

13 130 007. INMATE ACCESS TO PUBLICATIONS

Authority:

28 V.S.A. § 102(c)(1).

Purpose:

The Vermont Department of Corrections (DOC) is responsible for maintaining safety, security, and order at the correctional facilities and providing programs of treatment and rehabilitation for inmates. Publications that contain depictions of nudity or sexually explicit images interfere with its ability to maintain safe, secure, and orderly correctional facilities and to rehabilitate and treat inmates. The purpose of this rule is to establish standards for DOC staff to determine whether inmates shall be denied access to publications because they interfere with DOC's ability to maintain safe, secure, and orderly correctional facilities and to rehabilitate and treat inmates.

Definitions:

As used in this Rule, "nudity" means a pictorial depiction where genitalia, or the areola or nipple of female breasts, are exposed.

As used in this Rule, "publication" means a book, booklet, pamphlet, or similar document, or a single issue of a magazine, periodical, newsletter, newspaper, plus such other materials addressed to a specific inmate such as advertising brochures, flyers, and catalogs.

As used in this Rule, "sexually explicit" means a pictorial depiction of actual or simulated sexual acts, including sexual intercourse, oral sex, or masturbation. Written descriptions of sexual acts are not sexually explicit.

Rule:

GENERAL PUBLICATION GUIDELINES

DOC staff shall not provide inmates with personally-acquired publications of any type.

Inmates may request and have access to magazines, newspapers, softcover books, and other publications sent directly from publishers or commercial distributors. In addition, inmates may receive:

1. Educational materials, as authorized by a staff member of the Community High School of Vermont (CHSVT), related to a course or coursework in which the inmate is enrolled;
2. Religious publications provided by the facility Volunteer Services Coordinator (VSC) or an approved representative of an inmate's faith;
3. Legal texts and publications approved by request to the Superintendent or designee; and
4. Legal materials, as authorized by the Legal Education Director.

Inmates shall not be permitted to have hardcover books, with the exception of educational texts.

ORDERING PUBLICATIONS

Inmates may access publications by making a written request or by having family or friends order them.

1. Inmate requests to order a publication may be denied in cases when:
 - a. The inmate is not able to pay for the desired materials;
 - b. The inmate is not expected to be housed at the facility long enough to receive the publication; or
 - c. The requested materials are prohibited by this Rule.
2. Family or friends may order publications for an inmate only if:
 - a. The publication is mailed directly from the publisher or commercial distributor;
 - b. The publication is not prohibited by this Rule; and
 - c. The publication is not ordered using a “Cash on Delivery (COD)” or “Bill Me Later” option charged to the inmate.

PROHIBITED PUBLICATIONS

The DOC prohibits publications that: pose a threat to the safety, security, or orderly operation of the correctional facility; might facilitate criminal activity; or contain nudity or sexually explicit material.

Guidelines for Reviewing Publications

All publications sent directly to inmates from publishers or commercial distributors shall be reviewed by a staff member to identify prohibited content. The following guidelines shall be used when determining if a publication should be prohibited:

1. The DOC shall not reject a publication solely because its content is religious, philosophical, political, social, sexual, or unpopular or repugnant.
 - a. Each issue of a publication shall be reviewed individually.
 - b. No publication shall be prohibited without review.
2. The DOC may reject a publication only if it determines it will interfere with the safety, security, or orderly operation of the correctional facility, or if it might facilitate criminal activity. Publications may be rejected if they meet one of the following criteria:
 - a. It depicts or describes procedures for the construction or use of weapons, ammunition, bombs, or incendiary devices;
 - b. It depicts, encourages, or describes methods of escape from correctional facilities, or contains blueprints, drawings, or similar descriptions or depictions of correctional facilities;
 - c. It depicts or describes procedures for the brewing of alcoholic beverages or the manufacture of drugs;
 - d. It is written in code;
 - e. It depicts, describes, or encourages activities which may lead to the use of physical violence or group disruption;

- f. It encourages or provides instruction for the commission of criminal activity;
 - g. Its content will interfere with the safety, security, or orderly operation of the correctional facility.
 - h. It depicts nudity or sexually explicit material. Exceptions to this shall include:
 - i. Medical, educational, or anthropological materials do not violate this restriction and may be permitted.
 - ii. Materials from gay, lesbian, bisexual, or transgender rights organizations that do not contain nudity or sexually explicit material do not violate this restriction and may be permitted.
 - iii. Written descriptions of sexual acts do not violate this restriction.
3. When reviewing religious materials, staff shall refer to the DOC administrative directive on religious services.
4. The DOC shall establish a review and appeals process for the disapproval of publications. This process shall require the DOC to notify the inmate and publisher whenever a publication is disapproved.
- a. These notifications shall include an explanation of why the publication was disapproved.
 - b. The notification to the publisher shall inform the publisher that they may appeal the decision to the Superintendent or designee.