

FLORIDA DEPARTMENT OF CORRECTIONS

NOTICE OF REJECTION OR IMPOUNDMENT OF PUBLICATIONS

Date: _____

Inmate: _____ DC# _____

Institution: _____

This is notice that the following publication:

Title: _____

Volume/Issue/Edition: _____

Which was received on the following date: _____

From: _____

Has been reviewed by an authorized employee, and:

- ☐ IS IMPOUNDED pending review by the Department's Literature Review Committee, because another institution believes the publication contains subject matter that is inadmissible per Section (15) of Rule 33-501.401, F.A.C.
- ☐ IS IMPOUNDED pending review by the Department's Literature Review Committee, because the Warden or designee believes the publication contains subject matter that is inadmissible per Section (15) of Rule 33-501.401, F.A.C.
- ☐ IS IMPOUNDED pending review by the Department's Literature Review Committee per Section (19) of Rule 33-501.401, F.A.C. The Warden believes this inmate's prior criminal history or disciplinary record indicates that giving her or him access to subject matter in this publication would constitute a threat to the security, order, or rehabilitative objectives of the correctional system or the safety of a person. (Specify):

☐ IS REJECTED and may not be received by inmates. The Department's Literature Review Committee has reviewed the publication and determined that it contains subject matter that is inadmissible per Section (15) of Rule 33-501.401, F.A.C.

☐ IS REJECTED for reasons not related to subject matter. (Specify):

Criteria in Section (15) of Rule 33-501.401, F.A.C., authorizes IMPOUNDMENT or REJECTION because the publication:

- ☐ (15)(a) depicts or describes procedures for the construction of or use of weapons, ammunitions, bombs, chemical agents, or incendiary devices;
- ☐ (15)(b) depicts, encourages, or describes methods of escape from any correctional institution or facility, contains blueprints, drawings or similar descriptions of any Department institutions or facility, or includes road maps that can facilitate escape from a correctional institution or facility;
- ☐ (15)(c) depicts or describes procedures for the brewing of alcoholic beverages, or the manufacture of drugs or other intoxicants;
- ☐ (15)(d) depicts how to make an instrument to apply a tattoo, describes how to make or secure ink or other supplies needed to make tattoos, describes tattooing techniques, or contains a tattoo pattern or photograph that is large and distinctive enough to be used as a tattoo pattern;
- ☐ (15)(e) encourages, provides instructions on, or facilitates gambling;
- ☐ (15)(f) is written in code or is otherwise written in a manner that is not reasonably subject to interpretation by Department staff as to meaning or intent;
- ☐ (15)(g) encourages, provides instruction on, or facilitates the commission of a crime;
- ☐ (15)(h) depicts, describes or encourages activities that may lead to the use of physical violence on another person;
- ☐ (15)(i) is dangerously inflammatory in that it advocates or encourages riot, insurrection, rebellion, organized prison protest, disruption of the institution, or the violation of the federal law, state law, or Department rules;
- ☐ (15)(j) includes signs, symbols, or other identifiers of a security threat group, or otherwise promotes the gang culture or lifestyle;
- ☐ (15)(k) threatens physical harm, blackmail or extortion;
- ☐ (15)(l) depicts any of the following sexual conduct: (1.) Actual or simulated sexual intercourse; (2.) Sexual bestiality; (3.) Masturbation; (4.) Sadomasochistic abuse; (5.) Actual lewd exhibition of the genitals; (6.) Actual physical contact with a person's unclothed genitals, pubic area, buttocks, or, if such person is a female, breast with the intent to arouse or gratify the sexual desire of either party; (7.) Any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed.

- ☐ (15)(m) depicts nudity in such a way as to create the appearance that sexual conduct is occurring or imminent such as the display of physical contact or intended physical contact with a person's unclothed genitals, pubic area, buttocks or female breasts orally, digitally or by foreign object, or display of sexual organs in an aroused state.
- ☐ (15)(n) contains criminal history, offender registration, or other personal information about another inmate or offender, which, in the hands of an inmate, presents a threat to the security, order or rehabilitative objectives of the correctional system or to the safety of any person;
- ☐ (15)(o) contains an advertisement promoting any of the following where the advertisement is the focus of, rather than being incidental to, the publication or the advertising is prominent or prevalent throughout the publication: (1.) Three-way calling services; (2.) Pen pal services; (3.) The purchase of products or services with postage stamps; or (4.) Conducting a business or profession while incarcerated.
- ☐ (15)(p) otherwise presents a threat to the security, order, or rehabilitative objectives of the correctional system or the safety of any person.

If the publication was IMPOUNDED per criteria established in Section (15) of Rule 33-501.401, F.A.C., the following details the specific written or pictorial matter that is believed to be inadmissible, and lists the page numbers in the publication where it is found:

Inmates may obtain further administrative review of a publication that was impounded or rejected due to subject matter per Sections (15) or (19) of Rule 33-501.401, F.A.C. by obtaining Form DC1-303, Request for Administrative Remedy or Appeal, completing the form, attaching a copy of this Form DC5-101, Notice of Rejection or Impoundment of Publications, and forwarding the complaint to the Bureau of Inmate Grievance Appeals, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The complaint must be filed within 15 days from the date of impoundment or rejection.

Inmates may obtain further administrative review of a publication rejected for reasons not relating to subject matter by submitting an informal grievance on Form DC6-236, Inmate Request, as prescribed by Rule 33-103.005, F.A.C. A copy of this Form DC5-101, Notice of Rejection or Impoundment of Publications, must be attached to the informal grievance.

Inmates are advised that this impounded or rejected publication shall be held at the institution for 30 days. Inmates must make arrangements to have the publication picked up by an approved visitor or mailed to a relative, friend, or the sender at the inmate's expense within 30 days, or it shall be discarded or destroyed. The 30-day time period shall not include any time during which an appeal or grievance proceeding is pending, provided the inmate gives the Warden written notice of the appeal within 15 calendar days. The written notice must be submitted on form DC6-236, Inmate Request. The written notice must clearly identify the inmate by committed name and DC#, must specifically identify the title of the publication to include volume or issue if applicable, and must state that the inmate intends to appeal the impoundment or rejection decision to the Office of the Secretary.

Senders are advised that when a publication is impounded or rejected because it contains matter that is inadmissible pursuant to the criteria established in Section (15) of Rule 33-501.401, F.A.C, the impoundment or rejection shall be immediately applied in all institutions and facilities of the Florida Department of Corrections. However, publishers or senders may appeal an institution's decision to impound or reject reading materials by writing the Department's Library Services Administrator within 15 days of receipt of the notice of impoundment or rejection. The appeal must include a copy of this form and a complete copy of the impounded or rejected publication. Sender appeals are to be mailed to the following address: Department of Corrections, ATTN: Library Services Administrator, 501 South Calhoun Street, Tallahassee, FL 32399-2500.

Authorized Employee

DATE MAILED TO SENDER: _____

cc: Library Services Administrator; Sender

DEPARTMENT USE ONLY. Impounded publications approved by Literature Review Committee or per grievance appeal:
RECEIVED BY:

Inmate Signature

Date