

NOTICE OF REJECTION OR IMPOUNDMENT OF PUBLICATIONS

Date: 02/15/2013

Inmate: [REDACTED]

DC# [REDACTED]

Institution: FSP

This letter is notice that the following publication:

Title: UNDER LOCK AND KEY

Volume/Issue/Edition: NO. 30 JAN/FEB 2013

Which was received on the following date: 02/14/2013

From: MIM DISTRIBUTORS

PO BOX 40799, SAN FRANCISCO, CA 94140

Has been reviewed by an authorized employee, and:

- IS IMPOUNDED pending review by the Department's Literature Review Committee, because another institution believes that the publication may contain subject matter that is inadmissible per Section (3) of Rule 33-501.401 F.A.C.
- IS IMPOUNDED pending review by the Department's Literature Review Committee, because the Warden or designee believes that the publication may contain subject matter that is inadmissible per Section (3) of Rule 33-501.401 F.A.C.
- IS IMPOUNDED pending review by the Department's Literature Review Committee, per Section (10) of Rule 33-501.401 F.A.C. The Warden believes that this inmate's prior criminal history or disciplinary record indicates that giving him or her access to subject matter in this publication would constitute a threat to the security, order or rehabilitative objectives of the correctional system or the safety of any person. (Specify):

- IS REJECTED and may not be received by inmates. The Department's Literature Review Committee has reviewed the publication and determined that it contains subject matter that is inadmissible per Section (3) of Rule 33-501.401 F.A.C., Admissible Reading Material;
- IS REJECTED for reasons not related to subject matter. (Specify):

Criteria in Section (3) of Rule 33-501.401 F.A.C., Admissible Reading Material, that authorizes IMPOUNDMENT or REJECTION of the publication due to subject matter:

- (3)(a) It depicts or describes procedures for the construction of or use of weapons, ammunitions, bombs, chemical agents, or incendiary devices;
- (3)(b) It depicts, encourages, or describes methods of escape from correctional facilities or contains blueprints, drawings or similar descriptions of Department of Corrections facilities or institutions, or includes road maps that can facilitate escape from correctional facilities;
- (3)(c) It depicts or describes procedures for the brewing of alcoholic beverages, or the manufacture of drugs or other intoxicants;
- (3)(d) It is written in code or is otherwise written in a manner that is not reasonably subject to interpretation by staff as to meaning or intent;
- (3)(e) It depicts, describes or encourages activities which may lead to the use of physical violence or group disruption;
- (3)(f) It encourages or instructs in the commission of criminal activity;
- (3)(g) It is dangerously inflammatory in that it advocates or encourages riot, insurrection, disruption of the institution, violation of department or institution rules;
- (3)(h) It threatens physical harm, blackmail or extortion;
- (3)(i) It depicts sexual conduct as follows: (1.) Actual or simulated sexual intercourse; (2.) Sexual bestiality; (3.) Masturbation; (4.) Sadoomasochistic abuse; (5.) Actual lewd exhibition of the genitals; (6.) Actual physical contact with a person's unclothed genitals, pubic area, buttocks, or, if such person is a female, breast with the intent to arouse or gratify the sexual desire of either party; (7.) Any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed.
- (3)(j) It depicts nudity in such a way as to create the appearance that sexual conduct is imminent, i.e., display of contact or intended contact with a person's unclothed genitals, pubic area, buttocks or female breasts orally, digitally or by foreign object, or display of sexual organs in an aroused state.
- (3)(k) It contains criminal history, offender registration, or other personal information about another inmate or offender, which, in the hands of an inmate, presents a threat to the security, order or rehabilitative objectives of the correctional system or to the safety of any person;

- (3)(l) It contains an advertisement promoting any of the following where the advertisement is the focus of, rather than being incidental to, the publication or the advertising is prominent or prevalent throughout the publication: (1.) Three-way calling services; (2.) Pen pal services; (3.) The purchase of products or services with postage stamps; or (4.) Conducting a business or profession while incarcerated.
- (3)(m) It otherwise presents a threat to the security, good order, or discipline of the correctional system or the safety of any person.

If the publication was **IMPOUNDED** per criteria established in Section (3) of Rule 33-501.401 F.A.C., the following details the specific written or pictorial matter that is believed to be inadmissible, and lists the page numbers in the publication where it is found:

PAGE 13 DESCRIBES SITUATIONS FOR PROTEST OF DEPARTMENTAL RULES

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Inmates may obtain further administrative review of a publication rejected for reasons not relating to subject matter by submitting an informal grievance on Form DC6-236, Inmate Request, as prescribed by Rule 33-103.005 F.A.C. A copy of this Form DC5-101, Notice of Rejection or Impoundment of Publications, must be attached to the informal grievance.

Inmates may obtain further administrative review of a publication that was impounded or rejected due to subject matter per Sections (3) or (10) of Rule 33-501.401 F.A.C. by obtaining Form DC1-503, Request for Administrative Remedy or Appeal, completing the form, attaching a copy of this Form DC5-101, Notice of Rejection or Impoundment of Publications, and forwarding the complaint to the Bureau of Inmate Grievance Appeals, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The complaint must be filed within 15 days from the date of impoundment or rejection.

Inmates are advised that this impounded or rejected publication shall be held at the institution for 30 days. Inmates must make arrangements to have the publication picked up by an approved visitor or mailed to a relative, friend, or the sender at the inmate's expense within 30 days, or it shall be discarded or destroyed. The 30-day time period shall not include any time during which an appeal or grievance proceeding is pending, provided the inmate gives the Warden written notice of the appeal within 15 calendar days. The written notice must be submitted on form DC6-236, Inmate Request. The written notice must clearly identify the inmate by committed name and DC#, must specifically identify the title of the publication to include volume or issue if applicable, and must state that the inmate intends to appeal the impoundment or rejection decision to the Office of the Secretary.

Senders are advised that when a publication is impounded or rejected because it contains written or pictorial matter that is inadmissible pursuant to the criteria established in Section (3) of Rule 33-501.401 F.A.C, the impoundment or rejection shall be immediately applied in all major institutions, work camps, road prisons, and forestry camps of the Florida Department of Corrections. However, senders may appeal an institution's decision to impound or reject reading materials by writing the Department's Library Services Administrator within 15 days of receipt of the notice of impoundment or rejection. The appeal must include a copy of this form. Sender appeals are to be mailed to the following address: Department of Corrections, ATTN: Library Services Administrator, 501 South Calhoun Street, Tallahassee, FL 32399-2500.

Assistant Warden D. Jackson
Authorized Employee

DATE MAILED TO SENDER: 2/14/2013

cc: Library Services Administrator; Sender

DEPARTMENT USE ONLY. Impounded publications approved by Literature Review Committee or per grievance appeal:
RECEIVED BY:

Inmate Signature

Date