



Virginia Department of Corrections

Inmate Management and Programs

Operating Procedure 803.2

Publications, Commercially Distributed Photographs, and Media Files

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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.

COMPLIANCE

This operating procedure applies to all units operated by the Virginia Department of Corrections (DOC). Practices and procedures must comply with applicable State and Federal laws and regulations, American Correctional Association (ACA) standards, Prison Rape Elimination Act (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, commercial photographs, and other publications before these items are forwarded to a facility for issuance to the inmate or CCAP probationer/parolee.

Commercially Distributed Photographs - Printed images that are produced for public distribution and are purchased through a vendor that provides mail order service to the public.

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.

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, terrorists (domestic & international), radical extremists, hate groups, cults, and neighborhood cliques are examples of a Gang/STG.

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 fully opaque covering of the anus.

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.

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.

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 and commercially distributed photographs and media files for inmates and CCAP probationers/parolees. (5-ACI-7D-04)

PROCEDURE

- I. Incoming Publications and Commercially Distributed Photographs
 - A. Inmates and CCAP probationers/parolees retain their First Amendment right to access publications and commercially distributed photographs; however, Correctional Administrators have an equally valid responsibility under the Code of Virginia (COV) to maintain security, discipline, and order in DOC facilities.
 1. Correctional Administrator responsibilities include controlling contraband, controlling disruptive or illegal activities, and ensuring the safety and well-being of all inmates, CCAP probationers/parolees, staff, volunteers, interns, and visitors.
 2. To maintain security, discipline, and good order in DOC facilities and assist with inmate and CCAP probationer/parolee rehabilitation and treatment, reduce sexual harassment, and prevent a hostile environment for inmates, CCAP probationers/parolees, staff, and volunteers, inmates and CCAP probationers/parolees are not permitted to send, receive, or possess publications, commercial photographs, and other material that emphasizes explicit or graphic depictions or descriptions of sexual acts or contains nudity as defined in this operating procedure.
 - B. Due to the short duration and intense nature of CCAPs, staff should not allow CCAP probationers/parolees to purchase or receive publications unless specifically approved by the Facility Unit Head.
 - C. Due to the short time spent in reception centers, staff should not allow transient inmates at reception centers to purchase or receive publications.
 - D. 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 _".
 1. If staff receives a publication for an inmate who is under the age of 18 that is unauthorized due to the inmate's age, the staff member will return the publication to the sender with a letter stating that the addressee is underage and cannot receive it.
 2. If the publication does not contain a disclaimer regarding age but appears to violate COV §18.2-390, *Definitions* or COV §18.2-391, *Unlawful acts; penalties*, staff should send the publication to the Publication Review Committee (PRC) with a letter indicating that publication was received by an underage inmate.
 3. Staff will submit a *Disciplinary Offense Report* for violation of offense code 224, *Possession of Contraband*; see Operating Procedure 861.1 *Inmate Discipline* for inmates under the age of 18 in possession of sexually explicit materials.
 - a. The offense report should include the inmate's date of birth.
 - b. Staff will seize the contraband for disposal or confiscation; see Operating Procedure 802.1, *Inmate and CCAP Probationer/Parolee Property*.
 - E. Central Mail Distribution Center
 1. All books, newspapers, and magazines purchased by the inmate or a third party or donated to a facility must be mailed directly to the Central Mail Distribution Center for screening and inspection at the following address; see Operating Procedure 803.4, *Central Mail Distribution Center*.

VADOC CMDC

Inmate name, Inmate #



3521 Woods Way
State Farm, Virginia 23160

2. Publications not purchased by the inmate such as advertisements, newsletters, brochures, catalogs, etc. will be mailed to the inmate's assigned facility for processing.
3. Staff will return to the sender all books, newspapers, and magazines, purchased by the inmate or a third party that were not screened, inspected, and received directly from Central Mail Distribution Center.

II. Inmate Notification Requirements

- A. Upon initial assignment to a DOC institution, staff should inform each inmate on institution procedures governing publications.
- B. Upon the inmate's initial assignment to a DOC institution, staff will provide the inmate with written information governing publications in the institution *Orientation Manual* or *Packet*. The *Orientation Manual* or *Packet* 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 a third party may subscribe to or order periodicals, i.e., newspapers, magazines, or catalogs published on a regular schedule without prior approval through the institution.
 3. 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.
 4. Inmates will only receive books, newspapers, and magazines mailed to the institution directly from the Central Mail Distribution Center.
 5. 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.
 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, and must be disposed of immediately.
 7. 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.
 8. 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. Staff will allow inmates or a third party to subscribe to, order, and receive publications when 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 criteria for publication disapproval, see Attachment 1, *Specific Criteria for Publication Disapproval*.



- B. There is no limit on the number of publications an inmate or third party may purchase, but staff will limit the number of publications an inmate may possess at any one time to the number authorized on the *Property Matrix* for male and female institutions; see Operating Procedure 802.1, *Inmate and CCAP Probationer/Parolee Property*.
1. Publications such as religious texts, approved study texts, personal photo books, and legal references are included in the maximum number authorized at one. Publications borrowed through the facility are not included.
 2. Catalogs and brochures that contain a publisher name, publication date, volume/issue number or other identifier, copyright notice, and publisher address are considered magazines and staff will process and inventory these items as magazines.
 3. Staff will process all other catalogs and brochures as correspondence; see Operating Procedure 803.1, *Inmate and CCAP Probationer/Parolee Correspondence*.
- C. Inmates must secure permission from the Facility Unit Head, or designee, usually mailroom or personal property prior to ordering a book or back issue of a periodical using funds from their Inmate Trust Account.
1. The inmate must submit a *Personal Property Request - Add/Drop 802_F1* for review and approval of the Facility Unit Head or designee; see Operating Procedure 802.1, *Inmate and CCAP Probationer/Parolee Property*.
 2. Upon receipt of an approved *Personal Property Request - Add/Drop 802_F1*, Business Office staff will process the order in accordance with Operating Procedure 802.1, *Inmate and CCAP Probationer/Parolee Property*.
 3. Staff will deny any request to purchase a publication the PRC reviewed and disapproved and will notify the inmate that the publication is not approved for purchase and possession.
- D. An inmate's friends and family may purchase a book and subscribe to periodicals for the inmate.
1. 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.
 2. Staff to include other agencies, private contractors, or contract service providers, 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 a staff member, volunteer, or intern from another facility.
 3. Before the inmate will receive a publication purchased by a third party, staff will complete a *Personal Property Request - Add/Drop 802_F1* once the publication arrives at the institution, identify the sender, and update the inmate's property record in VACORIS.
- E. 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.
- F. Staff should mark all publications delivered to the inmate with the inmate's name and DOC number; see Operating Procedure 802.1, *Inmate and CCAP Probationer/Parolee Property*.
- G. Staff will remove the dust jacket, when applicable, from incoming books before issuing the book to the 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, *Inmate and CCAP Probationer/Parolee Property*.
3. Staff must not remove a dust jacket that is attached to the book, if such removal could damage the book.

H. Staff must not mark or remove the dust cover from disapproved publications submitted to the PRC until the PRC review is complete and staff can deliver the publication to the inmate.

IV. Unauthorized and Improperly Received Publications

A. The Facility Unit Head or designee should deny a publication as unauthorized or improperly received if:

1. The publication was not subscribed to or ordered from a vendor.
2. The publication was received from an individual or the vendor and not from the Central Mail Distribution Center.
3. The publication was not addressed properly in accordance with this operating procedure.
4. The publication was unsolicited, generally mailed, or mass mailed material, bulk mail, such as catalogues, sales brochures, advertising fliers, etc.; staff will mark the material as “refused” and return it to the United States Postal Service.
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 to include but not limited to, stickers, disks, collector cards, make-up samples, calendars, etc., without notification to the inmate 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.

6. Publications that have been altered are considered contraband and must be disposed of immediately.

B. The Facility Unit Head or designee should notify the PRC when a publication was altered when received at the institution and provide the committee with the name and address of the vendor, the publication name, issue number, and the nature of the alteration.

C. Staff should deny unauthorized or improperly received publications based on a failure to follow applicable operating procedures, only.

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. Staff should not review unauthorized or improperly received publications for content nor should staff submit these publications to the PRC.

V. Institution Review of Publication Content

A. The only approved vendor list is maintained by the PRC and applies to foreign language publications, only; see Attachment 2, *Approved Vendors - Foreign Language Publications*.

1. The Chief of Corrections Operations has the authority to disapprove any vendor who consistently distributes publications designed to deceive staff, 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 incoming publications for compliance with the criteria for publication disapproval, prior to delivery to an inmate; see Attachment 1, *Specific Criteria for Publication Disapproval*.
- C. If the publication 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. Staff will not send the publication to the PRC, the inmate should dispose of the publication in accordance with Operating Procedure 802.1, *Inmate and CCAP Probationer/Parolee Property*.
- D. The Facility Unit Head will determine on a case-by-case and issue-by-issue basis whether to disapprove inmate receipt and possession of a publication if the publication can be reasonably documented to violate the specific criteria for publication disapproval; see Attachment 1, *Specific Criteria for Publication Disapproval*.
 - 1. Mailroom, personal property, or other staff may perform the initial screening 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. The Facility Unit Head, within ten working days of publication receipt and disapproval, 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 Attachment 1, *Specific Criteria for Publication Disapproval*.
 - b. If an inmate does not want their publication reviewed by the PRC, the inmate must notify the Facility Unit Head, or designee, within seven days of *Publication Disapproval Notification* 803_F11 receipt.
 - i. The inmate must select the method of disposal in the *Disposal Section* of the *Publication Disapproval Notification* 803_F11.
 - 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.
 - iii. Staff must dispose of disapproved publications within 30 days of *Publication Disapproval Notification* 803_F11 receipt.
 - c. 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. Staff will retain all other copies of the publication with the corresponding *Publication Disapproval Notification* 803_F11 at the institution until the PRC makes a final determination on approval or disapproval.
 - b. Staff will not hold publications for PRC review when an inmate chose not to submit their publication and waived their right to appeal.
 - 3. At least once each month the Facility Unit Head or designee is responsible for sending one copy of all publications disapproved at the institution, the corresponding *Publication Disapproval Notifications* 803_F11 to the PRC, and a properly completed *Disapproved Publications Log* 803_F12.
- E. Staff must send any issue of *Prison Legal News* disapproved at the institution immediately to the Chief of Corrections Operations with detailed explanation of the disapproval. Staff will not send this publication to the PRC.
- F. Staff will forward any publication or other printed materials received at the institution that may be

evidence of criminal activity i.e., child pornography, to the Institutional Investigator or Special Investigations Unit in a manner that preserves the material's value as evidence.

1. Staff must forward the original publication or printed materials, see COV §18.2-374, *Production, publication, sale, possession, etc., of obscene items*.
2. 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*.

VI. Guidance on Specific Criterion E and I

A. Criterion E, *Publications Detrimental to Inmate Rehabilitative Efforts*

1. The *Specific Criteria for Publication Disapproval* requires staff to disapprove publications and other materials when the publication is determined to be detrimental to inmate rehabilitative efforts.
2. 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.
3. Program, Mental Health, or other appropriate staff will determine when a publication is detrimental to inmate rehabilitative efforts; mailroom staff should not make this determination without inmate-specific guidance and review from Program, Mental Health, or other appropriate staff.
4. If the inmate disagrees with the determination and does not wish to dispose of the item, staff will forward the item to the PRC for review and final determination.
5. Staff must mark the specific pages or passages of the publication with an explanation of the specific criminogenic factors that apply to that inmate documented on a *Disapproved Publications Log 803_F12*.

B. Criterion I, *Publications Containing Nudity Exceptions*

1. The *Specific Criteria for Publication Disapproval* requires staff to disapprove publications that contain nudity.
2. Publications with 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:
 - a. 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.
 - b. 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.
 - c. Medical exception applies to nudity in a publication that explains the science and practice of the diagnosis, treatment, and prevention of a disease.
3. Staff must submit questionable materials to the PRC for review and approval or disapproval of an exception.
4. Sex Offender Access to Publications Containing Nudity
 - a. Inmates required to register in the *Sex Offender and Crimes against Minors Registry* for conviction of a sexual offense are prohibited from possessing any publication containing nudity and are not eligible for the anthropological, educational, or medical exception to Criterion I.
 - b. 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 Program, Mental Health, or other appropriate staff determine the publication is detrimental and the publication violates Criterion E.
5. Staff will confiscate, as contraband, and submit a disciplinary offense for any material found in an



inmate's possession that violates Criterion I and does not qualify for an exception; see Operating Procedure 802.1, *Inmate and CCAP Probationer/Parolee Property*, and Operating Procedure 861.1, *Inmate Discipline*.

VII. Non-English Language Publications

- A. Publications 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 written or communicated entirely in languages other than English or Spanish should be disapproved unless obtained from an approved vendor as listed on Attachment 2, *Approved Vendors - Foreign Language Publications*.
 - 1. Inmates may order and possess foreign language religious texts from vendors approved by the Faith Review Committee; see Attachment 2, *Approved Vendors - Foreign Language Publications*.
 - 2. Staff should disapprove publications written or communicated entirely in languages other than English or Spanish and publications that were not ordered from an approved vendor, but appear acceptable, to the PRC for final action and consideration to add the publisher to Attachment 2, *Approved Vendors - Foreign Language Publications*.
 - 3. Staff should disapprove publications that contain un-translated foreign language text not readily translated and reviewed; staff will send disapproved publications containing foreign language text to the PRC for final action.
 - 4. The restriction on foreign language publications does not apply to educational materials provided through an approved academic class.
 - 5. The restriction on foreign language publications does not apply to publications that contain complete, direct translations from a foreign language into English, i.e., language dictionaries, textbooks, and publications that contain parallel text in English and the other language.
- C. The Facility Unit Head has the authority to disapprove publications written in code; staff must not forward these publications to the PRC.
 - 1. Staff will 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.
 - 2. The inmate may appeal the Facility Unit Head's decision through the *Offender Grievance Procedure*.
 - 3. The institution should hold the publication pending completion of the grievance process.

VIII. Publication Review Committee

- A. The Chief of Corrections Operations will appoint three staff members to serve on the PRC.
- B. The PRC Chair will maintain a roster of subject matter consultants for issues such as religion, gang/security threat group, literary value, health care, and mental health. The subject matter consultants are not voting members of the PRC.
- C. Designated support staff will monitor and maintain a list of all publications submitted for review with the outcome of each review.
 - 1. Support staff will notify the publisher when the PRC disapproves a publication for inmate possession; see *Notification to Publisher of Publication Disapproval 803_F13*.
 - a. Notification is not required if the publisher is in a foreign country and does not have offices in the United States.
 - b. The notification should advise the publisher that an independent review of the decision is available through appeal to the Chief of Corrections Operations.



2. Staff will not notify the publisher of the review when the PRC reviews and approves the publication for inmate possession.

D. PRC members at least once a month will conduct a final review of all publications submitted for review and will determine compliance with the *Specific Criteria for Publication Disapproval*.

1. Members may review each publication independently and will vote on publication approval or disapproval for inmate possession. A majority vote of PRC members determines approval and disapproval.

2. The Director and Chief of Corrections Operations have the authority to veto PRC approval and disapprovals.

E. The PRC Chair or designee will notify the Facility Unit Head of the institution submitting the publication in writing of the PRC's decision.

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

G. Publication Disposition

1. The PRC will return all approved publications to the submitting institution and staff will deliver the publications to the inmates.

2. The PRC will hold all disapproved publications and staff will hold all duplicate copies of disapproved publications at the institution for 30 days to allow for inmate and publisher appeal of the disapproval.

3. If the inmate or publisher does not appeal the disapproval within 30 days, the PRC will return the disapproved publication to the institution for disposal.

4. PRC support staff will notify designated institution staff and provide a list of publications pending publisher or inmate appeal prior to returning the disapproved publications to the institution for disposition.

5. Staff will hold all disapproved publications that are on appeal, until completion of the appeal process.

6. 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.

7. The Facility Unit Head or designee will make a copy of the *Disapproved Publications List* available for inmate review.

H. Appeal of Publication Disapproval

1. Inmates may appeal the PRC's decision 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*.

2. 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 their final decision within ten days of that decision.

3. 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 publication; see Operating Procedure 802.1, *Inmate and CCAP Probationer/Parolee Property*.

IX. Publications Made Available through Institution Programs

A. All publications and other materials placed in institution libraries should be integral to the program or activity and must comply with this operating procedure.



- B. The Facility Unit Head or designee will review and approve publications and other materials placed in institution libraries or provided to inmates through approved, institution specific on-going programs, prior to staff making the publication or written material available to inmates.
1. The Facility Unit Head or designee should not approve publications and other materials for inmate access or use when the content violates the *Specific Criteria for Publication Disapproval*.
 2. The Facility Unit Head or designee may place foreign language materials 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 the Facility Unit Head may deny the publication for reasons other than the *Specific Criteria for Publication Disapproval*, such as appropriateness for the program or activity for which such material has been requested.
- C. The Facility Unit Head may request that the PRC review publications for placement in the library and use in programs for compliance with the *Specific Criteria for Publication Disapproval*, but PRC review is not required. The decision of the Facility Unit Head is final.

X. Inmate and CCAP Probationer/Parolee Media Files

- A. The DOC provides all inmates and CCAP probationers/parolees with a media device to purchase and download media files from vendor provided kiosks; see Operating Procedure 802.1, *Inmate and CCAP Probationer/Parolee Property*.
- B. Kiosks are made available for inmate and CCAP probationer/parolee access in designated areas of the facility, the Facility Unit Head will establish the days and hours for access.
- C. Inmates and CCAP probationers/parolees may purchase any music offered for sale in the DOC Contract Vendor's full music catalog.
1. The DOC may, on a case-by-case basis, restrict or prohibit access to songs that promotes violence, criminality, or other behavior that could be disruptive to facility operations and have it removed from the catalog.
 2. All downloaded content including songs must comply with the *Specific Criteria for Publication Disapproval* section of this operating procedure.
 3. The Facility Unit Head or designee can request that the DOC restrict or prohibit access to a song, remove a song from the catalog, or remove a song from an inmate's and CCAP probationer's/parolee's music account by notifying the Operations Support Manager of the song's title and reasons for restriction.
 4. When the DOC restricts or prohibits a song and the contract vendor removes the song from an inmate's or CCAP probationer's/parolee's account, the contract vendor will refund the cost of the song.
- D. Staff can inspect and search all content downloaded and on the inmate's and CCAP probationer's/parolee's media device.
- E. Downloading Media Files from Vendor Provided Kiosks
1. Inmates and CCAP probationers/parolees may login to the kiosk up to two times per day with a minimum time of one hour between each login.
 2. Each session will last no more than 15 minutes.
 3. The system will time out after two minutes of inactivity.
 4. Inmates and CCAP probationers/parolees are limited to a maximum of 10 previews per 15-minute session, each preview will last no more than 30 seconds.
 5. Inmates and CCAP probationers/parolees 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.

XI. Commercially Distributed Photographs

A. Inmates and CCAP probationers/parolees can receive up to five commercially distributed photographs with a maximum size of 8"x10" each month.

1. Once the inmate or CCAP probationer/parolee has met the five commercial photograph per month limit, staff will require the inmate or CCAP probationer/parolee to properly dispose of all commercially distributed photographs received at the facility that exceed the limit.
2. Staff will notify the inmate and CCAP probationer/parolee using the *Notice of Unauthorized Correspondence* 803_F2 and will provide them with the opportunity to determine the method of disposition using the *Property Disposition* 802_F4.

B. The vendor must mail all commercially distributed photographs directly to the Central Mail Distribution Center for screening and inspection; see Operating Procedure 803.4, *Central Mail Distribution Center*.

1. Staff will return to the sender all commercially distributed photographs that were not mailed to the Central Mail Distribution Center for screening and inspection and will notify the inmate or CCAP probationer/parolee using the *Notice of Unauthorized Correspondence* 803_F2.
2. The vendor must print or affix their identification information on each commercially distributed photograph.
3. The vendor identification information must include the vendor's name and address.
4. If there is a reasonable suspicion that the vendor is not legitimate or that the vendor's identification information is not legitimate, the Facility Unit Head will inform the Regional Operations Chief who will notify the Chief of Corrections Operations and request that the distributor be disapproved statewide.

C. Search and Inspection Process

1. Staff will open and search all commercial distributor correspondence containing commercially distributed photographs in the same manner as incoming general correspondence.
 - a. Staff will photocopy the envelope and shred the original envelope in the facility mailroom.
 - b. Staff will deliver the copy of the envelope to the inmate and CCAP probationer/parolee with the commercially distributed photographs provided the inmate or CCAP probationer/parolee has not met the five commercially distributed photographs per month limit.
2. Staff must review all commercially distributed photographs individually to determine if the content of the photograph poses a threat to personal or facility safety and security or violates Attachment 1, *Specific Criteria for Publication Disapproval*.
 - a. Commercially distributed photographs of an individual who has a known personal association with the inmate are considered a personal photograph for that individual and are subject to the criteria established for personal photographs; see Operating Procedure 803.1, *Incoming Inmate and CCAP Probationer/Parolee Correspondence*.
 - b. Commercially distributed photographs that by the nature of their content poses a threat to personal or facility safety and security, or that violate Attachment 1, *Specific Criteria for Publication Disapproval* are prohibited.

D. Processing commercially distributed photographs with sexually explicit content

1. Sexually explicit content means actual or simulated sexual: (i) intercourse, including genital-genital, oral-genital, anal-genital, whether between persons of the same or opposite sex; (ii) bestiality; (iii) masturbation; (iv) sadistic or masochistic abuse; or (v) lascivious exhibition of the genitals or pubic area of any person; see 18 U.S.C. §2256(2)(A), *Definitions for chapter*.



2. Commercially distributed photographs depicting sexually explicit content must include an 18 U.S.C. §2257, *Record keeping requirements* compliance statement printed on or affixed to each individual photograph.
 3. This statement must certify compliance with the provisions of 18 U.S.C. §2257, *Record keeping requirements* which requires vendors to verify that the models depicted in the photographs are 18 years of age or older.
 4. Sexually explicit content that violates Attachment 1, *Specific Criteria for Publication Disapproval* is prohibited.
 5. Staff will review all printed catalog sheets containing multiple thumbnail prints of commercially distributed photographs for content.
 - a. Each thumbnail print on a catalog sheet of commercially distributed photographs must be at least 1 ½” x 1 ½” so staff can review the content of each print for compliance with Attachment 1, *Specific Criteria for Publication Disapproval*.
 - b. Catalogs sheets containing sexually explicit content must also include a statement certifying that they are complying with the provisions of 18 USC §2257, *Record keeping requirements*.
- E. Disapproved Commercially Distributed Photographs
1. When staff determine a commercially distributed photograph or the thumb nail prints on a catalog sheet is disapproved for inmate and CCAP probationer/parolee possession based on the content of the photograph, the staff member must notify the inmate and CCAP probationer/parolee using the *Notice of Unauthorized Correspondence 803_F2* and provide the individual with the opportunity to determine the method of disposition using the *Property Disposition 802_F4*.
 2. Staff will disapprove commercially distributed photographs based on content, only. The Chief of Corrections Operations will decide when a specific commercial distributor is not to conduct business in a DOC facility.
 - a. The Facility Unit Head will forward their concerns regarding a specific commercial distributor i.e., photographs containing gang related content, evidence of criminal activity, or other security concerns with all supporting information and documentation to the Regional Operations Chief.
 - b. The Regional Operations Chief will notify the Chief of Corrections Operations and request the distributor be disapproved statewide.
 - c. When the Chief of Correction Operations disapproves a distributor statewide, staff will place the distributor on the *Disapproved Vendors - Publications and Commercially Distributed Photographs* list.
 3. Staff must not send disapproved commercially distributed photographs to the Publication Review Committee.
- F. Inmates may appeal the decision to disapprove their commercially distributed photograph through the *Grievance Procedure*. CCAP probationers/parolees may appeal to the CCAP Facility Unit Head.
- G. Incoming commercially distributed photographs that are prohibited for inmate possession and must be disposed of at the inmate’s or CCAP probationer’s/parolee’s expense; see with Operating Procedure 802.1, *Inmate and CCAP Probationer/Parolee Property*.

REFERENCES

18 U.S.C. §2256, *Definitions for chapter*

18 U.S.C. §2257, *Record keeping requirements*

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, *Inmate and CCAP Probationer/Parolee Property*

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

Operating Procedure 803.4, *Central Mail Distribution Center*

Operating Procedure 861.1, *Inmate Discipline*

Operating Procedure 866.1, *Offender Grievance Procedure*

ATTACHMENTS

Attachment 1, *Specific Criteria for Publication Disapproval*

Attachment 2, *Approved Vendors - Foreign Language Publications*

FORM CITATIONS

Personal Property Request - Add/Drop 802_F1

Property Disposition 802_F4

Notice of Unauthorized Correspondence 803_F2

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

