



Media Review Model Policy

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This Media Review Model Policy incorporates the recommendations outlined in our report, “Security and Censorship: A Comparative Analysis of State Department of Corrections Media Review Policies,” and builds on existing policies and procedures.¹ The model policy collates and cites features from existing media review directives, synthesizing some of the most precise policies that promote security while maintaining student or reader rights. In providing this synthetic sample policy, we aim to concisely demonstrate how existing policy already exemplifies our recommendations, and to provide model policy in a brief, coherent design that can easily be cited or sampled.

The model policy features nine distinct sections focusing on different aspects of the media review process. The policy will appear familiar in both structure and content to readers who have examined media review directives, with the exception of the significantly expanded first and last sections, Policy Purpose and Goals and Training Materials, respectively. Linguistically, we have chosen language that operates at the facility level for two reasons: (1) for the sake of streamlining language and (2) as a means to ensure balanced representation in Publication Review Committees across all facilities. This structure is not intended as a value judgment, and we do not wish to imply that facility-level review policy is more or less valid or valuable than system-level policy. Moreover, we recognize that Department of Corrections media review structures vary by system and that some states will be required to establish publication review committees at a system-wide level, rather than at the level of facility.

We provide this model policy as researchers familiar with the broad landscape of media review policy who are invested in making trends across that landscape legible.

¹ Steve Pokornowski, Kurtis Tanaka, and Darnell Epps, "Security and Censorship: A Comparative Analysis of State Department of Corrections Media Review Policies," *Ithaka S+R*. 20 April 2023. <https://doi.org/10.18665/sr.318751>.

1. Policy Purpose and Goals
 - 1.1. It is Department policy to encourage and facilitate access to publications to promote recreational reading, personal enrichment, and education, both formal and informal, among those in the Department’s custody. As a growing body of evidence makes clear, access to such resources promotes security and good order, fosters an atmosphere of mutual respect, and promotes conditions conducive to personal growth.² The Department’s goals in exercising media review are therefore:
 - 1.1.1. To provide persons in custody the opportunity to explore ideas, information, and concepts originating outside the institution;
 - 1.1.2. To maintain family and community ties;
 - 1.1.3. To facilitate communication with courts and legal counsel;³
 - 1.1.4. To support recreational reading, personal enrichment, and lifelong learning;
 - 1.1.5. To support formal educational programming by facilitating access to academic resources;
 - 1.1.6. To maintain a safe environment for both persons in custody and staff.
 - 1.2. Accordingly, persons in custody shall be allowed to subscribe to and possess a wide range of printed material such as books, magazines, and newspapers, subject to the provisions of this directive.⁴
 - 1.3. Likewise, programs serving the Department’s facilities shall be allowed to provide access to reading and educational materials, subject to the provisions of this directive.
2. Terms and Definitions
 - 2.1. Security, Good Order, Discipline, or Rehabilitation
 - 2.1.1. The Department recognizes that its legal power to censor material and restrict the rights of residents comes specifically from circumstances that threaten security, good order, discipline, or rehabilitation. In the aim of transparency and consistency, The Department understands threats to security, good order, discipline, or rehabilitation in the following terms:
 - 2.1.1.1. Threats to security: tangible, imminent threats to the security of the facility may endanger the rehabilitation of

² Adapted from: New Jersey Department of Corrections, *Inmate Handbook*, retrieved from University of Michigan Policy Clearing House, <https://www.law.umich.edu/special/policyclearinghouse/Documents/New%20Jersey%20Inmate%20Handbook.pdf>.

³ 1.1.1.-1.1.3. Adapted from Idaho Department of Correction, “Mail Handling in Correctional Facilities,” Standard Operating Procedures, Control Number 402.02.01.001, adopted 1 January 1991, version 14 approved 11 March 2018.

⁴ 1.2 Adapted from New York Corrections and Community Supervision, Directive Number 4572, “Media Review,” effective date 27 January 2022.

residents or the health, privacy, or safety of staff or residents, must be corroborated by evidence and not based on speculation.

- 2.1.1.2. Threats to good order: tangible, imminent threats to the operation of essential programming in the facility, must be corroborated by evidence and not based on speculation.⁵
- 2.1.1.3. Threats to discipline: tangible, imminent threats to the working operation of the facility, such as escape attempts, organized smuggling of contraband, violence, or riots; must be corroborated by evidence and not based on speculation.
- 2.1.1.4. Threats to rehabilitation: tangible, imminent threats to the rehabilitation of residents, including large-scale or systematic disruptions of counseling or therapeutic services, must be corroborated by evidence and not based on speculation.
- 2.1.2. Examples of justified and unjustified censorship under these definitions might include the following:
 - 2.1.2.1. Unjustified censorship might include: Rejecting a publication because it addresses the history of systemic racism in the United States and has a chapter focusing on incarceration.
 - 2.1.2.1.1. While a sensitive topic, the above subject matter will not necessarily lead to violence or disruption.
 - 2.1.2.2. Justified censorship might include: Rejecting a publication that provides detailed instructions on how to disrupt security systems or how to wage guerrilla warfare in confined spaces.

3. Publication Review Committee (PRC) Guidelines and Procedures

3.1. PRC Members and Training

- 3.1.1. Each facility shall establish a Publication Review Committee consisting of:
 - 3.1.1.1. a trained librarian, and at least one representative from each of the following areas: Programs, Custody/Security, Counseling and Mental or Behavioral Health. If applicable, the committee will also include a representative faculty member or administrator from affiliated higher education in

⁵ Given how much policy around labor organization and work stoppages vary by state, we did not delve into those issues in this policy; however, we would encourage carceral systems to follow state laws and regulations regarding unions, strikes, and labor stoppages.

prison programs. The administrative head will designate a committee chair.⁶

3.1.2. All persons who perform media review, including the Publication Review Committee members, will participate in yearly First Amendment rights, censorship guidelines, and unconscious or implicit bias seminars.

3.2. Publication Review Procedures

3.2.1. Initial Review

3.2.1.1. Incoming publications will be screened in accordance with the Department's goals outlined in Section 1 of this directive. Publications shall generally be approved unless matter in the specific publication falls into one of the guidelines outlined in section 7.3, "Censorship Guidelines."

3.2.2. Automatic Appeals⁷

3.2.2.1. When a staff member reviews and denies a publication that does not appear on the Department's Reviewed Publication List, they must:

3.2.2.1.1. (1) complete the [relevant form] by entering the following:

3.2.2.1.1.1. (a) publication name, if known, or a brief description of the publication; (b) date of the publication; (c) publisher's name and complete mailing address; (d) reason(s) that the publication was denied with brief narrative why the contents violates the policy, including page numbers; and (e) within two business days, notify the resident that the automatic appeals process has been triggered by placing a completed copy of [relevant form] in the institutional mail system at the same time that they initiate the automatic appeals process and notify the PRC. If the PRC determines that the publication must be censored or rejected, they will notify the resident with [relevant form]

⁶ 3.1.1.1. Adapted from committee requirements laid out in CO's and NY's policies: Colorado Department of Corrections, "Publications," Administrative Regulation Number 300-26, effective 1 February 2021; New York, "Media Review."

⁷ 3.2.2. Automatic Appeals is adapted from the automatic appeals process laid out in Kansas Department of Corrections, "Security and Control: Uniform Review of Publications," *Internal Management Policy and Procedures*, IMPP# 12-134A, effective 6 December 2021. The proposed process is adjusted with additional information drawing on Pennsylvania's and New York's policies: Commonwealth of Pennsylvania Department of Corrections, DC-ADM 803, "Inmate Mail and Incoming Publications;" and New York, "Media Review."

and provide notice to the publisher using [relevant form].

- 3.2.2.2. Publication review officers must make available to the PRC the [relevant form] justifying the censorship decision and the material to be censored.
- 3.2.2.3. Within 15 business days of receipt of the appeal, the PRC is to review the publication to determine if the censorship was appropriate and consistent with the Department's goals and policy.⁸
- 3.2.2.4. Materials censored by the PRC may be considered under appeal again under any one of the following conditions:
 - 3.2.2.4.1. (1) a new, revised or edited version of the material that addresses committee concerns is purchased;
 - 3.2.2.4.2. (2) relevant censorship policy changes, suggesting the text may be allowed under the revised policy;
 - 3.2.2.4.3. (3) the material was reviewed more than one calendar year ago.
- 3.2.2.5. When a publication has been approved on appeal, it will be added to the Reviewed Publication List as approved.
- 3.2.2.6. When a publication has been censored it must be added to the Reviewed Publication List as censored.

4. Reviewed Publication Lists⁹

- 4.1. In order to promote transparency and improve communication about censorship decisions, a Reviewed Publication List will be maintained electronically by the PRC at each facility.
- 4.2. The Reviewed Publication List must contain the following information:
 - 4.2.1. Bibliographic information about all books reviewed for censorship;
 - 4.2.2. Clear information about whether the book was accepted or rejected after review;
 - 4.2.3. The rationale stated for acceptance or rejection.
 - 4.2.3.1. If the publication is rejected, it must also include a note detailing which censorship guideline it was rejected under and, in the case of content-based prohibitions, where in the book offending material may be found.

⁸ 3.2.2.2. Adapted from Kansas, "Security and Control," original policy is 30 days, but 3.2.2.2. Has been adjusted to align more closely with the PRC meeting requirements outlined above.

⁹ 4. Adapted from Iowa Department of Corrections, "Incoming Publications," Policy and Procedures, Iowa Code Reference 904.310A, Administrative Code Reference 201-20.6 and Pennsylvania, "Inmate Mail and Incoming Publications," with additions to increase specificity and transparency.

- 4.3. The Reviewed Publication List must be electronically accessible to all members of the PRC and any staff who participate in the review process. It must also be readily accessible to all residents in print; posted in common spaces, libraries, and mailrooms; and distributed directly to residents quarterly.
 - 4.4. The Reviewed Publication List for each facility will also be publicly available at the DOC website, and lists for each facility will be updated at least quarterly.
5. Vendors, Purchasing, and Shipping
- 5.1. In order to protect the right of individuals to choose where to spend their money, and to allow residents to find affordable texts: so long as purchases are legally made through a vendor, publisher, bookstore, or other bookseller, there shall be no limitations on where publications may be purchased or through which carrier they may be shipped, with the following exceptions.¹⁰
 - 5.1.1. If a particular vendor or seller has a proven record of sending or allowing contraband, they may be disqualified as a source.
 - 5.1.2. Donated or gifted books may come from any source and may be sent to individuals or to the facility library. Visitors may bring books to gift or donate and hand deliver them
 - 5.1.2.1. Donated or gifted books are still subject to search and censorship.
6. Property Dimensions and Specifications
- 6.1. Quantity.
 - 6.1.1. There is no limit to the number of publications that a resident may purchase, or be gifted, and property limits will be determined by one's ability to safely store publications.
 - 6.1.2. Books may be allowed as long as they fit in a locker, on a shelf, under a bed, or in other areas designated for safe storage, that do not create fire hazards.
 - 6.1.3. Residents who possess publications that cannot be safely stored will have the following options available:
 - 6.1.3.1. (1) Residents may gift or trade books in an authorized exchange,
 - 6.1.3.1.1. Books are subject to contraband searches before exchange.

¹⁰ If DOCs find themselves unable or unwilling to implement such an ambitious policy, we recommend that they provide educational exceptions to vendor and donor limitations, to ensure that students have affordable access to needed educational materials.

6.1.3.2. (2) Residents may choose to donate their books to the facility library;

6.1.3.2.1. If the book is already in library holdings, copies deemed in excess by facility library staff may be automatically donated to other facilities in the system.

6.2. Bindings.

6.2.1. With the exception of staples, metal bindings on publications are not permitted. Metal bindings include: paperclips, binder clips, or other metal fasteners. Staples may not be permitted in mental health in-patient housing, including transitional care units, crisis stabilization units, and correctional mental health treatment facilities.

6.3. Covers.

6.3.1. Covers may only be made of paper or leather materials. Covers cannot be made of metal or contain metal.

6.3.2. As long as they do not also have metal or wooden components, hardcover books are allowed, as the covers of such books are typically made from paper products.

7. Content-Based Publication and Media Prohibitions

7.1. Policy Overview

7.1.1. The Department recognizes the rights of individuals incarcerated within its system to access information, moreover, The Department understands the importance of publications and education for rehabilitation and reentry. At the same time, The Department must balance its duty to protect and foster these individual rights with its duty to maintain secure facilities and safe operating environments for staff, administrators, and people incarcerated within the system.¹¹ Given this, publications are subject to inspection and, though the default is to allow publications, in exceptional circumstances they may be rejected under the criteria provided in Section 7.3.¹²

7.2. Protected Content

7.2.1. The prohibitions below shall not apply to educational materials used in association with any operating educational programs or in the case of patently medical, artistic, anthropological, or educational commercial publications, including, but not limited to

¹¹ Adapted from Colorado Department of Corrections, "Publications," Administrative Regulation Number 300-26, effective 1 February 2021, with additional details.

¹² Adapted from Arkansas Department of Correction, "Publications," Administrative Directive 17-17, effective 30 June 2017.

such publications as National Geographic, works of art displayed in public galleries, anatomy texts, or comparable materials.¹³

7.2.2. No publication shall be denied solely on the basis of its appeal to a particular ethnic, racial, religious, or political group.¹⁴

7.2.3. 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.¹⁵

7.3. Censorship Guidelines

7.3.1. The Department's rejection of incoming materials will be limited only to those publications deemed to be substantially dangerous to the security of the facility, the good working order of programming, or the safety of residents or staff, as laid out under Section 7.3.2. Such determinations must be based in fact and have corroborating evidence. Suspicion and speculation of possible effects are not justifiable grounds for censorship.

7.3.2. Publications with the following information may be rejected:

7.3.2.1. Instructions on how to create contraband, including weapons or explosives, alcohol or intoxicants, or harmful substances (such as poisons);

7.3.2.1.1. Note—publications describing or portraying these materials without providing tangible insights on how to create them will not be censored.

7.3.2.2. Instruction in tactical, military, or martial arts;

7.3.2.2.1. Note—publications merely depicting fictional combat are not subject to this prohibition. E.g. J.R.R. Tolkien's *The Two Towers*, which features fictional combat between fantasy creatures would not be subject to this prohibition; however, Jay McCullough's *Ultimate Guide to U.S. Army Combat Skills, Tactics, and Techniques* would be rejected.

¹³ 7.2.1. Adapted from South Carolina Department of Corrections, PS-10.08, "Inmate Correspondence Privileges," 19.1.6.

¹⁴ Adapted from State of Iowa Department of Corrections, "Incoming Publications," Policy and Procedures, Iowa Code Reference 904.310A, Administrative Code Reference 201-20.6

¹⁵ Adapted from New York, "Media Review."

- 7.3.2.3. Instructions on how to perform body modifications or tattoo someone, or instructions on how to create materials needed to perform them;
 - 7.3.2.3.1. Publications addressing the medical significance, risk, or impact of tattoos (whether professional or amateur) will not be excluded under this guideline.
- 7.3.2.4. Information that may legitimately incite individual or group violence based on the specific dynamics within the facility population;
 - 7.3.2.4.1. For example: If there are two gangs with members in a facility and a publication traces the history of violence between them.
- 7.3.2.5. Sexually explicit material may be deemed inadmissible if it is found to contribute directly to harassment or the creation of a hostile work environment, or there is evidence that it is a detriment to the safety or rehabilitation of residents or staff at risk.¹⁶
- 7.3.2.6. Information about another resident, their family, or their case;
- 7.3.2.7. Content that advocates or calls for violence or disenfranchisement of individuals or groups based solely on race, ethnicity, nation of origin, class, sex, gender, sexuality, or religion;
 - 7.3.2.7.1. This means, for example, that literature advocating for racial or ethnic genocide will be rejected, but academic explorations of structural inequity, for example, may not be censored.
- 7.3.2.8. Information that may tangibly and realistically aid in escape, such as maps of the surrounding area or instructions on how evade detection in an environment like that of the location of the facility or the region;
 - 7.3.2.8.1. Maps of distant locations or fictional terrain are not subject to this prohibition. This may not be used to reject publications with fictional depictions of escape,

¹⁶ According to the United States Equal Employment Opportunity Commission (EEOC): "Harassment is unwelcome conduct that is based on race, color, religion, sex (including sexual orientation, gender identity, or pregnancy), national origin, older age (beginning at age 40), disability, or genetic information (including family medical history). Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive." For more see: "Harassment," US Equal Employment Opportunity Commission, <https://www.eeoc.gov/harassment>. A hostile work environment is defined as one where harassment interferes with an individual's ability to do their duties or creates an intimidating workplace.

or historical depictions of escape that do not have clear, tangible evidence of contemporary utility.

8. Exceptions for Educational Materials

- 8.1. The Department recognizes that access to a broad range of literary, scholarly, and informational materials is an essential part of the educational experience and is necessary for a high quality education, especially at the post-secondary level.
 - 8.1.1. Given the importance of education for rehabilitation and reentry, residents may be allowed publications for educational programming which might otherwise be prohibited according to the guidelines outlined in section 7.3.¹⁷
- 8.2. Therefore, materials brought into the facility for educational purposes, purchased by residents for study, or gifted or donated to residents for education are not subject to standard content based restrictions. This applies equally to textbooks, course books, journals, periodicals, articles, and academic databases, and it includes technical manuals and how-to guides, such as program language manuals, etc.
 - 8.2.1. At the end of the academic term or terms in which they are needed, residents must, however, donate or gift materials listed as censored on the Reviewed Publications List to future students or to the facility library. Failure to comply with this policy will result in the publication being considered contraband.
- 8.3. Publications brought in for educational programming may only be denied if they are found to contain contraband. In the event that the publication is deemed dangerous for specific, material reasons (e.g. metal binding), staff will work with educational programs to safely provide the text (e.g. removing the binding and providing a folder).

9. Training Materials

- 9.1. The materials provided below are intended as a suggested starting point, not a fully-formed curriculum. The most effective training solutions take local and institutional contexts and cultures into account and provide concrete and relatable examples. Therefore, it is recommended that the DOC partner with external organizations specializing in both first amendment rights and mitigating unconscious bias.
- 9.2. The Prisoner's Right to Read, Adopted June 29, 2010, by the American Library Association Council; amended July 1, 2014; January 29, 2019:

¹⁷ Adapted from Colorado, "Publications."

[https://www.ala.org/advocacy/intfreedom/librarybill/interpretations/pri
sonersrightoread](https://www.ala.org/advocacy/intfreedom/librarybill/interpretations/pri
sonersrightoread).

- 9.3. Unconscious or Implicit Bias Seminars have the most impact when they are developed to address specific institutional contexts, histories, and needs; however, such bespoke services can be expensive. There are existing, freely provided resources, however, that may be of use:
 - 9.3.1. The National Equity Project, a nonprofit organization, provides both free and bespoke sessions on implicit-bias and structural racism.
 - 9.3.1.1. More information about the specific implicit bias programming they offer is available here: <https://www.nationalequityproject.org/training/implicit-bias-and-structural-racism>
 - 9.3.1.2. A general, free session is available here: <https://www.nationalequityproject.org/free-webinars/implicit-bias>
 - 9.3.2. The National Institute of Health has a science-based implicit bias course available on their website. The drawback to this resources that it is designed for scientists: <https://diversity.nih.gov/sociocultural-factors/implicit-bias-training-course>
 - 9.3.3. The Racial Equity Institute is another nonprofit that provides intensive, science- and history-based training and education, though their focus is more narrowly aimed at structural racism: <https://racialequityinstitute.org/our-services/>
 - 9.3.4. Unconscious Bias Project provides consulting services to help discover and address unconscious bias. They also have a robust resources page (<https://www.unconsciousbiasproject.org/>) and a thorough list of external resources (https://docs.google.com/document/d/190MX5-xm-eJrY7mGG39kIYu91W6Ih_C7KQKMxVukg3s/edit)