defined in Administrative Rule 5120-9-17 (J) Incoming Mail.

Nude Photographs - As used in this policy, the term “nude photographs” refers to snapshots, photos, photocopied or digitally produced pictures, etc. of an adult, child, or infant who is nude or partially nude above or below the waist and is displaying breasts, buttocks, or genitals. It does not include magazines, calendars or other professionally produced materials intended for commercial distribution. Such

commercial materials do remain subject to review under the procedures for withholding printed materials.

Copied Materials - As used in this policy, the term “copied materials” includes both photocopied material and material printed or downloaded from a computer.

Simple Pamphlets and Brochures - A simple pamphlet or brochure shall consist of a single sheet of paper (8 ½” x 11”) and may be configured in a bi-fold or tri-fold configuration.

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction to process inmate mail and printed material in an efficient, timely manner and to regulate inmate property in accordance with Administrative Rules 5120-9-17, Incoming Mail; 5120-9-18, Outgoing Mail; 5120-9-19, Printed Material; and 5120-9-33, Packages and Property Restrictions.

VI. PROCEDURES

A. Notice of Withholding Form (DRC4147)

The Notice of Withholding Form (DRC4147) is the initiating document for the screening process described in Administrative Rule 5120-9-19, Printed Material. This form is used to record the rationale for the initial decision to withhold the printed material. This form therefore provides the following notice requirements:

1. Notice to the inmate of the decision to withhold the publication and the rationale for that decision.
2. Notice to the inmate of his/her options in light of that decision including the right to appeal.
3. Notice of appeal of the withholding decision to the Operation Support Center Publication Screening Committee.

B. Completion of Notice of Withholding Form DRC4147

The proper completion of the Notice of Withholding form (DRC4147) is essential to the publication screening process. The form must clearly and specifically state the basis for the decision to withhold. The form is structured to record the conclusion of the reviewer. The form enumerates the grounds for withholding printed material and provides an area in which to cite an example from the printed material that supports or describes basis of the decision to withhold.

1. Citations such as, “the whole book”, “the whole magazine,” or “throughout the magazine” etc., are not sufficiently specific and are not acceptable. Citations of objectionable material should include page number(s) or other information that would assist in locating the material cited.
2. Forms that do not cite a specific example in the material that either supports or illustrates the reason for the institution’s decision to withhold shall not be screened by the Operation Support Center Screening Committee and will be returned to the institution.
3. Once returned, the institution shall have the opportunity to amend the form to clearly state the basis for its decision. Any such amended form must be served on the inmate. If the inmate wants to maintain his/her appeal, then the material can be resubmitted to the Central Office Publication Screening Committee.
4. A separate withholding form needs to be prepared for each publication to be withheld. For example, if an inmate receives four different magazines and if after reviewing the material the institution determines that each of the magazines should not be permitted then the Managing Officer’s designee must prepare a Notice of Withholding Form (DRC4147) for each publication withheld.
5. Notice of Withholding Forms (DRC4147) submitted to the Operation Support Center Publication Screening Committee listing multiple publications shall be returned to the institution without screening. Once returned, the institution shall have the opportunity to amend the forms to clearly state the basis for its decision as to each publication. Any such amended forms must be served on the inmate. If the inmate wants to maintain his appeal, then the material can be resubmitted to the Operation Support Center Publication Screening Committee.

C. Application of The “Publishers Only” Provision of Administrative Rule 5120-9-19, Printed Material

There has always been discretion built into the “publisher’s only” rule since printed material could be sent from sources other than the publisher with the Managing Officer’s prior approval. In order to expedite the application of this rule, some material may be permitted in personal correspondence without requiring specific prior approval from the Managing Officer. This exception would not apply to any material that is otherwise objectionable under Administrative Rule 5120-9-19, Printed Material. The following are examples of permissible items:

1. Newspaper clippings: The Department has no desire to prevent families from sending inmates such things as obituaries, wedding announcements, birth announcements, graduation announcements, etc., that were clipped from their local newspaper. Therefore, inmates may receive up to five newspaper clippings in any one envelope. For purposes of this rule, five clippings shall be no more than five pieces of paper (each sheet no larger than 8½” x 11”).

2. Pamphlets, brochures, etc: Inmates may receive up to five simple pamphlets or brochures in a personal correspondence.
3. Copied material: Individuals may enclose up to five pages (one side, 8½” x 11”) of copied material in a personal correspondence. Legal materials sent by an attorney or court are not subject to this limitation. Legal materials that have been sent out by an inmate to be copied by an outside copying service, and are being returned, are not subject to this limitation.
4. Photographs: Inmates may receive no more than five (5) photographs, either personal or commercial, in a personal correspondence.
5. Prior Approval: Any individual, who finds it necessary to send or receive material not falling within one of the provisions set out above, can seek prior approval for the material from the Managing Officer or designee.
6. Processing Excluded Material: All printed material is still subject to screening and possible exclusion from the institution under Administrative Rule 5120-9-19. Printed Material.
 - a. If the material is being excluded because it is not from the publisher and fails to satisfy one of the exceptions above, then it can be considered contraband and be excluded pursuant to Administrative Rule 5120-9-17(C), Incoming Mail. The Managing Officer or designee shall determine the disposition of contraband pursuant to rule 5120-9-55 of the Administrative Code. The contraband may be returned to the sender, confiscated as evidence, held for the benefit of the inmate-addressee, or otherwise disposed of in a manner consistent with the law.
 - b. If the material is being excluded because it is a threat to rehabilitation of inmates, security, good order, or discipline of the institution pursuant to Administrative Rule 5120-9-19, Printed Material, then the material must be screened and disposed of in accordance with the procedures described in that administrative rule.
7. DRC Internet Materials: Inmate information photo copied or printed from the DRC web page shall be excluded unless specific prior approval is given. There are two basis for excluding this material. They may be excluded because they constitute a threat to security, discipline, and good order of the institution or based on the publisher only provision. DRC is the publisher of this information and DRC has not approved its distribution to inmates in its custody.

D. Nude Photographs

The possession of nude photographs constitutes a threat to the security, order, and discipline of our institutions is disruptive to institutional operations and is detrimental to the objectives of rehabilitation of inmates. Therefore, inmates are not permitted to receive nude photographs.

1. Nude personal photographs may be handled as minor contraband pursuant to Administrative Rule 5120-9-55, Contraband, without the necessity of screening pursuant to Administrative Rule 5120-9-19 (C), Printed Material.
2. Material that does not meet the definition of “nude personal photographs” is subject to review and withholding pursuant to Administrative Rule 5120-9-19 (C), Printed Material.

E. Security Threat Group Material

Printed material that by its content is related to a specific Security Threat Group (STG) may be withheld if the presence of that material in an institution is deemed to be detrimental to the security, order, or discipline of the institution or to the rehabilitation the inmates.

1. Within this context, printed material containing depictions of hand signs or other symbols or insignia that appear to be related to an STG may be withheld if:
 - a. The sign or symbol can be related to a specific STG, and;
 - b. Might reasonably be seen as something that might promote or enhance the image or visibility of the STG within the institution;
 - c. Or may be seen as legitimizing gang behavior;
 - d. Or may conflict with departmental efforts to discourage and prevent STG membership and recruitment.
2. Suspected STG printed material shall be referred to the institutional STG Coordinator for evaluation of the suspected STG content before initiating the withholding process as established in Administrative Rule 5120-9-19, Printed Material.
3. If the institution determines that withholding is appropriate, then a Notice of Withholding Form (DRC4147) must be completed and notice must be given to the inmate.

Related Department Forms:

Notice of Withholding

DRC4147