



# Virginia Department of Corrections

## Offender Management and Programs

### Operating Procedure 803.2

#### *Incoming Publications*

#### **Authority:**

Directive 803, *Offender Correspondence, Publications, & Telephone*

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## REVIEW

The Content Owner will review this operating procedure annually and re-write it no later than three years after the effective date.

*The content owner reviewed this operating procedure in April 2022 and determined that no changes are needed.*

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## COMPLIANCE

This operating procedure applies to all units operated by the Virginia Department of Corrections. Practices and procedures must comply with applicable State and Federal laws and regulations, ACA standards, PREA standards, and DOC directives and operating procedures.

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## DEFINITIONS

**Central Mail Distribution Center** - A DOC unit under the office of the Director of Security and Correctional Enforcement that has the responsibility to receive and inspect inmate and CCAP probationer/parolee incoming legal correspondence, incoming religious correspondence, books, newspapers, magazines, photobooks, personal photographs, and other publications before these items are forwarded to a facility for issuance to the inmate or CCAP probationer/parolee.

**Community Corrections Alternative Program (CCAP)** - A system of residential facilities operated by the Department of Corrections to provide evidence-based programming as a diversionary alternative to incarceration in accordance with COV §53.1-67.9, *Establishment of community corrections alternative program; supervision upon completion*.

**Disapproved Publications List** - A document published periodically listing all publications that have been disapproved by the Publication Review Committee

**Dust Jacket** - A separate and removable paper cover that wraps around a book to protect the outside of the book from dirt or damage.

**Facility** - Any institution or Community Corrections Alternative Program

**Gang/Security Threat Group** - A group of individuals who: (a) possess common characteristics that distinguish them from other persons or groups of persons and who, as an entity, pose a threat to the safety and security of staff, the facility, inmates or the community; (b) have a common distinctive goal, symbolism or philosophy; (c) possess identifiable skills or resources, or engage in unauthorized/illegal activities. Criminal street gangs, neighborhood cliques, hate groups, cults, and domestic terrorists that meet these conditions are considered gangs. Terrorists (domestic and international) and radical extremists are considered security threat groups (STG), but the gang and STG terms are generally interchangeable.

**Institution** - A prison facility operated by the Department of Corrections; includes major institutions, field units, and work centers

**Media Files** - Content such as music, non-music audio files, games, etc. which are approved by the DOC for the inmate to download onto their media device

**Nudity** - The showing (human or cartoon) of the male or female genitals, pubic area, female breast with less than a fully opaque covering of the areola, or male or female buttocks with less than a full opaque covering of the anus

**Publication Review Committee (PRC)** - A panel whose members are appointed by DOC Senior Management to review publications submitted from DOC facilities to determine if they violate this operating procedure and are therefore not appropriate for possession by an inmate

**Publication** - Any communication such as newspapers, magazines, newsletters or other periodicals, books, brochures, catalogs, or pamphlets that can be subscribed to or ordered from a vendor.

**Vendor** - Any entity i.e. publisher, organization, business, or governmental agency that as a usual and regular business provides mail order service to the public

## PURPOSE

This operating procedure provides for the ordering, review, and processing of incoming publications for inmates housed in Department of Corrections (DOC) institutions.

## PROCEDURE

### I. Incoming Publications

- A. This operating procedure provides information to inmates housed in DOC institutions on ordering, receiving, and possessing publications. (5-ACI-7D-04)
  - 1. Due to the short duration and intense nature of Community Corrections Alternative Programs, probationers and parolees are not allowed to purchase or possess publications unless specifically approved by the Facility Unit Head.
  - 2. Due to the short time spent in reception centers, transient inmates at reception centers should not be allowed to purchase or receive publications.
- B. Inmates retain certain First Amendment rights to access publications; however, Correctional Administrators have equally valid responsibilities under the Code of Virginia to maintain security, discipline, and good order in their institutions.
  - 1. These responsibilities include controlling contraband, controlling disruptive or illegal activities, and ensuring the safety and well-being of inmates and staff.
  - 2. To maintain security, discipline, and good order in DOC institutions and assist with inmate rehabilitation and treatment, reduce sexual harassment, and prevent a hostile environment for inmates, staff, and volunteers, inmates are not permitted to send, receive, or possess material that emphasizes explicit or graphic depictions or descriptions of sexual acts or contains nudity as defined in this operating procedure.
- C. Staff will allow inmates to subscribe to, order, and receive publications so long as the publication does not:
  - 1. Pose a threat to the security, discipline, and good order of the institution and is not detrimental to inmate rehabilitation.
  - 2. Promote violence, disorder, or the violation of state or federal law.
  - 3. Contain nudity or any sexually explicit content or sexual acts in violation of state or federal law to include child pornography.
  - 4. Violate any of the *Specific Criteria for Publication Disapproval*
- D. All books, newspapers, and magazines purchased by the inmate or donated to the facility must be mailed directly to the Central Mail Distribution Center at 3521 Woods Way, State Farm, Virginia 23160 for screening and inspection, prior to delivery to the facility and issuance to the inmate; see Operating Procedure 803.4, *Central Mail Distribution Center*.
  - 1. Publications not purchased by the inmate or CCAP probationer/parolee such as advertisements, newsletters, brochures, catalogs, etc. will be mailed to the inmate's or CCAP probationer's/parolee's assigned facility for processing.
  - 2. Books, newspapers, magazines, purchased by the inmate or a third party for delivery to the inmate received at the facility that were not received from the Central Mail Distribution Center will be returned to the sender.
- E. Incoming books that include a dust jacket must have the dust jacket removed before the book is issued to an inmate.
  - 1. Staff will make a legible copy of all content, e.g., text, illustrations, symbols, etc. provided on the front



cover, back cover, and flaps of the dust jacket and will deliver the copy to the inmate with the book.

2. The inmate must be allowed to dispose of the dust jacket by completing a *Property Disposition* 802\_F4 and selecting the means of disposal; see Operating Procedure 802.1, *Offender Property*.
  3. Staff must not remove a dust jacket that is attached to the book, if such removal could damage the book.
- F. Catalogs and brochures that contain a publisher name, publication date, volume/issue number or other identifier, copyright notice, and publisher address in the publication are considered magazines and subject to the requirements of this operating procedure. All other catalogs and brochures are considered general correspondence; see Operating Procedure 803.1, *Inmate and Probationer/Parolee Correspondence*.
- G. Incoming publications must be properly addressed to the inmate as follows:
1. The inmate's name, DOC number, and the full name and address of the institution must be on the address label; the institution's name should be spelled out, abbreviations are not acceptable.
  2. If the address indicates that the inmate tried to hide that the publication is being sent to a correctional institution, delivery to the inmate may be denied and the publication returned to the sender.
  3. Publications with incomplete addresses should be delivered if it can be determined which inmate is the intended recipient.
- H. Inmates under the Age of 18
1. Inmates under the age of 18 are not permitted to order or receive publications, which state, "not to be sold to persons under the age of \_".
    - a. If such materials are received by the institution for an inmate who is under the age of 18, this material is to be returned to the sender with a letter stating that the addressee is underage and cannot receive it.
    - b. If the material does not contain any disclaimer regarding age but appears to violate COV §18.2-390, *Definitions* or COV §18.2-391, *Unlawful acts; penalties*, the publication should be sent to the PRC with a letter indicating that it was received by an underage inmate.
  2. Inmates under the age of 18 who are in possession of sexually explicit materials will be charged with offense code 224, *Possession of Contraband*; see Operating Procedure 861.1 *Offender Discipline, Institutions*.
    - a. The offense report should include the inmate's date of birth.
    - b. The contraband is to be seized pending disposal or confiscation in accordance with Operating Procedure 802.1, *Offender Property*.
- I. Any publication or other printed materials received at the institution that may be evidence of criminal activity i.e., child pornography, must be forwarded to the institutional investigator or Special Investigations Unit in a manner that preserves its value as evidence.
1. The copying of child pornography and obscene materials is prohibited, see COV §18.2-374.1:1, *Possession, reproduction, distribution, solicitation, and facilitation of child pornography; penalty prohibits*.
  2. Staff must forward the original publication or printed materials, see COV §18.2-374, *Production, publication, sale, possession, etc., of obscene items*

## II. Inmate Notification Requirements

- A. Upon initial assignment to a DOC institution, staff should inform each inmate on institution procedures governing publications.
- B. Written information governing publications will be provided in the institution *Orientation Manual* or *Packet* and should include the following:



1. The DOC permits inmates to subscribe to, order from, and receive publications so long as the publications do not pose a threat to the security, discipline, and good order of the institution and the publications otherwise comply with the requirements of this operating procedure.
2. Inmates or any third party may order subscriptions to periodicals, i.e., newspapers, magazines, or catalogs published on a regular schedule without prior approval through the institution.
3. Prior to ordering or receiving a book or back issue of a periodical using funds in their Inmate Trust Account, the inmate must secure permission from the Facility Unit Head, or designee, usually mailroom or personal property, by submitting a *Personal Property Request - Add/Drop* 802\_F1; see Operating Procedure 802.1, *Offender Property*.
4. Inmates will not receive publications of any kind on a trial basis or which have not been prepaid. Publications which may be obtained free of charge will be considered prepaid if the inmate provides documentation that the publication is free.
5. Inmates will only receive books, newspapers, and magazines mailed to the institution directly from the Central Mail Distribution Center.
6. Publications received from private individuals and altered publications that have pages, advertisements, or pictures removed, blotted out, etc., are not authorized, regardless of the source.
7. When a portion of a publication is disapproved, the entire publication will be disapproved. There will be no attempt to remove or censor the disapproved material.
8. For security purposes, some institutions may remove staples or other binding materials so that the publication must be disposed of on transfer to another institution that would consider the publication altered.
9. The review process may invalidate any return or refund policy of the vendor associated with the material. The DOC assumes no responsibility in this matter.

### III. Purchase of Publications

- A. The Facility Unit Head, or designee, will review and approve all inmate requests to order publications submitted on a *Personal Property Request - Add/Drop* 802\_F1 in accordance with Operating Procedure 802.1, *Offender Property*.
- B. Staff will deny any request to purchase a publication that has been reviewed and disapproved by the Publication Review Committee (PRC) and will notify the inmate that the publication is not approved for possession by any inmate.
- C. Friends and family of inmates may subscribe to periodicals and purchase books for delivery to inmates in DOC institutions.
- D. Inmates and friends, family, and visitors of that inmate are not allowed to purchase publications for another inmate unless that inmate shares a family relationship with the purchaser.
- E. DOC staff to include other agencies, private contractors, or contract service providers within a DOC facility, and DOC volunteers and interns are not allowed to purchase publications for an inmate without prior approval of the Facility Unit Head. Both Facility Unit Heads must approve if the transaction involves staff or a volunteer from another correctional facility.
- F. Before the inmate receives the book purchased by a third party, staff will complete a *Personal Property Request - Add/Drop* 802\_F1, after the book arrives at the institution, identify the sender, and update the inmate's property record in VACORIS.
- G. Publications delivered to the inmate should be marked with the inmate's name and DOC number in accordance with Operating Procedure 802.1, *Offender Property*; staff must not mark disapproved publications submitted to the PRC until the PRC review is complete and staff deliver the publication to the inmate.



**IV. Unauthorized and Improperly Received Publications**

- A. Staff will not deliver to an inmate any unauthorized or improperly received publication but will deny the publication; the Facility Unit Head or designee should deny a publication as unauthorized or improperly received if:
  - 1. The publication was not subscribed to and ordered, directly from a vendor.
  - 2. The publication was received from a vendor or other individual and not directly from the Central Mail Distribution Center.
  - 3. The publication was not addressed properly in accordance with this operating procedure.
  - 4. The publication is unsolicited, generally mailed, or mass mailed material, bulk mail, such as catalogues, sales brochures, advertising fliers, etc.; staff should mark the material as “refused” and return it to the Post Office.
  - 5. The publication is received with altered pages, advertisements, or pictures removed, blotted out, etc., even if the inmate received prior approval to order the publication.
    - a. Staff may remove and dispose of unauthorized advertising inserts that the inmate is not permitted to possess at the institution, to include but not limited to, stickers, CD’s/CD ROM’s, collector cards, make-up samples, calendars, etc., without notification so that the inmate may receive the publication.
    - b. Unauthorized advertising inserts must not be removed if the publication will be submitted to PRC for content review.
- B. Staff should deny unauthorized or improperly received publications based only upon the failure to follow applicable procedures.
  - 1. Staff will notify the inmate and the sender in writing as to the reason the publication was denied and the option to appeal the denial to the Facility Unit Head.
  - 2. Staff are not required to notify the sender or the inmate of the denial, when the material was not sent as first class mail.
  - 3. Unauthorized or improperly received publications should not be reviewed for content nor should these publications be submitted to the PRC.
- C. The Facility Unit Head or designee should notify the PRC when a publication was altered when received and provide the committee with the name and address of the vendor, the publication name, issue number, and the nature of the alteration.

**V. Institution Review of Publication Content**

- A. Approved vendor lists for publications can only be established at the Department level and will only apply to foreign language publications.
  - 1. The Chief of Corrections Operations has the authority to disapprove vendors who consistently distribute publications designed to deceive staff or circumvent operating procedures, or that pose a threat to the security, discipline, and good order of an institution.
  - 2. Once a vendor is disapproved, the vendor will be placed on the *Disapproved Vendors - Publications and Commercially Distributed Photographs* list.
- B. Staff must review all publications received at the institution for compliance with the *Specific Criteria for Publication Disapproval*, prior to delivery to an inmate.
- C. If the issue of the periodical or edition of the book was disapproved previously by the PRC as listed on the *Disapproved Publications List*, staff will deny the publication
  - 1. Staff will notify the inmate of the denial on a *Notification of Publication Review Committee Disapproval* 803\_F10.





2. The inmate should dispose of the publication in accordance with Operating Procedure 802.1, *Offender Property* and the publication should not be sent to the PRC.
- D. The Facility Unit Head will determine on a case-by-case and issue-by-issue basis whether to disapprove a publication for inmate possession.
1. Mailroom, personal property, or other staff may perform the initial screening of incoming publications for compliance with the *Specific Criteria for Publication Disapproval* but must not be the Facility Unit Head's designee for the purpose of disapproving inmate possession of a publication.
    - a. Within ten working days of publication receipt and disapproval at the institution, the Facility Unit Head will use the *Publication Disapproval Notification* 803\_F11 to advise each inmate who received the publication of the publication's disapproval and the specific criteria for disapproval as listed on *Specific Criteria for Publication Disapproval*.
    - b. If an inmate does not want their publication reviewed by the PRC, the inmate must advise the Facility Unit Head, or designee, within seven days of disapproval.
      - i. The inmate must select the method of disposal in the *Disposal Section* of the *Publication Disapproval Notification*.
      - ii. If the *Disposal Section* is not completed and the *Publication Disapproval Notification* returned within seven days, staff will forward the publication to the PRC for a final review and decision.
    - c. Staff must dispose of such publications within 30 days of notification.
    - d. An inmate who chooses not to send their publication to PRC waives their right to appeal disapproval of possession of the publication.
  2. When the institution receives multiple copies of the same publication, staff will only submit one copy of the publication with a copy of the corresponding *Publication Disapproval Notification* 803\_F11 to the PRC for review.
    - a. All other copies of the publication will remain at the institution until the PRC makes a final determination on approval or disapproval.
    - b. Publications for inmates who chose not to submit their publication for PRC review and waived their right to appeal will not be held pending the PRC's decision.
  3. The Facility Unit Head or designee is responsible for submitting a copy of all disapproved publications at least once each month to the PRC with a completed *Disapproved Publications Log* 803\_F12.
- E. Any issue of *Prison Legal News* disapproved at any institution must be sent immediately to the office of the Chief of Corrections Operations with detailed explanation of the disapproval. This publication must not be sent to the PRC.

## VI. Publication Review Committee

- A. DOC Senior Management will appoint three DOC staff members to serve on the PRC.
1. The PRC will maintain a roster of subject matter consultants for issues such as religion, gang/security threat group, literary value, health care, and mental health.
  2. The subject matter consultants are not voting members of the PRC.
- B. Each month members of the PRC will review all publications submitted by institutions, for a final review and decision on compliance with the *Specific Criteria for Publication Disapproval*.
1. Members may review publication submissions independently and submit votes on approval/disapproval for inmate possession.
    - a. A majority vote of PRC members will determine approval/disapproval.
    - b. The Director and Chief of Corrections Operations have the authority to veto PRC actions.
  2. The PRC Chair or designee will provide written notification of PRC decisions on approval and disapproval to the Facility Unit Head for those publications submitted by the institution.





3. Within five working days of written notification of disapproval from the PRC, staff will prepare and send a *Notification of Publication Review Committee Disapproval* 803\_F10 to each inmate who received the publication and is awaiting a decision from the PRC.

C. Designated support staff will monitor all publication submissions and will maintain a list of all publications submitted for review and the outcome of each review.

1. Support staff will notify the publisher when the PRC decision is to disapprove the publication for inmate possession; see *Notification to Publisher of Publication Disapproval* 803\_F13.
2. Notification is not required if the publisher is located in a foreign country and does not have offices in the United States.
3. The notification should advise the publisher that an independent review of the disapproval is available through appeal.
4. If the PRC approved the publication for inmate possession, staff will not notify the publisher of the review.

D. Publication Disposition

1. The PRC will return all approved publications to the institution that submitted the publications and staff will deliver the publications to the inmates.
2. The PRC will hold all disapproved publications, and institution staff will hold all duplicate copies of these publications at the institution for 30 days to allow for inmate and publisher appeal of the disapproval.
  - a. If the inmate or publisher does not appeal the disapproval within 30 days, the PRC will return the disapproved publications to the institution for disposal.
  - b. PRC support staff will notify designated institution staff and provide a list of publications pending publisher or inmate appeal of disapproval prior to returning the remaining disapproved publications to the institution for disposition.
  - c. Staff will hold all disapproved publications that are on appeal, until completion of the appeal process.
3. Each month after expiration of the appeal period, PRC support staff will compile all PRC actions and update the *Disapproved Publications List* for posting on the Virtual Library.
4. The Facility Unit Head or designee will make a copy of the *Disapproved Publications List* available for inmate review.

VII. Appeal of Publication Disapproval

- A. Inmates may appeal the decision of the PRC to disapprove a publication through the *Offender Grievance Procedure* within seven days of the date of receipt of the *Notification of Publication Review Committee Disapproval* 803\_F10; see Operating Procedure 866.1, *Offender Grievance Procedure*.
- B. The publisher may appeal the PRC decision to the Chief of Corrections Operations within fifteen calendar days of receipt of the *Notification to Publisher of Publication Disapproval* 803\_F13. The office of the Chief of Corrections Operations will provide written notification to the publisher of the final decision within ten days of that decision.
- C. Publications on the *Disapproved Publications List* are not subject to appeal through the *Offender Grievance Procedure* and staff should not send the publication to the PRC. The inmate must dispose of this property in accordance with Operating Procedure 802.1, *Offender Property*.

VIII. Specific Criteria for Publication Disapproval

The Facility Unit Head should disapprove a publication for receipt and possession by inmates if the publication can be reasonably documented to violate any of the following criteria:



A. Material that emphasizes explicit or graphic depictions or descriptions of sexual acts

1. Actual sexual intercourse (vaginal, anal, or oral) including inanimate object penetration
2. Secretion or excretion of bodily fluids or substances in the context of sexual activity or arousal
3. Bondage, sadistic, masochistic, or other violent acts in the context of sexual activity or arousal
4. Any sexual acts in violation of state or federal law

Note: This criterion will not be used to exclude publications that describe sexual acts in the context of a story or moral teaching unless the description of such acts is the primary purpose of the publication. No publication generally recognized as having literary value should be excluded under this criterion. Questionable materials must be submitted to the PRC

B. Material that contains solicitations for or promotes activities that are in violation of state or federal law including the abuse or sexual exploitation of children or contains nude depictions of children in the context of sexual activity

C. Instructions or information regarding:

1. Escape techniques
2. Maps, road atlas, directions, etc. that depict a geographic region that could reasonably be construed to be a threat to security
3. The manufacture, simulation, or concealment of weapons, ammunition, explosives, incendiaries, or escape devices
4. The ingredients or manufacture of poisons, drugs, intoxicants, abrasives, corrosives, or other toxic or illegal substances
5. Technical specifications for, or may be used to alter or defeat electronic, mechanical, or other security and communication devices
6. Security techniques
7. Training of personnel or canine units
8. The ability to physically disable, injure, or kill a person

D. Material, documents, or photographs that emphasize depictions or promotions of violence, disorder, insurrection, terrorist, or criminal activity in violation of state or federal laws or the violation of the *Offender Disciplinary Procedure*

Note: This criterion will not be used to exclude publications that describe such acts in the context of a story or moral teaching unless the description of such acts is the primary purpose of the publication. No publication generally recognized as having literary value should be excluded under this criterion. Questionable materials must be submitted to the PRC

E. Material whose content could be detrimental to the inmate rehabilitative efforts or the safety or health of inmates, staff, or others based on the inmate's specific criminogenic needs

F. Material that depicts, describes, or promotes gang bylaws, initiations, organizational structure, codes, or other gang-related activity or association

G. Material written or communicated in code or in a language other than English or Spanish, unless obtained from an approved vendor; see Attachment 1, *Approved Vendors - Foreign Language Publications*

H. Books larger than 11 inches by 14 inches or books that contain pop-out or multiple thickness pages that cannot be easily searched for contraband

I. Material that contains nudity



**IX. Publications Detrimental to Inmate Rehabilitative Efforts**

- A. The *Specific Criteria for Publication Disapproval*, Criterion E, requires staff to disapprove publications and other materials when the publication is determined to be detrimental to inmate rehabilitative efforts.
- B. Staff should only disapprove a publication for an inmate's possession for violating Criterion E based on assessment of the individual inmate's specific criminogenic factors.
- C. Program, Mental Health, or other appropriate staff will determine when a publication is detrimental to inmate rehabilitative efforts; mailroom staff should not be making this determination without inmate-specific guidance and review from Program, Mental Health, or other appropriate institution staff.
- D. If the inmate disagrees with the determination and does not wish to dispose of the item, staff must forward the item to the PRC for review and final determination. Specific pages or passages of the publication must be marked with an explanation of the specific criminogenic factors that apply to that inmate enclosed.

**X. Publications Containing Nudity Exceptions**

- A. The *Specific Criteria for Publication Disapproval*, Criterion I, requires staff to disapprove publications containing nudity.
- B. Publications containing nudity illustrative of anthropological, educational, or medical content may be acceptable; staff must review all publications containing nudity and determine if an exception applies subject to the following guidelines:
  - 1. Anthropological exception applies to nudity in a publication where the content deals with the origins, physical and cultural development, biological characteristics, and social customs and beliefs of humankind.
  - 2. Educational exception applies to nudity in a publication, in conjunction with written content, where the publication in its entirety intends to educate, inform, or instruct an individual on a subject.
  - 3. Medical exception applies to nudity in a publication that explains the science and practice of the diagnosis, treatment, and prevention of a disease.
  - 4. Staff must submit questionable materials to the PRC for review and approval or disapproval for an exception.
- C. Inmates who are required to register in the *Sex Offender and Crimes against Minors Registry* for conviction of a sexual offense are prohibited from receiving any publication containing nudity and are not eligible for an anthropological, educational, or medical exception to Criterion I.
- D. Inmates who are required to register in the *Sex Offender and Crimes against Minors Registry* for conviction of a non-sexual offense are eligible for an exception to Criterion I unless the publication has been determined to be detrimental by Program, Mental Health, or other appropriate staff and the publication violates Criterion E.
- E. Any material found in an inmate's possession that violates Criterion I and does not qualify for an exception are contraband subject to seizure and confiscation and are subject to disciplinary action; see Operating Procedure 802.1, *Offender Property*, and Operating Procedure 861.1, *Offender Discipline, Institutions*.

**XI. Disapproval of Non-English Language Publications**

- A. Publications that are written or communicated in languages other than English or Spanish and cannot be readily translated and reviewed for content pose an overriding security concern for the DOC.
- B. Publications that are written or communicated entirely in languages other than English or Spanish or in code should be disapproved unless obtained from an approved vendor as listed on Attachment 1; *Approved*



*Vendors - Foreign Language Publications.*

1. Publications that are written or communicated entirely in languages other than English or Spanish that were not ordered from an approved vendor, but appear otherwise acceptable, no inappropriate pictures, etc. should be disapproved and sent to the PRC for final action and consideration to add the publisher to the approved vendor list.
  2. The Facility Unit Head has the authority to disapprove publications written in code; staff should not forward these publications to the PRC.
    - a. Staff must forward any publication containing material that is encrypted or encoded immediately to the institutional investigator to determine if the publication should be sent to the Operations and Logistics Unit for investigation.
    - b. The inmate may appeal the Facility Unit Head's decision through the *Offender Grievance Procedure*.
    - c. The institution should hold the publication pending completion of the grievance process
  3. Inmates may order and possess foreign language religious texts from vendors approved by the Faith Review Committee as a source for foreign language religious texts; see Attachment 1, *Approved Vendors - Foreign Language Publications*.
- C. Staff should disapprove publications not written entirely in languages other than English or Spanish but that contain un-translated foreign language text not readily translated and reviewed; publications disapproved for containing foreign language text will be sent to the PRC for final action.
- D. The restriction on foreign language publications does not apply to educational materials provided through an approved academic class.
- E. The restriction on foreign language publications does not apply to publications that contain complete, direct translations from a foreign language into English, i.e., English – foreign language dictionaries, language text books, and publications that contain parallel text in English and other languages.

**XII. Publications Made Available through Institution Programs**

- A. All materials placed in institution libraries must comply with this operating procedure.
- B. Publications and other materials placed in institution libraries or provided to inmates through approved, institution specific on-going programs or special activities should be integral to the program or activity and will be reviewed and approved by the Facility Unit Head or designee, prior to being made available to inmates.
1. Publications and other materials should not be approved for inmate access or use when the content would be disapproved for violating the *Specific Criteria for Publication Disapproval*.
  2. Foreign language materials may be placed in institution libraries if there is an English language version of the same material from the same publisher that is not in violation of the *Specific Criteria for Publication Disapproval*.
  3. The provision of publications for inmate use in institution programs is discretionary and may be denied for reasons other than the criteria listed in this procedure, such as appropriateness for the program or activity for which such material has been requested. Therefore, the decision of the Facility Unit Head is final.
- C. The Facility Unit Head may request that the PRC to review program publications for compliance with the *Specific Criteria for Publication Disapproval* but PRC review is not required.

**XIII. Inmate Media Device and Media Files**

- A. A media device is available to all inmates for purchase in order to download media files from vendor kiosks.



1. The media device must be purchased from the DOC Contract Vendor as provided in Operating Procedure 802.1, *Offender Property*.
  2. All downloaded and stored content on the inmate's media device is subject to inspection and search by staff.
- B. Kiosks for downloading media files will be made available for inmate access in designated areas of the institution, the Facility Unit Head will establish the days and hours for inmate access.
1. General rules regarding use of kiosks for downloading media files.
    - a. Inmates may login to the kiosk up to two times per day with a minimum time of one hour between each login.
    - b. Each session will last no more than 15 minutes.
    - c. The system will time out after two minutes of inactivity.
    - d. Inmates are limited to a maximum of 10 previews per 15-minute session, each preview will last no more than 30 seconds.
    - e. Only inmates who have purchased a media device can listen to previews.
  2. Inmates may purchase any music offered for sale in the DOC Contract Vendor's full music catalog.
    - a. The DOC may, on a case-by-case basis, restrict or prohibit inmate access to any song that promotes violence, criminality, or other behavior that could be disruptive to facility operations and have it removed from the catalog.
    - b. The Facility Unit Head or designee will notify the Operations Support Manager of the song's title and request that the DOC restrict or prohibit access to the song, remove the song from the catalog, and/or remove it from an inmate's music account.
    - c. When the DOC restricts or prohibits a song and the contract vendor removes the song from an inmate's account, the contract vendor will refund the inmate for the cost of the song.
  3. All downloaded content including songs must comply with the *Specific Criteria for Publication Disapproval* section of this operating procedure.
- C. Inmates must submit a trouble ticket through the kiosk to address any issues with the system. Only one trouble ticket will be active at a time, any additional trouble tickets submitted will remain inactive until the active ticket is resolved.

## REFERENCES

COV §18.2-374, *Production, publication, sale, possession, etc., of obscene items*

COV §18.2-374.1:1, *Possession, reproduction, distribution, solicitation, and facilitation of child pornography; penalty*

COV §18.2-390, *Definitions*

COV §18.2-391, *Unlawful acts; penalties*

COV §53.1-67.9, *Establishment of community corrections alternative program; supervision upon completion*

Operating Procedure 802.1, *Offender Property*

Operating Procedure 803.1, *Inmate and Probationer/Parolee Correspondence*

Operating Procedure 803.4, *Central Mail Distribution Center*

Operating Procedure 861.1, *Offender Discipline, Institutions*

Operating Procedure 866.1, *Offender Grievance Procedure*

## ATTACHMENTS

Attachment 1, *Approved Vendors - Foreign Language Publications*



## **FORM CITATIONS**

*Personal Property Request - Add/Drop* 802\_F1

*Property Disposition* 802\_F4

*Notification of Publication Review Committee Disapproval* 803\_F10

*Publication Disapproval Notification* 803\_F11

*Disapproved Publications Log* 803\_F12

*Notification to Publisher of Publication Disapproval* 803\_F13

