



Illinois Department of Corrections

Administrative Directive

Number:
04.01.108

Title:
Publication Reviews

Effective:
11/1/2019

Authorized by:

[Original Authorized Copy on File]

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Acting Director

Supersedes:

AD 04.01.108 effective 8/1/2003 and as Amended 9/1/2006

Authority:

720 ILCS 5/11-20
730 ILCS 5/3-2-2
20 IAC 501, 504, and
525:Subpart C

Referenced Policies:

04.01.105

Referenced Forms:

DOC 0211 – Publisher’s Notification of Publication
Disapproval
DOC 0212 – Publication Review Determination and Course
of Action

I. POLICY

It shall be the policy of the Department to review all publications entering a facility before distribution or availability is made to offenders.

II. PROCEDURE

A. Purpose

The purpose of this directive is to establish review procedures for the admissibility of publications into a facility.

B. Applicability

This directive is applicable to all correctional facilities within the Department and the Central Publications Review Committee.

C. Facility Review

A facility review of this directive shall be conducted at least annually.

D. Designees

Individuals specified in this directive may delegate stated responsibilities to another person or persons unless otherwise directed.

E. Definitions

Assess - for the purposes of this directive, is the initial screening and evaluation of publication upon entering the facility by mailroom staff, the Assistant Chief Administrative Officer of Programs, the Education Facility Administrator, Chaplain or Librarian.

Nudity – a pictorial depiction of genitalia.

Publication - any book, booklet, magazine, newspaper, periodical or similar materials. For the purposes of this directive, publications shall not include advertisements, pamphlets or letters including mass mailings.

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Review - for the purposes of this directive, subsequent examination of publications following the assessment by the Publication Review Officer by the Central Publications Review Committee.

Sexually explicit material – for the purpose of this directive shall mean any publication that contains pictorial depictions of actual or simulated sexual acts including intercourse, oral sex or masturbation; any publication that by word or picture depicts or describes illegal activity of a sexual nature, sadomasochism, bestiality, sexual activity involving children (whether actual or perceived) or any publication that depicts or describes anything otherwise contrary to law. Publications that contain nudity without additional elements as provided above or publications that provide research or opinions on sexual health, reproductive issues or are scientific in nature shall not be considered sexually explicit.

F. General Provisions

1. Offenders may receive, subscribe to, solicit free copies of or buy copies of newspapers, magazines, books and other publications for delivery to the facility.
2. Offender visitors may bring publications to the facility. Publications brought to the facility by visitors shall be limited to a maximum of five per visit and shall not be packaged, wrapped or otherwise contained in any way.
3. Offenders shall be informed of the procedures governing publications during orientation.
4. Publications that have been redacted, altered or otherwise modified from the original published edition and copied materials, including photocopies or material downloaded and printed from a computer, are prohibited and shall not be accepted for assessment or review.

NOTE: This shall not apply to materials received for educational programs or legal documents nor preclude offenders from receiving materials such as newspaper clippings, wedding announcements, etc. with personal correspondence. Personal correspondence shall be handled in accordance with the standard mailroom procedures.

5. All publications excluding those referenced in Paragraph II.F.4. shall be assessed and inspected for contraband.
 - a. Publications received for an offender via mail or through the gatehouse shall be assessed by mail room staff.
 - (1) Publications that are free from contraband and appear not to violate standards set forth in this directive shall be delivered promptly to the offender.
 - (2) Publications that are listed as disapproved or approved conditionally on the Statewide Publications Determination List or appear to violate the standards set forth in Paragraph II.G.2. shall be referred to the facility Publication Review Officer for processing in accordance with Paragraph II.J.
 - b. Publications received for programs under the Office of Adult Education and Vocational Services shall be assessed by the Educational Facility Administrator.
 - (1) Publications that are free from contraband and do not appear to violate the standards set forth in this directive may be implemented into the program.

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- (2) Publications that are listed as disapproved or approved conditionally on the Statewide Publications Determination List or appear to violate the standards set forth in Paragraph II.G.2. shall be referred to the facility Publication Review Officer for processing in accordance with Paragraph II.J.
- c. Publications received for an approved program or brought in by volunteers for an approved program shall be reviewed by the Assistant Chief Administrative Officer of Programs.
 - (1) Publications that are free from contraband and do not appear to violate the standards set forth in this directive may be implemented into the program.
 - (2) Publications that are listed as disapproved or approved conditionally on the Statewide Publications Determination List or appear to violate the standards set forth in Paragraph II.G.2. shall be referred to the facility Publication Review Officer for processing in accordance with Paragraph II.J.
- d. Publications received for the facility library shall be reviewed by the Librarian.
 - (1) Publications that are free from contraband and do not appear to violate the standards set forth in this directive shall be made available to offenders.
 - (2) Publications that are listed as disapproved or approved conditionally on the Statewide Publications Determination List or appear to violate the standards set forth in this directive shall be referred to the facility Publication Review Officer for processing in accordance with Paragraph II.J.
- e. Publications received for religious programs shall be assessed by the facility Chaplain.
 - (1) Publications that are free from contraband and do not appear to violate the standards set forth in this directive may be implemented into the program.
 - (2) Publications that are listed as disapproved or approved conditionally on the Statewide Publications Determination List or appear to violate the standards set forth in Paragraph II.G.2. shall be referred to the facility Publication Review Officer for processing in accordance with Paragraph II.J.
- 6. Prior to disposal, publications removed from a library or an offender's property for violation of the standards provided in Paragraph II.G. or as contraband shall be referred to the facility Publications Review Officer for assessment and, if applicable, review by the Central Publication Review Committee in accordance with Paragraph II.J.
- 7. Publications that are disapproved shall be considered contraband and disposed of in accordance with 20 Ill. Adm. Code 501:Subpart C.

NOTE: Upon request, publications may be returned to the publisher at the publisher's expense if the offender does not designate a method of disposal or designates that the publication be destroyed.

G. Standards for Publications

- 1. Publications shall not be disapproved solely because its content is religious, philosophical, political, social or sexual content, or because the content is unpopular or repugnant.

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2. Publications that meet one or more of the following criteria may be disapproved:
 - a. It contains sexually explicit material.
 - b. It is written in code or facilitates unauthorized communication between offenders.
 - c. It blatantly encourages activities that may lead to the use of physical violence or group disruption.
 - d. It facilitates unauthorized organizational activity.
 - e. It overtly advocates or encourages violence, hatred or group disruption.
 - f. It encourages or instructs in the commission of criminal activity.
 - g. It depicts or describes procedures for the construction or use of weapons, ammunition, bombs or incendiary devices.
 - h. It depicts or describes procedures for making alcoholic beverages or manufacturing drugs.
 - i. It depicts, describes or encourages methods of escape from correctional facilities or provides material that may assist in an escape attempt such as a detailed map of areas surrounding Illinois correctional facilities.
 - j. The content contains security threat group (STG) material or depictions of hand signs or symbols that appear to be related to an STG and could promote or enhance the image of an STG within the facility or may be interpreted as legitimizing gang behavior.
 - k. It is detrimental to the security or good order of the facility.
 - l. It is determined by a mental health professional or counselor to be detrimental to mental health or rehabilitation. Disapproval of publications under this criterion shall be made on a case-by-case basis and documentation of the mental health professional or counselor's determination shall be provided to the Central Publications Review Committee with the Publication Review Determination and Course of Action, DOC 0212.

H. Central Publications Review Committee

The Director shall appoint a Central Publications Review Committee to review and make Departmental determinations regarding the admissibility of publications received at facilities. The Central Publications Review Committee shall:

1. Consist of a Chairman and at least four representatives including one individual from the Operations Division and Legal Services. The committee shall confer with representatives from other areas including, but not limited to, library services, mental health and chaplaincy as needed.
2. Refer publications written in braille or foreign languages to persons that can translate the publication for the committee.
3. Maintain an updated list of facility Publication Review Officers.
4. Provide training to facility Publications Review Officers, chaplains, librarians, Education Facility Administrators and Assistant Chief Administrative Officers as approved by Legal Services and the Manager of Staff Development and Training.

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5. Maintain an up-to-date Statewide Publications Determination list.
6. Meet no less than bi-monthly to review questionable publications and requests regarding banned publications.
 - a. Meetings need not be in-person provided that all members are given the opportunity to review any publications on which a determination is to be made.
 - a. Meeting minutes shall be maintained by the Central Publications Review Committee Chairperson.
 - b. A majority vote shall be required for all determinations made by the Central Publications Review Committee.

I. Requirements

1. The CAO of each facility shall:
 - a. Designate at least two individuals to function as Publications Review Officers for the facility.
 - b. Submit the names of the Publication Review Officers to the Central Publications Review Committee Chairman and update the names as necessary.
 - c. Ensure mailroom staff, Publications Review Officers, Education Facility Administrators, librarians and the Assistant Chief Administrative Officer of Programs have access to the Statewide Publications Determination List .
 - d. Ensure offenders:
 - (1) Are informed of publication review procedures at orientation and that they have access to the review procedures in the Orientation Manual in accordance with Administrative Directive 04.01.105.
 - (2) Have access to the Statewide Publications Determinations List in the facility library or another designated area.
2. Mailroom staff, Publication Review Officers, librarians, chaplains, Educational Facility Administrators, and the Chief Administrative Officer of Programs shall:
 - a. Receive appropriate training as approved by the Central Publications Review Committee, Staff Development and Training, and Legal Services prior to conducting any publication reviews.
 - b. Ensure publications that have been disapproved are disposed of as contraband in accordance with 20 Ill. Adm. Code 501: Subpart C.

J. Review Procedures

1. Publications received for individual offenders shall only enter the facilities through the mailroom or gatehouse. This shall not prohibit publications already included in the offender's personal property from entering through transfers between Department facilities.
2. Gatehouse staff shall ensure that publications brought by offender visitors are:

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- a. Limited to a maximum of five per visit;
 - b. Not packaged, wrapped or otherwise contained in any way;
 - c. Clearly marked with the offender's name and identification number; and
 - d. Are forwarded to the mailroom for assessment on the same day as they are received or as soon as reasonably possible.
3. Mailroom staff receiving publications shall assess the publications received at the facility within seven days of receipt and shall:
- a. Check the publication against the Statewide Publications Determination List.
 - b. Promptly deliver to the offender any publication that does not violate the standards set forth in Paragraph II.G.2.
 - c. If the publication is questionable or disapproved or approved conditionally on the Statewide Publications Determination List, forward the publication to the facility Publication Review Officer.
4. As soon as reasonably possible and not to exceed 30 days from the date the correctional facility receives a publication under Paragraph II.F.5., the facility Publications Review Officer shall:
- a. For any publication where a determination was previously made and is listed as disapproved or approved conditionally on the Statewide Publications Determination List, altered from the original published format or produced via photocopy or computer printout:
 - (1) Notify the offender of the disapproval or conditional approval using the DOC 0212, and request the offender complete Section VI to choose a method of disposal in accordance with Ill. Adm. Code 501: Subpart C.
 - (2) If the publication was received directly from the publisher but previous notification of disapproval or conditional approval was not provided to the publisher, forward the publication and DOC 0212 to the Central Publications Review Committee Chairman who shall notify the publisher in accordance with Paragraph II.J.5.c.
 - b. For any publication that is not listed on the Statewide Publications Determination List and the content is questionable, review the publication in its entirety.
 - (1) If the publication does not violate the standards set forth in Paragraph II.G.2., it shall be immediately forwarded to the offender.
 - (2) If the publication appears to violate the standards set forth herein, the facility Publications Review Officer shall complete and forward the DOC 0212 and the publication to the Chief Administrative Officer who shall provide the facility's final recommendation. Detailed justification for disapproval or conditional approval including specific rationale or examples and citation of page numbers shall be provided.

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- c. If the Chief Administrative Officer:
 - (1) Does not concur with the recommendation to disapprove or conditionally approve the publication, the Publications Review Officer shall immediately forward the approved publication to the offender.
 - (2) Concurs with the recommendation to disapprove or conditionally approve the publication, the Publication Review Officer shall notify the offender, using the DOC 0212, that:
 - (a) The publication has been received, that the content appears to violate the standards for approval and the reason the publication appears to violate the standard;
 - (b) He or she has 14 days to return the DOC 0212 indicating his or her desired course of action for review before the Central Publications Review Committee or disposal of publication.
 - d. If the offender does not submit a timely response on the DOC 0212 indicating his or her requested course of action, the facility Publications Review Officer shall so note on his or her copy of the DOC 0212 and:
 - (1) If the publication was **not** received directly from the publisher, shall hold the publication for 30 days from the date the offender was notified. After 30 days, the publication shall be disposed of in accordance with 20 Ill. Adm. Code 501.
 - (2) If the publication was received directly from the publisher, shall forward the DOC 0212 and the publication to the Central Publications Review Committee Chairman who shall review and provide notification to the publisher (if applicable) in accordance with Paragraph II.J.5.
 - e. Upon receipt of an offender's request for the publication to be reviewed by the Central Publications Review Committee, as documented on the DOC 0212, the facility Publications Review Officer shall submit the DOC 0212 and publication to the Central Publications Review Committee Chairman.
5. Upon receipt of the DOC 0212 and publication, the Central Publications Review Committee Chairman shall:
- a. Review the publication and the DOC 0212 and:
 - (1) If the publication does not violate the standards set forth in Paragraph II.G.2., the approval shall be indicated on the DOC 0212 and entered on the Statewide Publications Determinations List.
 - (2) If the complete publication is found to clearly violate the standards for approval, the violation(s) shall be documented on the DOC 0212 and the disapproval entered on the Statewide Publications Determination List.

NOTE If after six consecutive issues of a magazine or newspaper have been disapproved and future issues are likely to be disapproved, the publication may

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be brought before the Central Publications Review Committee who may ban the publication.

- (3) If a portion of the publication is found to clearly violate the standards for approval, the violation(s) shall be documented on the DOC 0212, including the page numbers considered disapproved, and the determination shall be entered on the Statewide Publications Determination List.
 - (4) If a publication, in whole or part, is found to be questionable as to whether the publication violates the standards for approval, the publication shall be brought before the Central Publications Review Committee and be reviewed at the next Central Publications Review Committee meeting.
- b. If a publication is disapproved or approved conditionally and the DOC 0212 indicates that the publication was mailed directly from the Publisher, the Central Publications Review Committee Chairman shall complete a Publisher Notification of Publication Disapproval, DOC 0211, that shall be sent to the Publisher with written notification that the Publisher shall be allowed 30 days from the date of the notice to file an objection and submit a written supportive statement or other documentation.
- c. Document on the Statewide Publications Determination List the date the DOC 0211 was sent to the Publisher.
- (1) Any publications for which a DOC 0211 was sent to the publisher shall be held by the Central Publications Review Committee Chairman for no less than 30 days from the date of the notice.
 - (2) Any appeal received from a publisher shall be brought before the Central Publications Review Committee for appropriate consideration.
- d. Upon determination of the status of a publication, return the DOC 0212 indicating final determination of the Central Publications Review Committee and the publication to the facility Publications Review Officer who shall:
- (1) If the Central Publications Review Committee does not concur with the facility's recommendation to disapprove or approve conditionally with pages removed, provide the offender with the publication.
 - (2) If the Central Publications Review Committee concurs with the facility's recommendation to disapprove or approve conditionally with pages removed, forward the DOC 0212 to the offender to complete Section VI indicating his or her desired course of action for disposal of all or part of the publication.

NOTE: If the offender does not return the DOC 0212 indicating his or her requested course of action, the publication shall be held for 30 days from the date the offender was notified. After 30 days, the publication shall be disposed of in accordance with 20 Ill. Adm. Code 501.

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K. Conditionally Approved Publications

In accordance with 20 Ill. Adm. Code 525, the Central Publications Review Committee may approve a publication in whole or in part. Publications found to have a minimal number of pages that violate the standards for approval may, upon confirmation from the offender (if applicable), have the disapproved portion removed while allowing the remaining portion of the publication to be provided to the offender.

1. Any determination for conditional approval shall be limited to a number of pages whereby the integrity of the original publication taken as a whole is not altered.
2. Disapproved pages shall be disposed of as contraband in accordance with 20 Ill. Adm. Code 501.

L. Banned Publications

1. If the characteristic content of the banned publication significantly changes and no longer warrants disapproval of the publication, offenders may initiate request for review and must arrange for one or more issues of the banned publication to be submitted, at the offender's expense, to the Central Publications Review Committee for consideration at the next meeting. A majority vote of the Central Committee shall be required to approve a previously banned publication.
2. Requests to review a banned publication shall be accepted no more frequently than every six months.