

FORM #4572C (4/12)

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SENDER DISAPPROVAL NOTICE**FACILITY MEDIA REVIEW COMMITTEE**

Auburn Correctional Facility
135 State Street; P O Box 618
Auburn NY 13021

This is to advise you that a publication, or a portion thereof, that was sent to one or more inmates at this correctional facility has been found unacceptable by our Facility Media Review Committee (FMRC) for the reason(s) set forth in the attached Inmate Disposition Notice (IDN). Included in this notice is a listing of the Department's guidelines by which the publication was evaluated.

As sender, you have 30 days from the date of the IDN to appeal the FMRC's decision. The appeal shall consist of a copy of the IDN, a written statement in support of your appeal, and, if available, a copy of the issue of the publication found unacceptable. The appeal must be submitted to the FMRC at the address above. The FMRC will forward your appeal to the Central Office Media Review Committee (COMRC) for a determination.

In the event that the inmate also appealed the decision, you will be provided with a copy of the COMRC decision that was sent to the inmate. If only you appealed the decision, you will be sent the COMRC decision using Attachment E, "Sender Appeal Determination Notice."

If your appeal is granted, the inmate will be given the publication still in the FMRC's facilities possession. If the inmate had previously elected to dispose of the publication and the Department does not have a copy of the publication, you may send the inmate another copy.

For purposes of this notice, the term "sender" shall refer to the person or entity that sent the inmate the publication, if known, and if that person or entity is unknown, then the term "sender" refers to the publisher, if known.

SENDER DISPOSITION NOTICE - GUIDELINES

The Department adopts the following guidelines by which literature for inmates will be evaluated.

- A. In general, the materials must be acceptable for regular mailing according to United States Postal Law and regulations.
- B. Publications which contain child pornography or which promote a sexual performance of a child in violation of Penal Law Article 263 are unacceptable. Publications in which models of any age are depicted or portrayed as underage persons in sexually provocative poses or engaged in sexual activity are unacceptable. Publications depicting nude children in a non-pornographic context but, which would promote or encourage prurient interest in the sexual performance of children are unacceptable. Publications which, taken as a whole, by the average person applying contemporary community standards, appeal to prurient interest, and which depict or describe in a patently offensive way sexual bestiality, sadism, masochism, necrophilia or incest, and which taken as a whole, lack serious literary, artistic, political or scientific value are obscene and are unacceptable.
- C. The publication should not incite violence based on race, religion, sex, sexual orientation, creed, or nationality. "Incite violence," for purposes of this guideline, means to advocate, expressly or by clear implication, acts of violence.
- D. Any publication which advocates and presents a clear and immediate risk of lawlessness, violence, anarchy, or rebellion against governmental authority is unacceptable.
- E. The publication should not incite disobedience towards law enforcement officers or prison personnel. "Incite disobedience," for purposes of this guideline, means to advocate, expressly or by clear implication, acts of disobedience.
- F. The publication should not give instruction in the use or manufacture of firearms, explosives, and other weapons, or depict or describe their manufacture. Mere depictions of the use of hunting and/or military weapons which reasonably would not affect the safety and/or security of the facility are not prohibited.
- G. The publication should not provide instruction by word(s) or picture(s) regarding martial arts skills. Martial arts include, but are not limited to, aikido, jujitsu, judo, karate, kung fu, and tai chi chu'an. Publications which discuss martial arts without providing instruction are acceptable.

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H. The publication should not:

1. Contain information which appears to be written in code; or
2. Depict or describe methods of lock picking; or
3. Depict or describe methods of escape from correctional facilities or which contain maps which could aid an inmate in an escape from a correctional facility (i.e. immediate area of the facility, detailed road maps, etc.); or
4. Depict or describe procedures for the brewing of alcoholic beverages or the manufacture of drugs or use of illegal drugs; or
5. Depict or describe methods or procedures for smuggling prison contraband; or
6. Depict or describe techniques or methods for rioting and/or information instructive in hostage or riot negotiation techniques.
7. Depict or describe hand signs, insignias, graffiti, or any other identifiers depicting or pertaining to a gang, or text that describes or depicts gang or other unauthorized group activity in such a way that it would promote or instruct in the formation of such groups inside a correctional facility.

The Department reserves the right to deny the inmate publications which may be held non-inciteful or non-advocative, as the case may be, during the Media Review Process, but which actually result in violence or disobedience after entrance into a facility, as is clearly set forth in guidelines 3 and 6 above. Such items shall be referred to the Facility Media Review Committee (FMRC), and if appealed, referred to the Central Office Media Review Committee (COMRC), for decision.

Publications which discuss different political philosophies and those dealing with criticism of Governmental and Departmental authority are acceptable as reading material provided they do not violate the above guidelines. For Example, publications such as Fortune News, The Militant, The Torch/La Antorcha, Workers World, and Revolutionary Worker shall generally be approved unless matter in a specific issue is found to violate the above guidelines.

The purposes of the foregoing guidelines are to facilitate access by inmates to a wide range of literature.

Superintendents and staff of correctional facilities are urged to use whatever means they have available to provide facility libraries with literature which presents differing points of view relevant to the issues of the day.