



<u>ADMINISTRATIVE REGULATION</u>    COLORADO DEPARTMENT OF CORRECTIONS	REGULATION NUMBER 300-26	PAGE NUMBER 1 OF 7
	CHAPTER: Facility Security	
	SUBJECT: Offender Reading Material	
RELATED STANDARDS: ACA Standards 4-4490 and 4-4491	EFFECTIVE DATE: October 6, 2004	
	SUPERSESSION: 05/01/04	
	 Joe Ortiz Executive Director	
OPR: OLS		

I. POLICY

It is the policy of the Department of Corrections (DOC) to respect and respond to the reading needs and preferences of offenders, consistent with the security needs and good order of DOC's facilities and offices, public safety, and rehabilitative goals set for the offender.

II. PURPOSE

The purpose of this administrative regulation is to **provide guidelines governing offender access to publications [4-4490]** that ensure consistent selection and possession of reading material for offenders and establish criteria for allowing reading material within a correctional facility or office.

III. DEFINITIONS

- A. Central Reading Committee: As established by the executive director, this committee shall consist of two wardens and one representative from each of the following areas: Office of Correctional Legal Services, Sex Offender Treatment and Monitoring Program (SOTMP), religious services and intelligence office. The executive director shall designate a committee chair.
- B. Depicts: Represent in a picture.
- C. Describes: Represent in words.
- D. Offender Reading Material Committee: As established by the administrative head of each facility; this committee shall consist of at least one representative from each of the following areas: Mental Health, Custody/Control, the general library, intelligence office, and may include other persons deemed appropriate. The administrative head shall designate a committee chair.
- E. Reading Material: Any publication, book, pamphlet, correspondence, picture, photograph, personal writing, or other similar document or material.

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- F. Sexually Explicit Material: Materials which are primarily devoted to depicting or describing bestiality, pedophilia, sadism, masochism, necrophilia, discharge of bodily fluids, penetration, sexual intercourse, oral sex or masturbation.

#### IV. PROCEDURES

##### A. General Principles

1. Reading material shall be permitted, subject to fire, health, safety, and property allowance restrictions, unless such material poses a threat to the security or good order of the facility or office, or is determined to be contrary to public safety or the individualized rehabilitative goals set forth in writing for a specific offender by the DOC.
2. Reading material processed via the mailroom, pursuant to AR 300-38, *Offender Mail*, either incoming or outgoing, may be opened and inspected for contraband. Reading material may be read, censored, or rejected when based upon legitimate facility interests of order and security as outlined in this administrative regulation. Notification of censorship or rejection, or forwarding of reading material to the reading committee will be provided to the offender within 10 days of receipt of the publication by the facility mailroom.
3. Questionable and/or objectionable reading material found in an offender's cell, in the offender's possession, or in the offender's property will be considered contraband in accordance with AR 300-06, *Searches and Contraband Control*, and forwarded to the facility reading committee for review.
4. For rehabilitation purposes, Mental Health or Sex Offender Treatment Program staff may set more stringent individualized standards, in writing for a specific offender, regardless of the offender's participation in the Sex Offender Treatment and Monitoring Program (SOTMP), or other mental health program.
5. Permitted materials are not approved for open display or posting.

##### B. Review Criteria

1. Upon assessing reading material, the review committee shall determine whether the material or publication is detrimental to security, good order, public safety, or individualized rehabilitative goals. No reading material may be rejected solely because its content is religious, philosophical, political, social, or sexual or because of its religious, philosophical, political, or social views, its sexual content, or because its content is unpopular, repugnant, or critical of the Department or other government authority.
2. As a guide, the following materials are among those that can be prohibited:

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- a. Publications that depict or describe the design or manufacture of firearms, explosives, or other weapons or destructive devices, or controlled substances or intoxicants, or which provide detailed instructions regarding the illegal use of such items.
- b. Publications that by depiction or description, advocate violence, hatred or vengeance against any individual or group based upon their race, religion, nationality, sex, or ethnicity, or that appear more likely than not to provoke or to precipitate a violent confrontation between the recipient and any other person.
- c. Publications that by depiction or description support the illegal activities of a security threat group, contrary to the security interests of the facility or the individual rehabilitative goals of the recipient. Sign language or style of dress alone, in the absence of other material that supports, incites, promotes, encourages, or advocates any type of illegal gang activity will not be the cause of rejection.
- d. Sexually explicit material.
- e. Publications or materials which pose a potential threat to the safety and security of the offender population or staff by advocating facility disruption or noncompliance with prison rules or regulations.

C. Review Procedures

1. Reading Committee Review

- a. The Offender Reading Material Committee will meet as needed, but not less than every two weeks, to review reading material referred to the committee by mailroom or other staff. The committee will evaluate and render decisions on all materials provided to it since the prior meeting, and will complete "Offender Reading Material Evaluation and Appeal Form" (Attachment "A") with respect to all such materials.
- b. The Offender Reading Material Committee chairperson shall forward the "Offender Reading Material Evaluation and Appeal Form" and the original objectionable material to the administrative head within five working days of the review. The recommendation to prohibit reading material shall indicate which of the criteria are violated by the material and describe specifically how the material violates the criteria.
- c. If four or fewer pages contain prohibited material, the item may be allowed with the prohibited pages removed. If five or more pages contain prohibited reading material, the item will be excluded in its entirety.

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2. Administrative Head Review

- a. Following evaluation of reading material under the standards set forth in the procedures, the administrative head, or immediate subordinate, shall determine whether to permit or prohibit the reading material in full or in part, and indicate the decision in the space provided on Attachment "A."
- b. The administrative head shall ensure that the decision is served on the offender within 12 working days of receipt of the reading material and recommendation from the Offender Reading Committee.
- c. The administrative head shall notify publishers of prohibited reading material utilizing the "Notice to Publisher" form, (Attachment "C"), along with a copy of the "Offender Reading Material Evaluation and Appeal Form," (Attachment "A"). If the notification to the publisher is returned to the facility as undeliverable, it shall be documented on the offender reading material database and maintained as a part of the administrative heads record.
- d. The administrative head/designee shall ensure that copies of the decision shall be forwarded to the offender working file and department file.
- e. The administrative head/designee shall keep the original reading material until the offender or publisher appeal process or time limits have been exhausted.

D. Appeal Procedures

1. An offender may appeal a decision to prohibit reading material by submitting a properly completed appeal form (Attachment "A") to the administrative head, or designee, within ten days of the date of service of the "Offender Reading Material Evaluation and Appeal Form." This is the only administrative remedy available to the offender. Offender Reading Committee decisions may not be grieved under the provisions of AR 850-04, *Grievance Procedure*.
  - a. Offenders shall not be allowed to view nor receive copies of prohibited material to prepare an appeal.
  - b. Appeal forms shall be provided to the offender with the offender reading material evaluation form.
  - c. If the offender appeals the decision, the administrative head, or designee, will forward a copy of the written decision, a copy of the appeal, and the original prohibited reading material to the Central Reading Committee within seven working days of receipt of the appeal. Each administrative head, or designee, will keep a log of appeals that have been submitted to the Central Reading Committee.
2. A publisher may appeal the decision to the Central Reading Committee within 30 days of the date the notice is mailed to the publisher.

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- a. When an appeal is received by the Central Reading Committee, the chairperson will contact the appropriate administrative head within three working days to request the original prohibited material, the reading committee's decision, and the administrative head's decision.
- b. The administrative head, or designee, will forward the requested documentation within three working days of the request.

E. Central Reading Committee

1. The Central Reading Committee will meet a minimum of once each month to review appeals and make decisions, and will make a decision with respect to all appeals filed since the prior meeting.
2. After a decision has been reached by the Central Reading Committee, the chairperson will:
  - a. With respect to publisher appeals, provide a written response to the publisher within 30 days of receipt of the appeal by the Central Reading Committee;
  - b. With respect to offender appeals, serve the response on the offender within 30 days of receipt of the appeal by Central Reading Committee. The Central Reading Committee will simultaneously serve the offender with written notification that all administrative remedies have been exhausted.
  - c. Retain the original written decision of the Central Reading Committee.
  - d. Send the complete packet, e.g., copy of the written decision, copy of the appeal, the original prohibited reading material, and a copy of the Central Reading Committee's written decision to the appropriate administrative head for distribution and filing.

F. Prohibited library materials shall be handled in accordance with procedures established in administrative regulation 500-02, *Library Services*.

G. Disposition of Material: Once the appeal process or time limits for appeal have been exhausted, the material will be considered contraband. The administrative head/designee shall notify the offender that he/she has 10 days in which to designate disposition of the material in accordance with AR 300-06, *Searches and Contraband Control*.

H. Record Keeping

1. The administrative head will retain copies of the prohibited material (e.g., the material which forms the basis of the censorship decision), a copy of the cover page of the publication (if applicable), the original written decision, a copy of the appeal, and a copy of the Central Reading Committee's decision for the current fiscal year and the previous four years.

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2. All facilities shall utilize the offender reading material database available on the Department's LAN system's shared drive to log all required information (see Attachment "B"). Facilities shall be required to have all monthly information entered in the department database by the fifth working day of the following month.

V. RESPONSIBILITY

- A. The administrative head shall establish an Offender Reading Material Committee to review and make decisions regarding the evaluation of reading material.
- B. The executive director shall establish a Central Reading Committee to respond to all appeals and keep a central record of all appeals. This record will include both offender and publisher appeals, date received, date answered, and decision.

VI. AUTHORITY

- A. CRS 17-40-102. Program established.
- B. CRS 18-7-101(2). Definitions.
- C. Carpenter v. South Dakota 536 F2d 759 (8th Cir 1976) [upholding prison review board's decision to ban sexually explicit material as detrimental to rehabilitation].
- D. Hodges v. Commonwealth of VA. 871 F Supp 873 (1994).
- E. McCorkle v. Johnson 881 F2d 993 (11th Cir 1989) [Satanic Bible and Satanic ritual book barred as threat to facility security and contrary to rehabilitative goals].
- F. Superintendent v. Hill 472 US 445 (1985).
- G. Thornburg v. Abbott 490 US 401 (1989).
- H. Turner v. Safely 482 US 78 (1987) [regulation is valid if reasonably related to valid penological objective].
- I. Wolff v. McDonnell 418 US 539 (1974).
- J. O'Lone v. Estate of Shabazz 107 S.Ct. 2400 (1987).

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VII. HISTORY

May 1, 2003  
May 15, 2002  
July 15, 2000  
July 15, 1999  
June 1, 1998

- ATTACHMENTS:
- A. DC Form 300-26A, Offender Reading Material Evaluation and Appeal Form
  - B. DC Form 300-26B, Offender Reading Material Review Database Form
  - C. DC Form 300-26C, Notice to Publisher Form
  - D. DC Form 100-1A, Administrative Regulation Implementation/Adjustments

OFFENDER READING MATERIAL EVALUATION & APPEAL FORM

Facility Offender Name Doc Number

Title or Description of Material:

Include name, issue number, and title and page of offending material

Objectionable Features of Material - Material:

- 1. Publications that describe or depict the design or manufacture of firearms, explosives, or other weapons or destructive devices, or controlled substances or intoxicants, or which provide detailed instructions regarding the illegal use of such items.
2. Publications that by depiction or description advocate violence, hatred or vengeance against any individual or group based upon their race, religion, nationality, sex, or ethnicity, or that appear more likely than not to provoke or to precipitate a violent confrontation between the recipient and any other person.
3. Publications that by depiction or description support the illegal activities of a security threat group contrary to the security interests of the facility or the individual rehabilitative goals of the recipient. Sign language or style of dress alone, in the absence of other material that supports, incites, promotes, encourages, or advocates any type of illegal gang activity, will not be the cause of rejection.
4. Sexually explicit material.
5. Publications or materials which pose a potential threat to the safety and security of the offender population or staff by advocating facility disruption or noncompliance with prison rules or regulations.

Prohibited Portions of Material: DETAILS (Explain what is objectionable. Be specific)

Table with 2 columns: PAGE NO., FEATURE(S)

Review Committee Chair: Printed Name & Signature Date

DISPOSITION FOLLOWING EVALUATION OF MATERIAL(S): Note: Entire item will be prohibited if 5 or more pages are objectionable.

- [ ] Prohibited in entirety [ ] Permitted with above pages removed [ ] Permitted in entirety

Administrative Head: Printed Name/Signature Date

Date Served to Offender Served by: Staff Member(s) Printed Name/Initials

Date Offender's Signature

Pursuant to AR 300-26, the offender has ten days to appeal the decision of the Reading Committee. This appeal is the only available administrative remedy to the offender. Offender Reading Committee decisions may not be grieved under the provisions of DOC AR 850-04, Grievance Procedure.



**OFFENDER READING MATERIAL COMMITTEE APPEAL FORM**

Offender Name	DOC #	Facility	Cellhouse
Title or Description of Reading Material:			
What is the basis of your appeal (Be specific and brief):			
Offender Signature		Date	
Administrative Head/designee Review:	Initials	Printed Name	Date
(Attach original prohibited reading material)			
Central Reading Committee Response:			
Signature: Printed Name & Title of Committee Chair of Central Reading Committee		Date of Review:	
Appeal decision received by: _____			
Offender Signature	DOC #	Date	
Served by Administrative Head/designee - Signature/Printed Name:			Date:

Original - Department File

xc: Offender, Working File, Department File, Facility Administrative Head, Publisher



**USE FACILITY SPECIFIC LETTERHEAD**

**NOTICE TO PUBLISHER**

TO:

Name

Address

City / State / Zip Code

FROM:

Facility

Address

City / State / Zip Code

DATE:

**PLEASE BE ADVISED THAT YOUR PUBLICATION:**

\_\_\_\_\_  
(Name & Issue of Publication)

SENT TO THE FOLLOWING COLORADO DEPARTMENT OF CORRECTIONS OFFENDER:

\_\_\_\_\_  
Offender Name

\_\_\_\_\_  
DOC #

HAS BEEN REVIEWED BY THE WARDEN AND FACILITY OFFENDER READING COMMITTEE AND WAS PROHIBITED FOR THE REASON(S) STATED IN THE ATTACHED FORM.

YOU HAVE 30 DAYS FROM THE DATE LISTED ABOVE TO APPEAL THIS DECISION IN WRITING TO THE CENTRAL READING COMMITTEE, C/O CDOC EXECUTIVE DIRECTOR'S OFFICE, LOCATED AT 2862 S. CIRCLE DRIVE, COLORADO SPRINGS, CO 80906

ADMINISTRATIVE REGULATION  
IMPLEMENTATION/ADJUSTMENTS

DC FORM 100-1A (09/94)

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(FACILITY/WORK UNIT NAME) \_\_\_\_\_  
WILL ACCEPT AND IMPLEMENT THE PROVISIONS OF THE ABOVE ADMINISTRATIVE REGULATION:

AS WRITTEN    NOT APPLICABLE    WITH THE FOLLOWING ADJUSTMENTS TO MEET  
LOCALIZED OPERATIONS/CONDITIONS

(SIGNED) \_\_\_\_\_ (DATE) \_\_\_\_\_  
Administrative Head