



*State of North Carolina
Department of Public Safety
Prisons*

POLICY AND PROCEDURE

Chapter: D
Section: .0100
Title: **Publications Received/
Possessed by Offenders**
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References 5th Edition Standards for Adult Correctional Institutions

Related ACA Standards 5-ACI-7D-04

.0101 OFFENDER PUBLICATION PRIVILEGES

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

- (a) All offenders may receive a reasonable number of hard back and paperback books, newspapers, magazines, newsletters and vendor catalogs directly from the publisher, except that offenders assigned to HCON, RHCP, or RHDP 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 offender 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) Offenders ordering publications must forward their payment for subscriptions or individual publications with their order; offenders shall not receive publications of any kind on a trial basis with payment postponed.
- (c) Offenders 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.
- (d) The processing of an offender'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.
- (e) 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.
- (f) 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 prior to delivery to the offender. The offender will be given the option of mailing the CD/DVD to an alternate address at their expense. If the offender does not select this option, the CD/DVD should be destroyed as contraband. This will be documented on forms DC-160 and Property

Disposition Form.

- (g) Publications that include posters/cologne or perfume sample(s) shall be approved, if the publication meets all other requirements of the policy. However, the posters/cologne or perfume sample(s) must be removed prior to delivery to the offender. The posters/cologne or perfume sample(s) should be destroyed as contraband. This will be documented on forms DC-160 and Property Disposition Form.
- (h) When offenders in regular population are placed on RHDP, all efforts possible should be made to store any of the offender's publications that the offender is not allowed to have in restrictive housing, along with their other personal property. If all of the efforts fail in this area, the offender should be given the option of mailing the publications to an alternate address at their expense.

.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 or Deputy/Associate Warden for the purpose of disapproving receipt or possession of a publication by an offender.
- (b) The Warden or Deputy/Associate Warden of each facility should approve or disapprove publications for receipt or possession by offenders 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 or Deputy/Associate Warden 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 offender. 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 or Deputy/Associate Warden 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 offender appears on the Master List, the offender 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 offender may elect to have the publication forwarded at the offender'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 offender within seven (7) working days of the facility's receipt of the publication. If the Warden or Deputy/Associate Warden disapproves a publication that is not on the Master List, the following paragraphs (b) through (i) apply.

- (b) The Warden or Deputy/Associate Warden 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 offender is written using the attached form stating the reason(s) for the disapproval and the appeal options. (See Attachment #3). The offender shall be given a copy of the completed Attachment #3.
- (d) The offender should choose one of the following options on the disposition of the publication. If the offender 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 or Deputy/Associate Warden 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 offender and at the offender's expense, if personal funds are available, or disposed, if the publication is disapproved by the Publication Review Committee.
 - (2) Forward the publication to an alternate address specified by the offender and at the offender'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 offender elects to appeal the decision of the Warden or Deputy/Associate Warden to the Publication Review Committee, the Warden or Deputy/Associate Warden forwards to the Publication Review Committee the completed Disapproved Publication Log, the actual publication and the offender's signed statement of appeal.
- (f) When an offender elects to forward the publication to an alternate address of their choosing, the Warden or Deputy/Associate Warden forwards the publication to the new address and forwards to the Publication Review Committee the offender's signed waiver of appeal and the Disapproved Publication Log with the disposition of the publication noted as "publication forwarded by offender to new address". The offender shall elect to have the publication mailed at their expense.
- (g) When an offender elects to waive the appeal to the Publication Review Committee and agrees to have the publication destroyed, the Warden or Deputy/Associate Warden forwards to the Publication Review Committee the completed Disapproved Publication Log and the offender's signed waiver of appeal.
- (h) When an offender elects to appeal the decision of the Warden or Deputy/Associate Warden to the Publication Review Committee, with the option/ability to send the publication to an alternate address if the publication is disapproved, the Warden or Deputy/Associate Warden forwards to the Publication Review Committee the completed Disapproved Publication Log, the actual Publication and the Offender's signed statement of appeal. The offender 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 Commissioner of Prisons or their 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 Director of Operations/designee, when the decision of the committee is not consistent with policy. Members of the Publication Review Committee will meet once a quarter with the Director of Operations/designee 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 or

- Deputy/Associate Warden. (See Attachment # 6) The Chairperson of the Publication Review Committee will notify the offender of this decision according to policy and inform the offender 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 offenders.
 - (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 or Deputy/Associate Warden 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 offender is not entitled to have in their 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 offender receives a response to the appeal within forty-five (45) days of the date the offender 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 offenders.
 - (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 OFFENDERS 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 or Deputy/Associate Warden will ensure appropriate facility staff are aware of the list and how to access it through OPUS and will make a copy available for offender review through the library or other areas accessible to offenders. The list will be updated no less than every thirty (30) days and published for staff and offender viewing. In addition, the Publication Review Committee may, from time to time, issue and make available to offenders, for offenders' 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 or Deputy/Associate Warden should notify offenders 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 or Deputy/Associate Warden will inform the offender in writing that the publication has been approved and will forward the publication to the offender. For publications disapproved by the Publication Review Committee, the Chairperson of the Publication Review Committee will inform the offender using the attached form letter. (See Attachment #4.)

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

When pursuant to law NCPDS Prisons rejects a publication mailed to an offender, 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 offender 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 offender. This written appeal must be submitted to the Commissioner of Prisons or their 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 Commissioner of Prisons or designee 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

Offenders will be permitted to receive or possess written or pictorial materials which are consistent with institution security, safety, offender 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 offenders and staff members and to facilitate to the extent possible rehabilitation of offenders. Rehabilitation includes but is not limited to the acquisition of appropriate personal and social skills and responses, and the acquiring of self-control. Because offenders 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 offenders either generally or with respect to validated Security Risk 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 offender rehabilitation. Materials which impede offender 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 offender 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 or Deputy/Associate Warden.
- (e) Foreign Language Publications. Foreign language publications do not, per se, require disapproval. Offenders 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 or Deputy/Associate Warden 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 offenders 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 or Deputy/Associate Warden should disapprove a publication for receipt and possession by offenders 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:

- (1) The commission of criminal activity and/or the violation of state or federal laws and/or the violation of Prisons policy and/or offender disciplinary policy and procedures.
- (2) The manufacture, simulation and/or concealment of weapons, ammunition, explosives, incendiaries, or escape devices and/or escape techniques.
- (3) The ingredients and/or manufacture of poisons, drugs, intoxicants, abrasives, corrosives or other toxic or illegal substances.
- (4) Violence, disorder, insurrection or terrorist/gang activities against individuals, groups, organizations, the government or any of its institutions.
- (5) 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.
- (6) Instructions and/or information, which may be used to alter or defeat institutional systems of communication.
- (7) Instructions and/or information relating to the ability or attempt to physically assault, disable, injure or kill a person.
- (8) 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 offender in possession of same and a member or members of the target group.
- (9) Materials which are used or which reasonably appear likely to be used to intimidate or sexually harass facility staff or visitors.
- (10) 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.
- (11) 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 uncovered human genitalia, exposed genitalia from the rear, genitalia observed through sheer material, or the female breast are specifically deemed to be a threat to institutional order, security and safety and a threat to offender 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.

- (12) 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 driver's license, driver's license records check, property title or deed, tax listing information, social security card, birth certificate, passport, military discharge papers, and personal financial documents such as credit cards, checkbooks or similar items. Items sent to aid an offender who is being prepared legitimate transition to the community are received and maintained for the offender in a secure location until the offender is released.
- (13) Hardbound publications (other than legal or religious publications) that are larger than "8 ½ x 11" or more than 2 inches thick are not allowed. However, large softbound publications (such as ESPN Magazine and The Sporting News) are allowed. Hardbound legal or religious publications larger than "8 ½ x 11" or more than 2 inches thick are allowed unless the Warden identifies a specific security threat or storage issue caused by the offender's possession of the publication.
- (14) Hardbound publications (other than legal or religious publications) and all spiral-bound publications are not allowed if addressed to an offender who is assigned to H-con, RHCP or RHDP. However, offenders who are assigned to H-con, RHCP, or RHDP may possess in their cells hardbound (but not spiral-bound) legal or religious publications (including legal or religious publications larger than "8 ½ x 11" or more than 2 inches thick) unless the Warden identifies a specific security threat or storage issue caused by the offender's possession of the publication.
- (15) Publication is from a source that is not a legitimate marketer or distributor of published material.
- (16) Publication is from a source that is in conflict with the custody level of the offender to whom it is addressed (see D.010 (a) and (b) above).
- (17) Publication contains contraband, such as money, postal stamps, stickers, or objects that may be utilized as weapons. (For publications that contains CDs, DVDs, Posters, Cologne or Perfume sample(s) see D.0101 (g) and (h) above).

.0110 Disqualification of a Publisher or Distributor from Sending Publications to NCDPS-Division of Prisons

The Division of Prisons facilities cannot create or use ‘pre-approved’ vendor lists for publications. All publishers and distributors can send materials to all facilities, unless the publisher or distributor is prohibited under this policy. Publishers or distributors who are prohibited from sending materials to NCDPS – Division of Prisons will be prohibited at all facilities.

The Division of Prisons may prohibit all publications from a specific publisher or distributor using the following procedure:

- (a) If a publication or package of printed materials is found to contain contraband, the facility receiving the publication must complete an incident report. The incident report must contain the following:
 - (1) Institution Name;
 - (2) Name of contraband;
 - (3) Identification from the publisher or distributor;
 - (4) Identification of the publication or printed material;
 - (5) Brief summary of the incident;
 - (6) Photographs of the contraband and publication
 - (7) Name and relevant information regarding the offender publication was addressed to;
 - (8) Action taken in response to the incident;
 - (9) Name of staff that discovered the contraband.
- (b) The incident report shall be forwarded to the Chief of Security’s office within 7 days of the date of the incident.
- (c) If publications that are received from a publisher or distributor is repeatedly found to contain contraband the Chief of Security will send a recommendation to the Director of Operations for review by the Publication Screening Committee (PSC). The Director of Operations will designate three staff members to form the PSC. The designated committee members will review the recommendation that the publisher or distributor be prohibited from sending items to any Division of Prisons Facility. The Chief of Security will provide the PSC with the incident reports for their review.
- (d) The PSC shall consider the recommendation from the Chief of Security, shall review the incident report(s) and any accompanying information within 14 days of receiving all the pertinent information. The PSC shall determine whether the publisher or distributor shall be prohibited. The PSC may request an additional investigation or documentation before reaching its decision. The publisher or distributor can only be prohibited if all three committee members agree to the recommendation. The publisher or distributor will be prohibited for a maximum of 12 months.
- (e) If the PSC determines that the publisher or distributor should be prohibited, that decision, the

length of the decision, and its basis shall be forwarded in writing to the Director of Operations for final approval.

- (f) The prohibition of a publisher or distributor will become effective on the date that the Director of Operations or designee notifies the facilities and the publisher or distributor. The prohibition will be for all NCDPS – Division of Prisons facilities. The facilities will be responsible for notifying the offender population of the disapproved publisher or distributor.
- (g) The prohibited publisher or distributor may submit an appeal to the prohibition and a request for reconsideration within thirty (30) calendar days of the notification of prohibition. The PSC will review and respond to the publisher or distributor within sixty (60) calendar days of receipt of the appeal.

.0111 STAFF TRAINING ON OFFENDER PUBLICATIONS

- (a) NCDPS 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 offenders, 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 the Employee Training Record.
 - (1) The Director of Operations/designee
 - (2) Each Publication Review Committee Member
 - (3) Each Warden
 - (4) Each Associate Warden designated by a Warden to approve and disapprove incoming publications addressed to offenders
 - (5) Each mailroom employee who assists in screening incoming publications addressed to offenders
 - (6) Any other person who assist in screening incoming publications addressed to offenders
- (c) Each Warden is responsible for ensuring that training and documentation at their facility is carried out in accordance with D.0111 (b) above.

.0112 OFFENDER ACCESS TO PUBLICATIONS POLICY, D.0100

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



Interim Commissioner of Prisons

August 23, 2022

Date

D.0100_08_23_22

Attachment #2

Page 1 of Attachment #2

NOTICE TO OFFENDER OF A STATEWIDE DISAPPROVED PUBLICATION

(This notice should be used when the publication is already on the Master List of Disapproved Publications and should be sent to the offender within seven (7) working days of receipt of publication/material).

TO: _____
(Offender Name & Number)

DATE: _____

FROM: _____
(Warden/Superintendent/Designee)

Facility: _____

RE: _____
(Disapproval of Publication/Material)

_____ Your publication/material, _____, is on the
(list name and volume and issue # / date)

Master List of Disapproved Publications list of the Division of Prisons. The publication/material violates Division of Prisons policy at section D.0109 and is disapproved for the reason listed. **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.**

This publication appears on the statewide Master List of Disapproved Publications because it was disapproved during the previous twelve (12) months by the Division of Prisons Publication Review Committee. There are no additional appeal rights to this decision.

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 offender disciplinary policy and procedures. Page Number(s): _____ Facility Reasons for Disallowance: _____
Reason .0109 B	The manufacture, simulation and/or concealment of weapons, ammunition, explosives, incendiaries, or escape devices and/or escape techniques. Page Number(s): _____ Reason for Disapproval: _____
Reason .0109 C	The ingredients and/or manufacture of poisons, drugs, intoxicants, abrasives, corrosives or other toxic or illegal substances. Page Number(s): _____ Reason for Disapproval: _____
Reason .0109 D	Violence, disorder, insurrection or terrorist/gang activities against individuals, groups, organizations, the government or any of its' institutions. Page Number(s): _____ Reason for Disapproval: _____
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): _____ Reason for Disapproval: _____
Reason .0109 F	Instructions and/or information, which may be used to alter or defeat institutional systems of communication. Page Number(s): _____ Reason for Disapproval: _____
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): _____ Reason for Disapproval: _____
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 offender in possession of same and a member or members of the target group. Page Number(s): _____ Reason for Disapproval: _____

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): _____ Reason for Disapproval: _____
Reason .0109 J	Material which is written for or supports the activities of a validated Security Risk 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): _____ Reason for Disapproval: _____
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, uncovered human genitalia, exposed genitalia from the rear, genitalia observed through sheer material or the female breast are specifically deemed to be a threat to institutional order, security and safety and a threat to offender 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): _____ Reason for Disapproval: _____
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 driver's license, driver's license records check, property title or deed, tax listing information, social security card, birth certificate, passport, military discharge papers, and personal financial documents such as credit cards, checkbooks or similar items. Items sent to aid an offender who is being prepared legitimate transition to the community are received and maintained for the offender in a secure location until the offender is released. Page Number(s): _____ Reason for Disapproval: _____
Reason .0109 M	Hardbound publications (other than legal or religious publications) that are larger than "8 1/2 x 11" or more than 2 inches thick are not allowed. However, large softbound publications (such as ESPN Magazine and The Sporting News) are allowed. Hardbound legal or religious publications larger than "8 1/2 x 11" or more than 2 inches thick are allowed unless the Warden identifies a specific security threat or storage issued caused by the offender's possession of the publication. Warden's Reason for Disallowance: _____
Reason .0109 N	Hardbound publications (other than legal or religious publications) and all spiral-bound publications are not allowed if addressed to an offender who is assigned to H-Con, RHCP, or RHDP. However, offenders who are assigned to H-Con, RHCP, or RHDP may possess in their cells hardbound (but not spiral-bound) legal or religious publications (including legal or religious publications larger than "8 1/2 x 11" or more than 2 inches thick) unless the Warden identifies a specific threat or storage issue caused by the offender's possession of the publication. Warden's Reason for Disallowance: _____
Reason .0109 O	Publication is from a source that is not a legitimate marketer, and/or distributor of published material. Reason for Disapproval: _____
Reason .0109 P	Publication contains contraband, such as money, postal stamps, stickers or objects that may be utilized as weapons. Reason for Disapproval: _____

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

Offender Signature: _____ Date Received: _____

Staff Signature: _____ Date Offender Received: _____

cc: Offender Copy Facility File

NOTICE TO OFFENDER OF A STATEWIDE DISAPPROVED PUBLICATION SOURCE

(This notice should be used when the source is already on the Master List of Disapproved Publication Sources and should be sent to the offender within seven (7) working days of receipt of publication/material).

TO: _____
(Offender Name & Number)

DATE: _____

FROM: _____
(Warden/Superintendent/Designee)

Facility: _____

RE: _____
(Disapproval of Publication/Material)

_____ The source, _____, of publication/material received
(list name and address of source)
for you is on the Division of Prisons Master List of Disapproved Publication Source list. The source of your publication/material violates Division of Prisons policy at section D.0109 and is disapproved for the reason listed.

The source of your publication/material appears on the statewide Master List of Disapproved Publication Source because this source was disapproved during the previous twelve (12) months by the Division of Prisons Publication Review Committee. There are no additional appeal rights to this decision.

The source of your publication/material has been disapproved due to the violation of Division of Prisons Policy Chapter D, Section .0109 (f).

Do you choose to have the publication/material received from the disapproved source 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/material 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

Offender Signature _____ Date Received _____

Staff Signature _____ Date Offender Received _____

NOTICE TO OFFENDER OF DISAPPROVAL & APPEAL/WAIVER FORM

(This notice should be used when the publication is disapproved by the facility but is NOT already on the Master List of Disapproval Publications. It should be sent to the offender within seven (7) working days of receipt of the publication/material).

TO: _____
(Offender Name & Number)

DATE: _____

FROM: _____
(Warden/Superintendent/Designee)

Facility: _____

RE: _____
(Disapproval of Publication/Material)

____ Your publication/material _____ has been received. I have reviewed this
(list name and volume and issue # / date)
publication and determined that it violates Division of Prisons policy section D.0109 (f) and is disapproved for the reason listed. Therefore, I am disapproving possession of this publication. **Please note the pages listed for disapproval 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.**

If you appeal, your publication will be forwarded to the Publication Review Committee and you will be notified of their decision, normally within forty-five (45) days of the date you submit this form. If you wish to appeal to the Publication Review Committee, you must submit this form within three (3) working days of the date shown above.

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

Yes, I choose to appeal.

If you select this option, the items(s) described above will be forwarded to the Director's Publication Review Committee for final review. You may attach additional sheets to explain your appeal or you can use the space below.

If you appeal and your appeal is denied, at that time you will be given the choice to have the publication mailed to a different address or destroyed.

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

Offender Signature: _____ Date Received: _____

Staff Signature: _____ Date Offender Received: _____

cc: Offender Copy Facility File Publication Review Committee File

Attachment #3

Page 2 of Attachment #3

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 offender disciplinary policy and procedures. Page Number(s): _____ Facility Reasons for Disallowance: _____ _____
Reason .0109 B	The manufacture, simulation and/or concealment of weapons, ammunition, explosives, incendiaries, or escape devices and/or escape techniques. Page Number(s): _____ Reason for Disapproval: _____ _____
Reason .0109 C	The ingredients and/or manufacture of poisons, drugs, intoxicants, abrasives, corrosives or other toxic or illegal substances. Page Number(s): _____ Reason for Disapproval: _____ _____
Reason .0109 D	Violence, disorder, insurrection or terrorist/gang activities against individuals, groups, organizations, the government or any of its' institutions. Page Number(s): _____ Reason for Disapproval: _____ _____
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): _____ Reason for Disapproval: _____ _____
Reason .0109 F	Instructions and/or information, which may be used to alter or defeat institutional systems of communication. Page Number(s): _____ Reason for Disapproval: _____ _____
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): _____ Reason for Disapproval: _____ _____
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 offender in possession of same and a member or members of the target group. Page Number(s): _____ Reason for Disapproval: _____ _____
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): _____ Reason for Disapproval: _____ _____
Reason .0109 J	Material which is written for or supports the activities of a validated Security Risk 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): _____ Reason for Disapproval: _____ _____
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

	<p>exposed, uncovered human genitalia, exposed genitalia from the rear, genitalia observed through sheer material or the female breast are specifically deemed to be a threat to institutional order, security and safety and a threat to offender 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): _____</p> <p>Reason for Disapproval: _____</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 driver's license, driver's license records check, property title or deed, tax listing information, social security card, birth certificate, passport, military discharge papers, and personal financial documents such as credit cards, checkbooks or similar items. Items sent to aid an offender who is being prepared legitimate transition to the community are received and maintained for the offender in a secure location until the offender is released.</p> <p>Page Number(s): _____</p> <p>Reason for Disapproval: _____</p> <p>_____</p>
Reason .0109 M	<p>Hardbound publications (other than legal or religious publications) that are larger than "8 ½ x 11" or more than 2 inches thick are not allowed. However, large softbound publications (such as ESPN Magazine and The Sporting News) are allowed. Hardbound legal or religious publications larger than "8 ½ x 11" or more than 2 inches thick are allowed unless the Warden identifies a specific security threat or storage issued caused by the offender's possession of the publication.</p> <p>Warden's Reason for Disallowance: _____</p> <p>_____</p>
Reason .0109 N	<p>Hardbound publications (other than legal or religious publications) and all spiral-bound publications are not allowed if addressed to an offender who is assigned to H-Con, RHCP, or RHDP. However, offenders who are assigned to H-Con, RHCP, or RHDP may possess in their cells hardbound (but not spiral-bound) legal or religious publications (including legal or religious publications larger than "8 ½ x 11" or more than 2 inches thick) unless the Warden identifies a specific threat or storage issue caused by the offender's possession of the publication.</p> <p>Warden's Reason for Disallowance: _____</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>Reason for Disapproval: _____</p> <p>_____</p>
Reason .0109 P	<p>Publication contains contraband, such as money, postal stamps, stickers or objects that may be utilized as weapons.</p> <p>Reason for Disapproval: _____</p> <p>_____</p>

Attachment #3a

Page 1 of Attachment #3a

NOTICE TO OFFENDER OF PUBLICATION SOURCE DISAPPROVAL & APPEAL/WAIVER FORM

(This notice should be used when the **Source** of received publication/material is disapproved by the facility and the source is **NOT** already on the Master List of Disapproval Publication Source. This notice should be sent to the offender within seven (7) working days of receipt of the publication/material from a disapproved source).

TO: _____
(Offender Name & Number)

DATE: _____

FROM: _____
(Warden/Superintendent/Designee)

Facility: _____

RE: _____
(Disapproval of Publication/Material Source)

_____ Publication material has been received for you from, _____
(list name and address of source)

I have reviewed this source of the publication material received for you and determined that the source violates Division of Prisons policy section D.0109 (f) and is disapproved for the reason listed. Therefore, I am disapproving your possession of the publication material.

If you choose to appeal this decision, information regarding the source of your publication material will be forwarded to the Publication Review Committee and you will be notified of their decision, normally within forty-five (45) days of the date you submit this form. If you wish to appeal to the Publication Review Committee, you must submit this form back to me, indicating you wish to appeal, within three (3) working days of the date shown above.

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

Yes, I choose to appeal.

If you select this option, information regarding the source of your publication material, as described above, will be forwarded to the Director's Publication Review Committee for final review. You may attach additional sheets to explain your appeal or you can use the space below.

If you appeal and your appeal is denied, at that time you will be given the choice to have the publication material mailed to a different address or destroyed.

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 source of your publication material mailed to a different address or destroyed? (If you do not indicate a choice or if you do not submit this form back to me within three (3) working days of the date shown above, the publication will be destroyed).

Mailed: I would like to send the publication material received from the disapproved source 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

Offender Signature _____ Date Received _____

Staff Signature _____ Date Offender Received _____

cc: Offender Copy, Facility File, Publication Review Committee File

Attachment #3a

Page 2 of Attachment #3a

The source of the publication/material has been disapproved due to the violation of Division of Prisons Policy Chapter D, Section .0109 (f), as specified below:

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 offender disciplinary policy and procedures. Page Number(s): _____ Facility Reasons for Disallowance: _____ _____
Reason .0109 B	The manufacture, simulation and/or concealment of weapons, ammunition, explosives, incendiaries, or escape devices and/or escape techniques. Page Number(s): _____ Reason for Disapproval: _____ _____
Reason .0109 C	The ingredients and/or manufacture of poisons, drugs, intoxicants, abrasives, corrosives or other toxic or illegal substances. Page Number(s): _____ Reason for Disapproval: _____ _____
Reason .0109 D	Violence, disorder, insurrection or terrorist/gang activities against individuals, groups, organizations, the government or any of its' institutions. Page Number(s): _____ Reason for Disapproval: _____ _____
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): _____ Reason for Disapproval: _____ _____
Reason .0109 F	Instructions and/or information, which may be used to alter or defeat institutional systems of communication. Page Number(s): _____ Reason for Disapproval: _____ _____
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): _____ Reason for Disapproval: _____ _____
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 offender in possession of same and a member or members of the target group. Page Number(s): _____ Reason for Disapproval: _____ _____
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): _____ Reason for Disapproval: _____ _____
Reason .0109 J	Material which is written for or supports the activities of a validated Security Risk 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): _____ Reason for Disapproval: _____ _____
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

	<p>exposed, uncovered human genitalia, exposed genitalia from the rear, genitalia observed through sheer material or the female breast are specifically deemed to be a threat to institutional order, security and safety and a threat to offender 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): _____</p> <p>Reason for Disapproval: _____</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 driver's license, driver's license records check, property title or deed, tax listing information, social security card, birth certificate, passport, military discharge papers, and personal financial documents such as credit cards, checkbooks or similar items. Items sent to aid an offender who is being prepared legitimate transition to the community are received and maintained for the offender in a secure location until the offender is released.</p> <p>Page Number(s): _____</p> <p>Reason for Disapproval: _____</p> <p>_____</p>
Reason .0109 M	<p>Hardbound publications (other than legal or religious publications) that are larger than "8 ½ x 11" or more than 2 inches thick are not allowed. However, large softbound publications (such as ESPN Magazine and The Sporting News) are allowed. Hardbound legal or religious publications larger than "8 ½ x 11" or more than 2 inches thick are allowed unless the Warden identifies a specific security threat or storage issued caused by the offender's possession of the publication.</p> <p>Warden's Reason for Disallowance: _____</p> <p>_____</p>
Reason .0109 N	<p>Hardbound publications (other than legal or religious publications) and all spiral-bound publications are not allowed if addressed to an offender who is assigned to H-Con, RHCP, or RHDP. However, offenders who are assigned to H-Con, RHCP, or RHDP may possess in their cells hardbound (but not spiral-bound) legal or religious publications (including legal or religious publications larger than "8 ½ x 11" or more than 2 inches thick) unless the Warden identifies a specific threat or storage issue caused by the offender's possession of the publication.</p> <p>Warden's Reason for Disallowance: _____</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>Reason for Disapproval: _____</p> <p>_____</p>
Reason .0109 P	<p>Publication contains contraband, such as money, postal stamps, stickers or objects that may be utilized as weapons.</p> <p>Reason for Disapproval: _____</p> <p>_____</p>

LETTER TO OFFENDER

(To be sent to offender after review by Publication Review Committee)

TO: _____
 (Offender Name & Number)

DATE: _____

FROM: _____
 (Chairperson – Publication Review Committee)

Facility: _____

RE: _____
 (Publication/Material Disapproval)

Your publication/material, _____,
 (list name and volume and issue # and/or date)

has been reviewed by the Publication Review Committee. It has been determined that you cannot possess this publication/material. 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.

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 offender disciplinary policy and procedures. Page Number(s): _____ Facility Reasons for Disallowance: _____
Reason .0109 B	The manufacture, simulation and/or concealment of weapons, ammunition, explosives, incendiaries, or escape devices and/or escape techniques. Page Number(s): _____ Reason for Disapproval: _____
Reason .0109 C	The ingredients and/or manufacture of poisons, drugs, intoxicants, abrasives, corrosives or other toxic or illegal substances. Page Number(s): _____ Reason for Disapproval: _____
Reason .0109 D	Violence, disorder, insurrection or terrorist/gang activities against individuals, groups, organizations, the government or any of its' institutions. Page Number(s): _____ Reason for Disapproval: _____
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): _____ Reason for Disapproval: _____
Reason .0109 F	Instructions and/or information, which may be used to alter or defeat institutional systems of communication. Page Number(s): _____ Reason for Disapproval: _____
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): _____ Reason for Disapproval: _____
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 offender in possession of same and a member or members of the target group. Page Number(s): _____ Reason for Disapproval: _____
Reason	Materials which are used or which reasonably appear likely to be used to intimidate or sexually harass facility staff or visitors.

.0109 I	Page Number(s): _____ Reason for Disapproval: _____ _____
Reason .0109 J	Material which is written for or supports the activities of a validated Security Risk 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): _____ Reason for Disapproval: _____ _____
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, uncovered human genitalia, exposed genitalia from the rear, genitalia observed through sheer material or the female breast are specifically deemed to be a threat to institutional order, security and safety and a threat to offender 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): _____ Reason for Disapproval: _____ _____
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 driver's license, driver's license records check, property title or deed, tax listing information, social security card, birth certificate, passport, military discharge papers, and personal financial documents such as credit cards, checkbooks or similar items. Items sent to aid an offender who is being prepared legitimate transition to the community are received and maintained for the offender in a secure location until the offender is released. Page Number(s): _____ Reason for Disapproval: _____ _____
Reason .0109 M	Hardbound publications (other than legal or religious publications) that are larger than "8 ½ x 11" or more than 2 inches thick are not allowed. However, large softbound publications (such as ESPN Magazine and The Sporting News) are allowed. Hardbound legal or religious publications larger than "8 ½ x 11" or more than 2 inches thick are allowed unless the Warden identifies a specific security threat or storage issued caused by the offender's possession of the publication. Warden's Reason for Disallowance: _____ _____
Reason .0109 N	Hardbound publications (other than legal or religious publications) and all spiral-bound publications are not allowed if addressed to an offender who is assigned to H-Con, RHCP, or RHDP. However, offenders who are assigned to H-Con, RHCP, or RHDP may possess in their cells hardbound (but not spiral-bound) legal or religious publications (including legal or religious publications larger than "8 ½ x 11" or more than 2 inches thick) unless the Warden identifies a specific threat or storage issue caused by the offender's possession of the publication. Warden's Reason for Disallowance: _____ _____
Reason .0109 O	Publication is from a source that is not a legitimate marketer, and/or distributor of published material. Reason for Disapproval: _____ _____
Reason .0109 P	Publication contains contraband, such as money, postal stamps, stickers or objects that may be utilized as weapons. Reason for Disapproval: _____ _____

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

Offender Signature: _____ Date Received: _____

Staff Signature: _____ Date Offender Received: _____

Thank you for your attention to this information.
cc: Offender Copy, Facility File, Publication Review Committee File

Attachment # 5
Page 1 of Attachment #5

LETTER TO PUBLISHER

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

Name of Publisher: _____ **DATE:** _____
Address: _____

To the Publisher: _____

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

[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 Offenders. This material could be detrimental to the security and good order of the prison facility and the rehabilitation of offenders 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 Director of Operations, North Carolina Division of Prisons, 831 W. Morgan St., MSC 4261, Raleigh, N. C. 27699-4261

Print Name: _____

Title: _____

Signature: _____

Date: _____

Sincerely,

Chairperson of the Publication Review Committee

cc: Director of Operations
Publication Review Committee File

Attachment # 5

Page 2 of Attachment #5

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:

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 offender disciplinary policy and procedures. Page Number(s): _____ Facility Reasons for Disallowance: _____ _____
Reason .0109 B	The manufacture, simulation and/or concealment of weapons, ammunition, explosives, incendiaries, or escape devices and/or escape techniques. Page Number(s): _____ Reason for Disapproval: _____ _____
Reason .0109 C	The ingredients and/or manufacture of poisons, drugs, intoxicants, abrasives, corrosives or other toxic or illegal substances. Page Number(s): _____ Reason for Disapproval: _____ _____
Reason .0109 D	Violence, disorder, insurrection or terrorist/gang activities against individuals, groups, organizations, the government or any of its' institutions. Page Number(s): _____ Reason for Disapproval: _____ _____
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): _____ Reason for Disapproval: _____ _____
Reason .0109 F	Instructions and/or information, which may be used to alter or defeat institutional systems of communication. Page Number(s): _____ Reason for Disapproval: _____ _____
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): _____ Reason for Disapproval: _____ _____
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 offender in possession of same and a member or members of the target group. Page Number(s): _____ Reason for Disapproval: _____ _____
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): _____ Reason for Disapproval: _____ _____
Reason .0109 J	Material which is written for or supports the activities of a validated Security Risk 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): _____ Reason for Disapproval: _____ _____ _____

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, uncovered human genitalia, exposed genitalia from the rear, genitalia observed through sheer material or the female breast are specifically deemed to be a threat to institutional order, security and safety and a threat to offender 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): _____ Reason for Disapproval: _____ _____
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 driver's license, driver's license records check, property title or deed, tax listing information, social security card, birth certificate, passport, military discharge papers, and personal financial documents such as credit cards, checkbooks or similar items. Items sent to aid an offender who is being prepared legitimate transition to the community are received and maintained for the offender in a secure location until the offender is released. Page Number(s): _____ Reason for Disapproval: _____ _____
Reason .0109 M	Hardbound publications (other than legal or religious publications) that are larger than "8 ½ x 11" or more than 2 inches thick are not allowed. However, large softbound publications (such as ESPN Magazine and The Sporting News) are allowed. Hardbound legal or religious publications larger than "8 ½ x 11" or more than 2 inches thick are allowed unless the Warden identifies a specific security threat or storage issued caused by the offender's possession of the publication. Warden's Reason for Disallowance: _____ _____
Reason .0109 N	Hardbound publications (other than legal or religious publications) and all spiral-bound publications are not allowed if addressed to an offender who is assigned to H-Con, RHCP, or RHDP. However, offenders who are assigned to H-Con, RHCP, or RHDP may possess in their cells hardbound (but not spiral-bound) legal or religious publications (including legal or religious publications larger than "8 ½ x 11" or more than 2 inches thick) unless the Warden identifies a specific threat or storage issue caused by the offender's possession of the publication. Warden's Reason for Disallowance: _____ _____
Reason .0109 O	Publication is from a source that is not a legitimate marketer, and/or distributor of published material. Reason for Disapproval: _____ _____
Reason .0109 P	Publication contains contraband, such as money, postal stamps, stickers or objects that may be utilized as weapons. Reason for Disapproval: _____ _____

Attachment # 6

LETTER TO PUBLISHER or DISTRIBUTOR

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

Name of Publisher / Distributor: _____ **DATE:** _____

Address: _____

This letter is to advise you that the North Carolina Division of Prisons, has been disapproved any publication from your company to be delivered to any offender housed within its facilities.

This action was taken for the following reasons:

These publications received at the facilities listed below contained contraband or material which violates North Carolina Division of Prisons policy D.0100, Publications Received/Possessed by Offenders. This contraband or material could be detrimental to the security and good order of the prison facility and the rehabilitation of offenders. The prohibition will be from:

Begin Date: _____ Expiration Date: _____

You may obtain an independent review of this decision by writing within thirty (30) days of receipt of this letter to the Director of Operations, North Carolina Division of Prisons, 831 W. Morgan St., MSC 4261, Raleigh, N. C. 27699-4261

Print Name: _____

Title: _____

Signature: _____

Date: _____

Sincerely,

Chairperson of the Publication Review Committee

cc: Director of Operations
Publication Review Committee File

Attachment #7

LETTER TO WARDEN/SUPERINTENDENT FROM PUBLICATION COMMITTEE

TO: _____ **DATE:** _____
(Warden/Superintendent/Designee)

FROM: Publication Review Committee

RE: Return of Publication/Material Confiscated

The Publication Review Committee has completed a review of the publication (s). Below is a list of publication(s) being returned to your facility. This list includes the offender name, number, publication and final action taken by the Publication Review Committee. If the publication is disapproved, the offender will be notified, using the official Letter to Offender (See Attachment #4), of the final action and reason according to policy. The offender should be

informed of the options for disposing of this material.

If the publication is approved, the material should be returned to the offender as soon as possible.

Thank you for your attention to this information.

Offender Name	Number	Publication Title	Final Action by PRC

Enclosure

cc: Publication Review Committee
File