

201—20.6(904) Publications.

20.6(1) The institution shall allow incarcerated individuals access to publications when doing so is consistent with institutional goals of maintaining internal order, safety, security, and rehabilitation. Publications are additionally governed by the provisions of department of corrections policy OP-MTV-02.

20.6(2) Publications include any periodical, newspaper, book, pamphlet, magazine, newsletter, or similar material published by any individual, organization, company, or corporation, and made available for a commercial purpose. Publications may be purchased by a third party or an incarcerated individual and shall be unused and sent directly from an approved publisher or bookstore which does mail order business. Any exceptions must be authorized by the warden. No publication will be denied solely on the basis of its appeal to a particular ethnic, racial, religious, or political group. The quantity of printed materials, as with other personal property, shall be controlled for safety and security reasons.

20.6(3) All publications not on the approved list shall be reviewed by a publication review committee for approval or denial.

a. The committee shall be appointed by the director or designee, department of corrections, and shall include:

- (1) A person with broad exposure to various publications.
- (2) Two representatives of correctional operations.

b. The committee shall fairly review all types of publications to be received by incarcerated individuals in accordance with these rules.

20.6(4) The following procedures shall be used when a publication not on the approved list is reviewed:

a. The committee shall approve or deny publications within 30 working days of receipt of the publication.

b. When a publication is denied, the committee shall send the incarcerated individual a written notice stating the publication involved, the reason for denial, and the incarcerated individual's available appeal process.

c. The incarcerated individual shall have ten days from receipt of the notice of denial to notify the designated institution staff to destroy the publication, to specify where to send the publication at the incarcerated individual's expense, or to notify the institution that the decision is being appealed.

d. A list of approved publications shall be maintained.

20.6(5) A publication may be denied when the publication presents a danger to the security or order of an institution or is inconsistent with rehabilitation goals. Authorized reasons for denying a publication are that the publication:

- a.* Is likely to be disruptive or produce violence.
- b.* Contains material which portrays or simulates a minor (any person 17 years of age or younger) engaged in or simulating any act that is sexual in nature.
- c.* Contains lewd exhibition of the genitals or material which is sexually explicit or features nudity.
- d.* Contains information relating to escapes or formulating escape plans.
- e.* Contains information relating to provoking a riot or disturbance.
- f.* Contains information relating to obtaining an emotional or behavioral state comparable to those produced by a controlled substance, by using aerosols, glue, or other chemical materials.
- g.* Contains materials which illustrate, explain, describe, or teach martial arts, or other manufacture of weapons or explosives, or advocate behavior contrary to duly established institution rules or Iowa statutes. Contains materials which illustrate, explain, describe, or teach ability to frustrate crowd or riot control methods. Contains materials which illustrate, explain, describe, or teach ability to sabotage or disrupt communications networks, including a prison's internal and external communications and automated information systems.
- h.* Contains information concerning criminal activities.
- i.* Contains encoded material. This shall not automatically include foreign language publications not otherwise prohibited in these rules.
- j.* May violate postal regulations, such as threats, blackmail, contraband, or similar violations.

k. Is a catalog or other publication whose purpose is primarily or significantly to sell items or materials that are expressly prohibited inside any of the department institutions. The warden can make exceptions for materials that serve reentry efforts.

This rule is intended to implement Iowa Code section 904.108(1)“*k.*”
[ARC 3929C, IAB 8/1/18, effective 9/5/18: see Delay note at end of chapter; ARC 4062C, IAB 10/10/18, effective 11/14/18; ARC 6431C, IAB 7/27/22, effective 8/31/22]