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ADMINISTRATIVE DIRECTIVE

SUBJECT: Publications

NUMBER: 17-17

SUPERSEDES: 14-22

APPLICABILITY: Departmental Staff and all Inmates

REFERENCE: AR-864 - Publications

PAGE: 1 of 5

APPROVED: Original Signed by Wendy Kelley

EFFECTIVE DATE: 06/30/2017

I. POLICY:

Inmates may receive publications only from recognized commercial, religious or charitable outlets. All publications are subject to inspection and may be rejected when the publication presents a danger to the security, discipline, or good order of the institution or is inconsistent with rehabilitative goals.

II. PURPOSE:

This Administrative Directive establishes the process by which the Arkansas Department of Correction determines which publications may be received by the inmate population.

III. DEFINITIONS:

- A. Publication: A book, magazine, catalog, advertising brochure, religious tract, newspaper, periodical, newsletter, or any type of image or text. The term publication does not include a personal letter.
- B. Commercial Outlet: A publisher, bookstore, educational or vocational institute, or other entity whose primary business is the sale and distribution of printed materials.

- C. Charitable Outlet: A religious group or an incorporated non-profit organization established to promote literacy or to provide literature for inmates.
- D. Nudity: A depiction in which genitalia, buttock(s) or female breasts are fully exposed.
- E. Sexually Explicit: A depiction or description of actual or simulated sexual acts including sexual intercourse, anal or oral sex, masturbation, sadism, sado-masochism, bondage, bestiality, or excretory functions which the average adult, taking the material as a whole and applying statewide contemporary community standards, would find appeals to the prurient interest, and which material, taken as a whole, lacks serious literary, scientific, political, or artistic value.
- F. STTG: Any group of inmates that the Department of Correction reasonably believes poses a threat to the security of the institution or the physical safety of other inmates or staff by virtue of the group's nature, purpose or activities.

IV. PROCEDURES:

- A. The Warden/Center Supervisor shall designate staff to review incoming publications.
- B. A publication may be rejected if it presents a danger to the security, discipline, or good order of the institution, or is inconsistent with rehabilitative goals. A publication containing pictorial or textual material meeting any one or more of the following categories may be rejected:
 - 1. Material that incites, advocates, aids or abets a riot, work stoppage, or any other behavior that may be detrimental to the safe, secure, and orderly operation of the institution;
 - 2. Material that advocates or assists criminal activity;
 - 3. Material advocating, describing, or assisting methods of escape or eluding capture, or which contains blueprints, drawings, or depictions of Department facilities;
 - 4. Maps or drawings depicting a geographical region that could reasonably be construed to assist methods of escape or eluding capture, or otherwise be a threat to security;
 - 5. Depictions, descriptions, or instructions regarding the introduction, manufacture, concealment, or use of guns, knives, or any other weaponry, including realistic pictures of such weapons suitable to aid in the manufacture of such weapons, or facsimiles of such weapons;

6. Depictions, descriptions, or instructions regarding the operation of security devices such as locks, cameras, or alarms;
7. STTG materials including, but not limited to, codes, signs, symbols, photographs, drawings, training materials, and catalogs;
8. Depictions, descriptions, or instructions on the use of hands, feet, or the head as weapons or of other fighting techniques;
9. Depictions, descriptions, or instructions on the manufacture, cultivation, or introduction of drugs, alcohol, tobacco, or poisons;
10. Material advocating or providing instructions on identity theft;
11. Instructions or patterns for tattoos, or other skin modification techniques or equipment;
12. Material that incites, encourages, advocates, or promotes acts of violence;
13. Material that incites, encourages, advocates, or promotes racism or any other illegal discrimination, or that is likely to be disruptive, produce violence, or cause a threat to the offender population or staff;
14. Material that depicts nudity; however, material that includes the depiction of nudity as illustrative of and as part of broader medical, educational, anthropological, or artistic content will not be rejected solely on the basis that the material includes nudity;
15. Sexually explicit material, whether pictorial or textual, which could reasonably pose a threat to the safety, security, discipline, or good order of the institution, or is inconsistent with rehabilitative goals;
16. Posters measuring more than two hundred (200) square inches;
17. Publications containing a product insert which, by itself, would be deemed contraband; and
18. Publications which meet two (2) of the following conditions:
 - a. Books that measure more than 9" x 11".
 - b. Hardback books thicker than two (2) inches.
 - c. Softback books thicker than four (4) inches.
 - d. Any book heavier than three (3) pounds.

The Warden has the authority to waive these conditions on legal, educational and religious publications.

- C. Publications recommended for rejection will be referred to the Warden/Center Supervisor for final decision. With respect to periodicals, the decisions must be made on the contents of an individual publication, not previous issues of the same publication.
- D. The Warden must approve or reject the publication within thirty (30) days of receipt. If the publication is rejected, the inmate must be notified, in writing, of any decision to reject and the basis for rejection of the publication. The inmate is also notified of appeal procedures and options for disposing of the publication. The inmate must sign that the notice of rejection has been received. Should the inmate refuse to sign, an employee will attest to the fact that the inmate was duly notified.
- E. The decision to reject a publication may be appealed to the Central Office. The Central Office Publications Review Committee members are to be assigned by the Director or his/her designee. The appeal must be initiated within ten (10) days of the receipt of written notification of the Warden/Center Supervisor's decision to reject the publication. Rejection of a Publication is not grievable.
- F. Any rejected publication will be held safe by the Warden/Center Supervisor or his/her designee until the appeal process has been completed, or until the ten (10) day period for filing an appeal has expired.
- G. Options for disposing of an unacceptable publication are:
 - 1. Destruction;
 - 2. Return of the publication to the sender at the expense of the inmate unless return postage is guaranteed;
 - 3. Mailing the publication to a third party at the expense of the inmate;
 - 4. Giving to a third party during visitation; or
 - 5. For any publication rejected solely because it contains a product insert, removing the product insert(s).

UNIT NAME

To: Use inmate name here

From: Use Deputy/Assistant Warden/Warden name here

Publication: Name of publication, date or identifying information here

Date:

The Unit Publication Review Committee has denied your publication for the reason(s) listed below:

_____ [List applicable Policy Numbers]

___ Other (explain) _____

Committee Member/Title	Date	Committee Member/Title	Date
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Committee Member/Title	Date	Committee Member/Title	Date
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This decision is consistent with AR 864/Publications (AD). You will have TEN (10) days upon receipt of this notification to appeal. **Send your appeal to the Unit Mailroom** and the mailroom will present it to the Central Office Publication Review Committee.

If you choose **not** to appeal the decision you will have FIFTEEN (15) days to exercise options 2, 3, 4, 5, or 6, (if applicable) before the publication will be destroyed.

1. Appeal
2. Destruction
3. Return the publication to sender at your own expense
4. Mail the publication to a third party at your own expense Address: _____
5. Give to 3rd party at Visitation
6. Authorize removal of insert(s) and release any and all claims

***OPTION:** _____

***Failure to exercise an option will be considered authorization for destruction.**

Inmate Signature	Date
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☐ Refused to sign

Witness	Date
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Publication File
Inmate file
Warden
Inmate