



# North Carolina Department of Public Safety

## Prisons

Pat McCrory, Governor  
Kieran J. Shanahan, Secretary

W. David Guice, Chief Deputy Secretary  
George T. Solomon, Director

July 30, 2013

MIM Distributors  
P.O. Box 40799  
San Francisco, CA 94140

Dear Mi

This letter is in response to your letter dated May 28, 2013. The period for your company to obtain an independent review of the publication decision for *Under Lock & Key*, No. 31 March/April 2013, has expired. As indicated in our notification to your company, the publisher has 15 days from the date of the receipt of our notification to request an independent review of the decision by the Publication Review Committee. The notification that you received from the Committee was dated and mailed to your company on May 7, 2013. Your request to me for an independent review was dated May 28, 2013; at which time, the time period for an independent review of the decision to disapprove the publication had expired.

On past occasions, e.g., April 11, 2012 and April 25, 2012, etc., I advised your company that a request for an independent review of the action by the Publication Review Committee must be received within the time that is allowed for the request. In addition, on past occasions when requests were received from your company that exceeded the allowable period for review, I have acted in good faith and conducted the reviews. At the same time, I informed your company, as it should have also been understood, that I could not continue to make exceptions when the time for your company to make a request for a review had expired. I made exceptions and conducted reviews based on the plausibility that the time period requirement for requesting a review might have been unintentionally overlooked or not understood by your company; however, the continuous receipt of requests when the time has expired for the requests, nullifies this plausibility and my justification for making exceptions. Please be informed that one degree of difficulty that exists when a review is conducted after the time period has expired is that it requires extra resources and cost to the state. Most importantly, continuous reviews being conducted after the time to request reviews are an infringement on our Publications Received/Possessed by Inmates Policy. As you should understand, repeated exceptions can establish a pattern of practice. This pattern of practice can cause a contravention in our Publications Received/Possessed by Inmates Policy. Thus, and again, I can no longer extend an exception for your current request, as well other recent expired time requests, and conduct reviews of the Publication Review Committee's decision.

Regarding your recent request for records from my office "to demonstrate whether an independent review process exists," I am unable to act on this request. Distribution of such records to publishers or distributors of publications are not a part of our obligations under our Publications Received/Possessed by Inmates Policy. Our sole obligation to publishers or distributors is to notify them of the rejection of a publication and to provide them the option to request an independent review of the rejection. We have met our obligations with your company. Please be assured that we will continue to meet our obligations with your company when it does not cause a conflict with our policy.

Sincerely,  
  
Cynthia Bostic, Assistant Director  
Support Services

**MAILING ADDRESS:**  
4280 Mail Service Center  
Raleigh, NC 27699-4280  
[www.ncdps.gov](http://www.ncdps.gov)



An Equal Opportunity Employer

**OFFICE LOCATION:**  
840 W. Morgan St.  
Raleigh, NC 27699-4280  
Telephone: (919) 838-4000  
Fax: (919) 715-5094