



Ohio Administrative Code Rule 5120-9-19 Printed materials.

Effective: February 7, 2020

(A) As used in this rule:

(1) "Printed materials" means any publication, document or record including, but not limited to, the following: Newspapers, magazines, pamphlets, books, photographs, and drawings. Printed materials may be new or used.

(a) For purposes of this rule, the term "printed materials" does not include either personal letters; or

(b) Advertising mail as described in paragraph (J) of rule 5120-9-17 of the Administrative Code.

(2) "Operations support center publications screening committee (PSC)" means a group consisting of at least four reviewers, with at least one of the reviewers being from each of the following offices:

(a) The office of prisons,

(b) The office of the chief inspector

(c) The division of legal services, and

(d) The Ohio central school system

(B) An inmate may receive a reasonable number of printed materials subject to the following limitations:

(1) All printed materials are subject to security inspection and review.

(2) Printed materials may be received in reasonable quantities; but only, directly from a publisher or distributor. Inmates may receive printed materials from other sources (e.g., family, friends, etc.) only



with the prior approval of the managing officer or designee.

(3) An inmate may not receive or possess videotapes, compact discs, computer discs, or material in any other form or medium not otherwise authorized by this rule without prior approval from the managing officer or designee.

(4) Each institution may establish and post regulations setting a maximum quantity of printed material which an inmate may possess.

(5) No printed material shall be excluded solely on the basis of its appeal to a particular race, color, religion, sex, sexual orientation, military status, national origin, disability, age or ancestry audience.

(6) If any part of a publication or other printed material is determined to be excludable under this rule, then the entire publication or other printed material shall be excluded. Each edition or issue of a periodical must be examined. No general ban of periodicals shall be authorized.

(C) Printed material is excludable if it is deemed to be detrimental to, or to pose a threat to the rehabilitation of inmates; the security of the institution; or, the good order or discipline of the institution. Examples of such material include, but are not limited to printed material:

(1) Which facilitates, encourages, incites, promotes, or instructs in, criminal activity such as rioting or illegal drug use.

(2) Which depicts, encourages, incites, or describes activities which may lead to, the use of physical violence against others.

(3) Which depicts, describes the procedures for, or instructs in the making, using, or concealing of weapons.

(4) Which depicts, encourages, or describes methods of, escape, such as instruction in picking locks or digging tunnels.

(5) Which appears to be written in cipher or code, or that instructs in the use of cipher or code.



(6) Which is sexually explicit material that by its nature or content poses a threat to the rehabilitation of inmates, the security, good order, or discipline of the institution, or facilitates, or encourages criminal activity. Sexually explicit material includes material which:

(a) Depicts genitalia in a state of arousal, such as male erection, or exposure of the clitoris; or,

(b) Depicts sexual activity including, but not limited to: fellatio, cunnilingus, masturbation, ejaculation, anal or vaginal sexual intercourse or penetration, or manual stimulation of genitalia; or,

(c) Depicts or graphically describes sexual activity involving children; or,

(d) Depicts or graphically describes sexual activity involving sadism, sadomasochism, bondage, or bestiality, or excretory functions; or,

(e) Depicts or graphically describes sexual activity which involves an unwilling participant or in which a participant is the subject of coercion; or,

(f) As used herein, "graphically describe" means to describe a subject in a lurid manner focusing attention of such subject as the primary topic of the printed material.

(D) All printed material is subject to the following screening procedure:

(1) Initially, printed material shall be screened in the institution mail office.

(2) The mail office supervisor shall forward to the managing officer, or the managing officer's designee, any printed material which is reasonably believed to be excludable under the provisions of this rule.

(3) As soon as practicable, the managing officer, or the managing officer's designee, shall review the forwarded printed material and shall decide whether the printed material may be permitted into the institution or should be excluded under the provisions of this rule.



- (4) If the managing officer or the managing officer's designee, determines that the material may be permitted into the institution, then the material shall be promptly forwarded to the inmate.
- (5) If the managing officer, or the managing officer's designee, determines that the material should be excluded from the institution, this decision shall be promptly forwarded to the inmate in writing.
- (6) The written decision shall provide a brief explanation of the reasons for excluding the printed material. The explanation shall be sufficient to inform the inmate of the basis for the decision.
- (7) The written decision shall also advise the inmate that he/she can either make an appropriate disposition of the printed material in accordance with paragraph (M) of this rule or request review by the PSC.
- (8) The managing officer or designee shall maintain a record of such decisions for at least three years.
- (E) The inmate may request that the PSC review the managing officer's decision. The inmate shall make this request in writing and shall state any specific objections he/she has to the managing officer's decision.
- (1) The inmate shall forward this request to the managing officer or the managing officer's designee, within fifteen days after receiving the managing officer's decision.
- (2) Failure to timely request review of the managing officer's decision shall constitute acceptance of that decision and the printed material shall be disposed of in accordance with paragraph (M) of this rule.
- (F) If the inmate timely requests review by the PSC, the managing officer or designee shall forward the printed material, together with the notice and written decision concerning it, and any written objections submitted by the inmate, to the PSC.
- (G) The PSC shall consider the institution's reasons for excluding the material, the inmate's objections, and the criteria and standards set forth in this rule in conducting its review of the



material. Printed materials can only be excluded if at least three members of the PSC agree that exclusion is appropriate. The PSC shall complete its review within a reasonable time and shall determine whether the material should be excluded or permitted and shall state the basis for that decision.

(H) If the PSC, determines that the printed material should be permitted, then that decision and its basis, shall be forwarded in writing to the managing officer or designee of the challenging institution, and the reviewed printed materials shall be promptly forwarded to the inmate requesting the review, through the managing officer or the managing officer's designee.

(I) If the PSC, determines that the printed material should be excluded, that decision and the reasons therefore, shall be forwarded in writing to the managing officer or designee of the challenging institution along with the reviewed printed material. The managing officer or managing officer's designee shall notify the inmate requesting the review in writing of the decision and the basis.

(K) The director or the director's designee, the regional directors, the managing officer or the managing officer's designee may initiate a review by the PSC of any printed material for a determination whether the material should be excluded consistent with the provisions and procedures of this rule.

(L) Disqualification of a publisher or distributor: DRC may prohibit all printed materials from a specific publisher or distributor if the printed materials or associated packaging is repeatedly found to contain contraband or if any single printed materials package is found to contain significant contraband.

(M) Printed material which is excluded pursuant to this rule may be disposed of in any of the following manners:

(1) Upon the inmate's written request, the property may be destroyed or forwarded to an approved visitor at the inmate's expense.

(2) The property may be returned to the sender.



(3) The property may be held as evidence.

(4) The property may be disposed of in accordance with rule 5120-9-55 of the Administrative Code.