



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
PRISONS DIVISION

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November 17, 2017

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

Dear MIMS Distributors:

I am in receipt of your letter dated September 6, 2017 to the Office of the Secretary for the Department of Corrections in Washington State, regarding the rejection of your publication Under Lock & Key Issue 57. It has been forwarded to me for a response.

In your letter you cite that nine mail rejection notices were issued for the above noted publication. The reason cited for the rejections were that pages 3, 11, and 13 contain references to plans for activity that violate laws or rules, security threat group information, and overthrowing the government. You state that not such information is shown. You also cite that another reason was that there were a lot of articles that were from offenders from other facilities. You add that it is unclear what alleged objectionable content this references and it is clear to you that there is no objective or valid reason to support censorship.

Your letter also cites case-law requiring adequate notification as to the reasons for the rejection for an opportunity to protest the rejection. To be reasonable you add that the publisher must know of the grounds upon which the publication has been censored.

Upon review of the information provided I researched our database and find that only one of the offenders' rejection notice was processed for review by our publication review committee, which is protocol per Washington State DOC policy 450.100. The remaining rejections are held pending the final outcome of the committee's decision.

Although the initial reason provided by the facility as being what you have noted above and in your letter the committee provided a more specific reason to me regarding the rejection that is consistent with the safety and security as well as the threats to penological objectives. The remaining reasons on pages 3 & 11 I did not find as having merit.

On page 13 of the above publication issue an article entitled "September 9, Day of Peace and Solidarity" was published. This article called inmates to "*organize and come together with others or act alone in peaceful solidarity events to include fasting, work*

"Working Together for SAFE Communities"

strikes, educational events, solidarity festivals, and other movement-building actions.” It further states that inmates should *“start building now, September is coming up fast.”* This article was the reason for the rejection by the committee. Although inmates can and are allowed to fast for religious reasons, a call to fast, work strike, hold educational or solidarity festivals are considered threats to the safety and security of the facility as well as a threat to the penological objectives. All of these events are against DOC policies and inmates are subject disciplinary action if found to be participating in such events. As the appellate designee for the Secretary of the Department of Corrections I support the committee’s decision to reject this specific issue of “Under Lock & Key”.

In reviewing the process established by our facilities per the above policy for publications I found that providing publisher’s the initial decision by the facility to reject is not the best practice. There have been instances where the committee has overruled the facilities decision to reject and the publication was allowed. This information is not provided to the publisher as well when the committee has ruled on uphold the decision to reject by the facility. Only after the committee has ruled should the publisher be provided with a copy of the mail rejection notice so that they may better understand the reason and mount an appeal based on the committee’s decision if they so wish. Therefore I will be implementing this practice immediately. Should you as a publisher wish to appeal decisions made by the committee please follow the instructions on the mail rejection notice and forward your appeal to the facility mailroom that provided you with the copy of the notice. They will ensure that your appeal is filed in a timely manner with our Headquarters unit. I will also instruct the facilities to only provide you with the mail rejection notice of the inmate whose publication was submitted to the committee for review. This way you will only receive one notice with the committee’s decision.

Thank you for bringing this matter to our attention.

Sincerely,



Roy Gonzalez, Correctional Manager
Prisons Division
SEC-15116:rg

Cc: Steven Sinclair, DOC Secretary
Robert Herzog, Assistant Secretary Prisons Division
Gary Bohon, DOC Publication Review Committee Chairperson