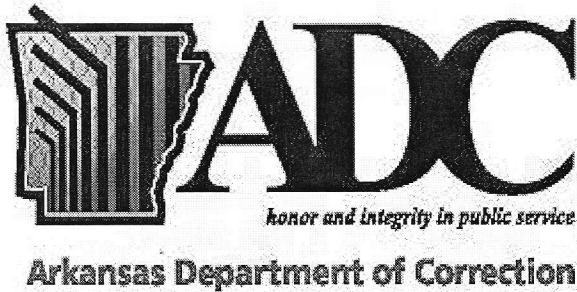


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## ADMINISTRATIVE DIRECTIVE

**SUBJECT:** Publications

**NUMBER:** 09-44

**SUPERSEDES:** 07-01

**APPLICABILITY:** Departmental staff and all inmates

**REFERENCE:** AR 864 - Publications

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**APPROVED:** Original signed by Larry Norris

**EFFECTIVE DATE:** 09/04/2009

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### **I. POLICY:**

Inmates may receive publications from recognized commercial, religious or charitable outlets. All publications are subject to inspection and may be rejected if found to be detrimental to the security, discipline or good order of the institution or if they propose, condone or provide information likely to facilitate criminal activity.

### **II. EXPLANATION:**

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

### **III. DEFINITIONS:**

- A. Publications: Books, magazines, catalogs, advertising brochures, religious tracts, newspaper and the like.
- B. Commercial Outlet: Publisher, bookstore, educational or vocational institute and the like.

- C. Charitable Outlet: A religious group or an incorporated nonprofit organization established to promote literacy or to provide literature for indigent inmates.
- D. Nudity: A depiction in which genitalia, buttock(s) or female breasts are fully exposed. Publications containing nudity illustrative of medical, educational, or anthropological content may be excluded from this definition.
- E. Sexually Explicit: A depiction or description of actual or simulated sexual acts including sexual intercourse, anal or oral sex, masturbation or material which promotes itself based upon such depictions or descriptions on a routine or regular basis or in individual one-time issues.

#### IV. PROCEDURES:

- A. The Warden/Center Supervisor shall designate staff to review incoming publications.
- B. Publications may be rejected if they are believed to contain, but not limited to, the following types of information:
  - 1. Providing instructions for devising weapons or combat techniques, which would endanger institutional security or safety.
  - 2. Encouraging or describing methods of escape.
  - 3. Providing instructions for production of alcohol or other drugs.
  - 4. Information describing or depicting illegal discrimination, homosexuality, violence, verbal or sexual abuse or inflammatory attitudes toward any racial, sexual, age, handicapped or other individuals or group(s), as well as describing or depicting the violation of any other institutional or departmental policies.
  - 5. Sexually explicit material or material which features nudity which by its nature or content poses a threat to the security, good order, or discipline of the institution.
  - 6. Publications may be excluded solely because they contain sexually explicit activity or feature nudity as defined in III.D. and III.E. In addition, the Deputy Director of Treatment, with the approval of the Director, may exclude additional types of material that may interfere with the treatment and rehabilitation process at that institution.

7. Sexually explicit material does not include material of a news or information type, or material illustrative of medical, educational, or anthropological content. For example, publications covering non-sexually explicit activities of gay rights organizations or gay religious groups should be admitted.

Publications recommended for rejection will be referred to the Warden/Center Supervisor for final decision. Decisions must be made on the contents of an individual publication, not on the basis of a list of approved publications or previous issues.

- C. The Warden must approve or reject the publication within 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.
- D. 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 designee. The appeal must be initiated within 10 days of the receipt of written notification of the Warden/Center Supervisor's decision to reject the publication.
- E. Any rejected publication will be held safe by the Warden/Center Supervisor or designee until the appeal process has been completed, or until the 10-day period for filing an appeal has expired.
- F. 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.