

Settlement Agreement

New Times, Inc., Association of Alternative Newsweeklies, Dark Night Press, Clay Douglas, Larry Rice, Doret Kollerer, Christine Donner, Maoist International Movement, and the Barrio Defense Committee (the "Publisher Plaintiffs") and Anthony Lucero, Maxwell Thomas, Daniel Hernandez, Arthur McCray, George Moore, Travis Colvin, and Martin Williams (the "Inmate Plaintiffs") (collectively "Plaintiffs"), and Joe Ortiz ("Ortiz") in his official capacity as Executive Director of the Colorado Department of Corrections ("DOC"), execute this Settlement Agreement on this 10th day of August, 2004.

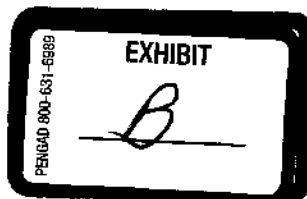
I. Recitals

A. Plaintiffs filed a Complaint in the United States District Court for the District of Colorado on March 22, 2000, alleging under 42 U.S.C. § 1983 that the DOC violated their rights under the First and Fourteenth Amendments to the United States Constitution in connection with the DOC's censorship of reading materials directed to the Inmate Plaintiffs at various facilities of the DOC throughout Colorado, largely under Administrative Regulation 300-26 ("AR 300-26") (the "Lawsuit");

B. The Plaintiffs and Ortiz desire to resolve the Lawsuit without further litigation and have agreed to the following terms in full settlement of the claims alleged by the Plaintiffs.

II. Agreement

In consideration of the mutual promises set forth below, Plaintiffs and Ortiz agree as follows:



A. Definitions:

1. "Reading material" means any publication, book, pamphlet, correspondence, picture, photograph, personal writing, or other similar document or material.
2. "Administrative Head" means the Warden, Superintendent, or equivalent position at any DOC facility.
3. "DOC Facility" means all facilities within the DOC at which offenders are housed, whether operated in whole or in part by the DOC or by an independent contractor, including those facilities identified within the DOC as "contract facilities."

B. General Provisions

1. Within thirty days of the execution of this Settlement Agreement, Ortiz will cause the DOC to promulgate the document attached hereto as Exh. A as the new version of AR 300-26.
2. For two years from the date of execution of this Agreement, Ortiz agrees not to adopt or implement a version of AR 300-26, or any other regulations referenced in Exh. A to the extent they relate to the substance of AR 300-26, that varies from Exh. A, without the express written agreement of Plaintiffs' counsel. Plaintiffs' counsel agrees not to unreasonably withhold its consent to any changes that do not materially alter the substance or procedures in Exh. A.
3. The parties recognize that inmates retain a First Amendment right to read materials that express a wide variety of religious, philosophical, political and social views, as well as material that may contain criticism of government policies or may be critical of

government authority or Department policies or practices, as long as those materials do not violate the standards set forth in Exh. A. Thus, there will be no general prohibition of publications such as Cry Justice Now, Dark Night Field Notes, Free America, MIM Notes, North Coast Xpress, Voz del Barrio Atzlan, and newsletters of the National Prison Project, or similar organizations, unless matter in a specific issue is found to violate the standards set forth in Exh. A. In addition, the fact that a publication contains hand signs, tattoos, styles of dress, or other depictions that some would generally associate with street gangs shall not be grounds for withholding a publication, unless the publication also contains material that specifically violates the standards established in ¶ IV.B.3 of AR 300-26.

4. Within 240 days from the date this Agreement is executed, the DOC shall institute a training program to instruct all persons involved in the mail review process, including all present and future mail room personnel, Reading Committee members, Intelligence or STG Officers, Administrative Heads, Central Reading Committee members and the Deputy Director of Prison Operations, in the requirements of AR 300-26. The training program shall be implemented within 180 days, and no employee will be permitted to serve on a Reading Committee or on the Central Reading Committee without first completing the training by 420 days after the execution of this Agreement. The curriculum and training materials will be prepared by the DOC Training Academy in conjunction with the Office of Correctional Legal Services and provided to the ACLU and Plaintiffs' counsel within 180 days of the execution of this Agreement. The ACLU and Plaintiffs' counsel will then have 30 (thirty) days within which to suggest revisions and additions to the same, consistent with the terms of this Agreement and the intent of the revised AR 300-26. The training will be implemented within 30 days of receipt of the comments of Plaintiffs' counsel.

5. Within 60 days of the execution of this Agreement, Ortiz shall instruct all Administrative Heads that they must adopt and implement practices within each facility to ensure the following:

- a. Each member of a Reading Committee must independently review reading material before a decision is made to withhold all or a part of the reading material;
- b. The Administrative Head or his/her immediate subordinate must independently review at least the portion of the reading material that the Reading Committee recommends be withheld before signing an Offender Reading Material Evaluation Form with respect to that material;
- c. If the Administrative Head or his/her immediate subordinate determines to permit reading material that the Reading Committee has suggested be withheld, each member of the Reading Committee and the mail room staff responsible for reviewing incoming mail shall be notified of the Administrative Head's decision;
- d. If the Central Reading Committee determines to permit reading material that the Administrative Head or his/her immediate subordinate has determined to withhold, each member of the Reading Committee and the mail room staff member responsible for reviewing incoming mail shall be notified of the Central Reading Committee's decision and the basis for that decision.
- e. An Administrative Head or other facility employee serving on the Central Reading Committee shall not participate in the Committee's review and decision with respect to any reading material decision made at that member's facility.

6. Any limit imposed by the DOC or any facility on the number of items of reading material that an inmate may possess in his cell shall at all times be only that number necessary for fire, rehabilitation, health or safety reasons.

7. No facility shall be permitted to adopt an Implementation/Adjustment to AR 300-26 or to any other related Administrative Regulation that contains more permissive criteria for censorship or that contains more relaxed procedures than Exh. A. Ortiz shall revise

and adopt the appropriate regulation to implement the provisions of this paragraph within 60 days of the execution of this Agreement.

C. Monitoring and Compliance

1. Within 240 days of the execution of this Agreement, the DOC shall establish procedures enabling it to monitor the overall censorship process, both procedurally and substantively, to ensure general compliance with the terms of this Agreement. When it comes to the attention of the DOC that a particular facility is consistently withholding a type of reading material that does not violate the guidelines of AR 300-26, and the decision of the Administrative Head to withhold the reading material is not objectively reasonable with respect to specific circumstances at the facility, that fact must be communicated to the Chair of the facility's Reading Committee and the facility's Administrative Head with instructions on the correct application of AR 300-26.

2. For two years from the date of this Settlement Agreement, Plaintiffs' counsel will be permitted to monitor compliance with the terms of this Agreement (the "Monitoring Period"). Throughout the Monitoring Period, the DOC will provide to Plaintiffs' counsel on a quarterly basis a printout of the Offender Reading Material Database of censorship decisions, referenced in section IV.H.2. of Exh. A. Additionally, the DOC will make available for review by Plaintiffs' counsel at the applicable facility all completed forms regarding materials which have been censored in the prior 2 years, including all contraband or mail slips, dated to indicate the routing of reading material to a Reading Committee; all Offender Reading Material Evaluation Forms, with whatever attachments are required to be maintained by the DOC; all completed appeal forms submitted by an inmate or publisher relating to the withholding of

reading material, and all responses thereto; and a copy of all reading material withheld during the Monitoring Period. Any records maintained by the Central Reading Committee may be reviewed at the central office of the DOC.

D. Attorneys Fees and Costs

1. Ortiz stipulates that Plaintiffs have incurred attorneys' fees and costs in achieving this settlement. For the purposes of 42 U.S.C. §1988, the parties stipulate that Plaintiffs are the prevailing parties in this litigation, and that Plaintiffs are entitled to recovery of their reasonable attorney's fees and costs pursuant to 42 U.S.C. § 1988.

2. The parties shall attempt to agree on the amount of attorneys' fees and costs to be paid to Plaintiffs' counsel by Defendant. If the parties are unable to reach an agreement on an amount of this fee payment, then within forty-five days of the date the Court approves this Agreement, the parties will submit their fee dispute to Judge Figa. Plaintiffs will submit their application for attorneys' fees and costs with supporting documentation and briefs. Ortiz will have thirty days after the filing of Plaintiffs' application to respond, and Plaintiffs fifteen days thereafter to file a reply. Based on these filings, any evidence that the Court would like to consider, and the law governing attorneys fee awards under 42U.S.C. §1988, the Court will make a final decision with respect to the amount of reasonable attorney's fees and costs to be awarded to Plaintiffs' counsel. There shall be no appeal of the District Judge's decision.

E. Enforcement

1. Upon execution of this Agreement, the parties will file a Joint Motion for Entry of Stipulated Judgment and Order, incorporating the terms of this Settlement Agreement as an Order of the Court.

2. The Court shall have the power to enforce this Settlement Agreement upon appropriate motion, after due notice and hearing. The prevailing party in any such enforcement action, in addition to all other legal or equitable remedies, shall be entitled to recover attorneys' fees and costs in accordance with the standards set forth in 42 U.S.C. § 1988 as determined by the Court.

F. Miscellaneous

1. Ortiz, his successors, and the DOC shall not implement or enforce any regulation, including AR 300-26, policy or practice that is inconsistent with the intent or requirements of this Settlement Agreement.

2. The Private Prison Monitoring Unit will confirm in writing on a quarterly basis that each contract facility is implementing and adhering to AR 300-26 and the provisions of this Settlement Agreement with respect to inmates who were Colorado residents or who were sentenced by a Colorado court before their incarceration.

3. The following reading materials identified in the Complaint will be provided to the specified Inmates within 30 days of the date of this Agreement:

- a. Cry Justice Now, Vol. 16 – Martin Williams and Anthony Lucero;
- b. Cry Justice Now, Vol. 22 – Martin Williams;

- c. Dark Night Field Notes, Number 11 (with pages 25-37 and back cover removed) – Michael Poorbear;
- d. Dark Night Field Notes, Numbers 12/13 – Michael Poorbear;
- e. Hidden Faces of Eve by Nawal El Saadawi – Anthony Lucero;
- f. MIM Notes, No. 187 (with pages 2, 4, 10, 11 removed) – Anthony Lucero;
- g. MIM Notes, No. 188 (with pages 2, 6, 7, 10, 11 removed) – Anthony Lucero;
- h. MIM Notes, No. 189 (with pages 2, 10, 11 removed) – Anthony Lucero;
- i. MIM Notes, No. 190 (with pages 2, 9, 10, 11 removed) – Anthony Lucero;
- j. Resource Guide, – Daniel Hernandez;
- k. Scenario, Vol 4, No. 1 – Maxwell Thomas;
- l. Shut Them Down – Vol. II; No. 1 (with page re Juniper Valley slave labor removed) – Malcom Perkins;
- m. The Source, No. 100 (with page 49 removed) -Arthur McCray
- n. Vibe – September 1999 (with page 182 removed) – George Moore;
- o. Voz Del Barrio Aztlan, August 1999 – Roy Saldivar and Billy Hankins.

4. The parties stipulate that the terms of the Settlement Agreement are narrowly drawn, extend no further than necessary to correct the alleged violation of Plaintiffs' constitutional rights, are the least intrusive means necessary to correct the alleged violation of Plaintiffs' constitutional rights, and that the Proposed Order submitted to the District Court pursuant to Paragraph E.1 of this Settlement Agreement will include these findings.

5. Plaintiffs release and forever discharge Ortiz and his successors from any and all claims, demands, causes of action (at law, in equity or otherwise), rights of action and remedies of any nature whatsoever and for any and all obligations, duties liabilities, damages,


costs and expenses relating to the Defendants censorship of the specific issues and volumes of the publications identified in the Complaint.

6. This Settlement Agreement does not constitute an admission of liability against the interest of any party. It is a compromise of a disputed claim for the sole purpose of avoiding the expense, hardship and uncertainty of litigation. Similarly, this Settlement Agreement does not constitute an admission or acknowledgement by any party that the censorship decisions reflected in paragraph II.F.3 are consistent with the new regulations which will be adopted pursuant to paragraph II.B.1. This paragraph shall not apply to or affect the obligations created in Paragraph II.D of this Settlement Agreement.

7. This Settlement Agreement constitutes the final written expression of all of the terms of settlement and is a complete statement of those terms. No other agreements, written or oral, bind the parties with respect to the Lawsuit.

8. This Settlement Agreement may be executed in several counterparts, each of which shall be an original as against any party who signed it, and all of which will constitute one and the same document.

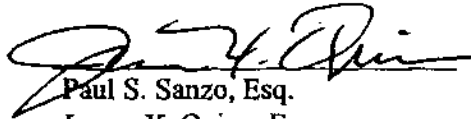
9. The execution date of this Agreement for the purposes of the various deadlines established herein is ~~June~~ ^{August 10} __, 2004.



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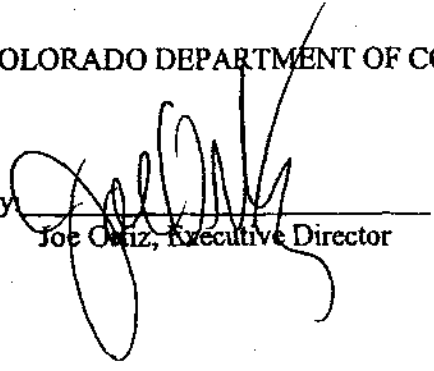


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Corrections Unit, Litigation Section
1525 Sherman Street, 5th Floor
Denver, CO 80203

ATTORNEYS FOR DEFENDANT

325316v11

COLORADO DEPARTMENT OF CORRECTIONS

By  _____
Joe Ortiz, Executive Director

JUL-30-04 FRI 08:04 PM WEST

FAX NO. 30328116

P. 02

NEW TIMES, INC.

ASSOCIATION OF ALTERNATIVE WEEKLIES

By: Patricia B. Callahan
Editor, Westfield

By: _____

DARK NIGHT PRESS

By: _____

Clay Douglas

Larry Rice

Doret Kollerer

MIM

Christine Donner

By: _____

BARRIO DEFENSE COMMITTEE

By: _____

NEW TIMES, INC.

ASSOCIATION OF ALTERNATIVE WEEKLIES

By: _____

By: Richard Kasper

Print Name: _____

Print Name: RICHARD KASPER

DARK NIGHT PRESS

By: _____

Clay Douglas

Print Name: _____

Larry Rice

Doret Kollerer

BARRIO DEFENSE COMMITTEE

Christine Donner

By: _____

Print Name: _____

NEW TIMES, INC.

ASSOCIATION OF ALTERNATIVE WEEKLIES

By: _____

By: _____

Print Name: _____

Print Name: _____

DARK NIGHT PRESS

By: David R. Bloede

Clay Douglas

Print Name: DAVID R. BLOEDE

Larry Rice

Doret Kollerer

BARRIO DEFENSE COMMITTEE

Christine Donner

By: _____

Print Name: _____

NEW TIMES, INC.

By: _____

Print Name: _____

ASSOCIATION OF ALTERNATIVE WEEKLIES

By: _____

Print Name: _____

DARK NIGHT PRESS

By: _____

Print Name: _____

Clay Douglas



Larry Rice

Doret Kollerer

BARRIO DEFENSE COMMITTEE

By: _____

Print Name: _____

Christine Donner

NEW TIMES, INC.

ASSOCIATION OF ALTERNATIVE WEEKLIES

By: _____

By: _____

Print Name: _____

Print Name: _____

DARK NIGHT PRESS

By: _____

Clay Douglas

Print Name: _____

Larry Rice

Doret Kollerer

Doret Kollerer

BARRIO DEFENSE COMMITTEE

By: _____

Christine Donner

Print Name: _____

NEW TIMES, INC.

ASSOCIATION OF ALTERNATIVE WEEKLIES

By: _____

By: _____

Print Name: _____

Print Name: _____

DARK NIGHT PRESS

By: _____

Clay Douglas

Print Name: _____

Larry Rice

Doret Kollerer

BARRIO DEFENSE COMMITTEE


Christine Donner

By: _____

Print Name: _____

MIM

By: Jackie Sanders

NEW TIMES, INC.

ASSOCIATION OF ALTERNATIVE WEEKLIES

By: _____

By: _____

Print Name: _____

Print Name: _____

DARK NIGHT PRESS

By: _____

Clay Douglas

Print Name: _____

Larry Rice

Doret Kollerer

Christine Donner

BARRIO DEFENSE COMMITTEE

By: Maria Ortiz

Print Name: Maria Ortiz

Anthony Lucero

Anthony Lucero
#76324

Maxwell Thomas

Maxwell Thomas
#62962

Daniel Hernandez #56158

Daniel Hernandez
#56158

Arthur McCray
Arthur McCray
#88857

The settlement is acceptable to me. I would like the 100th Source issue given to me. Thank you.

Arthur McCray
88857
P.O. Box 1000
Crawley, CO.
81034

George Moore-ee

George Moore

#82658


Travis B. Colvin

Travis Colvin

#58997

A handwritten signature in cursive script, appearing to read "Martin Williams", written in black ink. The signature is positioned above a horizontal line.

Martin Williams
#03909

 ADMINISTRATIVE REGULATION COLORADO DEPARTMENT OF CORRECTIONS	REGULATION NUMBER 300-26	PAGE NUMBER 1 OF 7
	CHAPTER: Facility Security	
	SUBJECT: Offender Reading Material	
RELATED STANDARDS: ACA Standards 4-4490 and 4-4491 OPR: OLS	EFFECTIVE DATE:	
	SUPERSESION:	
	Joe Ortiz Executive Director	

I. POLICY

It is the policy of the Department of Corrections (DOC) to respect and respond to the reading needs and preferences of offenders, consistent with the security needs and good order of DOC's facilities and offices, public safety, and rehabilitative goals set for the offender.

II. PURPOSE

The purpose of this administrative regulation is to provide guidelines governing offender access to publications [4-4490] that ensure consistent selection and possession of reading material for offenders and establish criteria for allowing reading material within a correctional facility or office.

III. DEFINITIONS

- A. Offender Reading Material Committee: As established by the administrative head of each facility, this committee shall consist of at least one representative from each of the following areas: Mental health, custody and control, the general library, intelligence office, and may include other persons deemed appropriate. The administrative head shall designate a committee chair.
- B. Central Reading Committee: As established by the executive director, this committee shall consist of two wardens and one representative from each of the following areas: Office of Correctional Legal Services, Sex Offender Treatment and Monitoring Program (SOTMP), religious services and intelligence office. The executive director shall designate a committee chair.
- C. Reading Material: Any publication, book, pamphlet, correspondence, picture, photograph, personal writing, or other similar document or material.



CHAPTER	SUBJECT	AR #	Page 2
Facility Security	Offender Reading Material	300-26	EFFECTIVE

- D. Depicts: represent in a picture.
- E. Describes: represent in words.
- F. Sexually Explicit Material: Materials which are primarily devoted to depicting or describing bestiality, pedophilia, sadism, masochism, necrophilia, discharge of bodily fluids, penetration, sexual intercourse, oral sex or masturbation.

IV. PROCEDURES

A. General Principles

1. Reading material shall be permitted, subject to fire, health, safety, and property allowance restrictions, unless such material poses a threat to the security or good order of the facility or office or is determined to be contrary to public safety or the individualized rehabilitative goals set forth in writing for a specific offender by the DOC.
2. Reading Material processed via the mailroom, pursuant to AR 300-38, *Offender Mail*, either incoming or outgoing, may be opened and inspected for contraband. Reading material may be read, censored, or rejected when based upon legitimate facility interests of order and security as outlined in this administrative regulation. Notification of censorship or rejection, or forwarding of reading material to the Reading Committee will be provided to the offender within 10 days of receipt of the publication by the facility mailroom.
3. Questionable and/or objectionable reading material found in an offender's cell, in his possession, or in his property will be considered contraband in accordance with AR 300-6, *Searches and Contraband Control*, and forwarded to the facility reading committee for review.
4. For rehabilitation purposes, mental health or sex offender treatment program staff may set more stringent individualized standards, in writing for a specific offender, regardless of the offender's participation in the Sex Offender Treatment and Monitoring Program (SOTMP), or other mental health program.
5. Permitted materials are not approved for open display or posting.

B. Review Criteria

Upon assessing reading material, the review committee shall determine whether the material or publication is detrimental to security, good order, public safety, or individualized rehabilitative goals. No reading material may be rejected solely because its content is religious, philosophical, political, social or sexual or because of its religious, philosophical, political, or social views, its sexual content, or because its content is unpopular, repugnant or critical of the Department or other government authority.

CHAPTER	SUBJECT	AR #	Page 3
Facility Security	Offender Reading Material	300-26	EFFECTIVE

As a guide, the following materials are among those that can be prohibited:

1. Publications that depict or describe the design or manufacture of firearms, explosives, or other weapons or destructive devices, or controlled substances or intoxicants, or which provide detailed instructions regarding the illegal use of such items.
2. Publications that by depiction or description, advocate violence, hatred or vengeance against any individual or group based upon their race, religion, nationality, sex, or ethnicity, or that appear more likely than not to provoke or to precipitate a violent confrontation between the recipient and any other person.
3. Publications that by depiction or description, support the illegal activities of a Security Threat Group contrary to the security interests of the facility or the individual rehabilitative goals of the recipient. Sign language or style of dress alone, in the absence of other material that supports, incites, promotes, encourages, or advocates any type of illegal gang activity, will not be the cause of rejection.
4. Sexually explicit material as defined in III.F
5. Publications or materials which pose a potential threat to the safety and security of the offender population or staff by advocating facility disruption or noncompliance with prison rules or regulations.

C. Review Procedures

1. Reading Committee Review
 - a. The Offender Reading Material Committee will meet as needed, but not less than every two weeks, to review reading material referred to the committee by mailroom or other staff. The Committee will evaluate and render decisions on all materials provided to it since the prior meeting, and will complete Offender Reading Material Evaluation Forms with respect to all such materials.
 - b. The Offender Reading Material Committee chair person shall forward the Offender Reading Material Evaluation Form (Attachment A) and the original objectionable material to the administrative head within five (5) working days of the review. The recommendation to prohibit reading material shall indicate which of the criteria are violated by the material and describe specifically how the material violates the criteria.
 - c. If four (4) or fewer pages contain prohibited material, the item may be allowed with the prohibited pages removed. If five (5) or more pages contain prohibited reading material, the item will be excluded in its entirety.

CHAPTER	SUBJECT	AR #	Page 4
Facility Security	Offender Reading Material	300-26	EFFECTIVE

2. Administrative Head Review

- a. Following evaluation of reading material under the standards set forth in the procedures, the administrative head or immediate subordinate shall determine whether to permit or prohibit the reading material in full or in part, and indicate the decision in the space provided on Attachment AA@.
- b. The administrative head shall ensure that the decision is served on the inmate within twelve (12) working days of receipt of the reading material and recommendation from the Offender Reading Committee.
- c. The administrative head shall notify publishers of prohibited reading material utilizing the Notice to Publisher form, (Attachment AC@), along with a copy of the Offender Reading Material Evaluation Form, (Attachment AA@). If the notification to the publisher is returned to the facility as undeliverable, it shall be documented on the Offender Reading Material Database and maintained as a part of the administrative head's record.
- d. The administrative head/designee shall ensure that copies of the decision shall be forwarded to the offender working file and department file.
- e. The administrative head/designee shall keep the original reading material until the offender or publisher appeal process or time limits have been exhausted.

D. Appeal Procedures

- 1. An offender may appeal a decision to prohibit reading material by submitting a properly completed appeal form (Attachment D) to the administrative head or designee within ten (10) days of the date of service of the Offender Reading Material Evaluation Form. This is the only administrative remedy available to the offender. Offender Reading Committee decisions may not be grieved under the provisions of DOC AR 850-4, *Grievance Procedure*.
 - a. Offender shall not be allowed to view nor receive copies of prohibited material to prepare an appeal.
 - b. Appeal forms shall be provided to the inmate with the Offender Reading Material Evaluation Form.
 - c. If the offender appeals the decision, the administrative head or designee will forward a copy of the written decision, a copy of the appeal, and the original prohibited reading material to the Central Reading Committee within seven (7) working days of receipt of the appeal. Each administrative head or designee will keep a log of appeals that have been submitted to the Central Reading Committee.

CHAPTER	SUBJECT	AR #	Page 5
Facility Security	Offender Reading Material	300-26	EFFECTIVE

3. A publisher may appeal the decision to the Central Reading Committee within thirty (30) days of the date the notice is mailed to the publisher.
 - a. When an appeal is received by the Central Reading Committee, the chairperson will contact the appropriate administrative head within three (3) working days to request the original prohibited material, the reading committee's decision, and the administrative head's decision.
 - b. The administrative head or designee will forward the requested documentation within three (3) working days of the request.

E. Central Reading Committee

1. The Central Reading Committee will meet a minimum of once each month to review appeals and make decisions, and will make a decision with respect to all appeals filed since the prior meeting.
2. After a decision has been reached by the Central Reading Committee, the chair person will:
 - a. With respect to publisher appeals, provide a written response to the publisher within 30 days of receipt of the appeal by the Central Reading Committee;
 - b. With respect to inmate appeals, serve the response on the offender within 30 days of receipt of the appeal by Central Reading Committee. The Central Reading Committee will simultaneously serve the inmate with written notification that all administrative remedies have been exhausted.
 - c. Retain the original written decision of the Central Reading Committee.
 - d. Send the complete packet, e.g., copy of the written decision, copy of the appeal, the original prohibited reading material and a copy of the Central Reading Committee's written decision to the appropriate administrative head for distribution and filing.

F. Prohibited library materials shall be handled in accordance with procedures established in Administrative Regulation 500-02, *Library Services*.

G. Disposition of Material: Once the appeal process or time limits for appeal have been exhausted, the material will be considered contraband. The administrative head/designee shall notify the offender that he has 10 days in which to designate disposition of the material in accordance with AR 300-06, *Searches and Contraband Control*.

H. Record Keeping

1. The administrative head will retain copies of the prohibited material (e.g., the material which forms the basis of the censorship decision), a copy of the cover page of the publication (if applicable), the original written decision, a copy of the appeal, and a copy of the Central Reading Committee's decision for the current fiscal year and the previous four (4) years.

CHAPTER	SUBJECT	AR #	Page 6
Facility Security	Offender Reading Material	300-26	EFFECTIVE

2. All facilities shall utilize the Offender Reading Material Database available on the department LAN system=s shared drive to log all required information (see Attachment AB@). Facilities shall be required to have all monthly information entered in the department database by the fifth working day of the following month.

V. RESPONSIBILITY

- A. The administrative head shall establish an Offender Reading Material Committee to review and make decisions regarding the evaluation of reading material.
- B. The executive director shall establish a Central Reading Committee to respond to all appeals and keep a central record of all appeals. This record will include both inmate and publisher appeals, date received, date answered, and decision.

VI. AUTHORITY

- A. CRS 17-40-102. Program established.
- B. CRS 18-7-101(2). Definitions.
- C. Carpenter v. South Dakota 536 F2d 759 (8th Cir 1976) [upholding prison review board's decision to ban sexually explicit material as detrimental to rehabilitation].
- D. Hodges v. Commonwealth of VA. 871 F Supp 873 (1994).
- E. McCorkle v. Johnson 881 F2d 993 (11th Cir 1989) [Satanic Bible and Satanic ritual book barred as threat to facility security and contrary to rehabilitative goals].
- F. Superintendent v. Hill 472 US 445 (1985).
- G. Thornburg v. Abbott 490 US 401 (1989).
- H. Turner v. Safely 482 US 78 (1987) [regulation is valid if reasonably related to valid penological objective].
- I. Wolff v. McDonnell 418 US 539 (1974).
- J. O'Lone v. Estate of Shabazz 107 S.Ct. 2400 (1987).

CHAPTER	SUBJECT	AR #	Page 7
Facility Security	Offender Reading Material	300-26	EFFECTIVE

VII. HISTORY

May 15, 2002
July 15, 2000
July 15, 1999
June 1, 1998
June 1, 1997
April 21, 1993
May 27, 1991
September 24, 1990

- ATTACHMENTS:
- A. DC Form 300-26A, Offender Reading Material Evaluation Form
 - B. DC Form 300-26B Offender Reading Material Review Database Form
 - C. DC Form 300-26C Notice to Publisher Form
 - D. DC Form 300-26D Reading Material Committee Appeal Form
 - E. DC Form 100-1A, Administrative Regulation Implementation/Adjustments

COLORADO DEPARTMENT OF CORRECTIONS

DC FORM 300-26A

OFFENDER READING MATERIAL EVALUATION FORM

Facility _____ Offender Name _____ DOC Number _____

Title or Description of Material: [Include name, issue number, and title and page of offending material]

Objectionable Features of Material - Material:

1. Publications that describe or depict the design or manufacture of firearms, explosives, or other weapons or destructive devices, or controlled substances or intoxicants, or which provide detailed instructions regarding the illegal use of such items.
2. Publications that by depiction or description advocate violence, hatred or vengeance against any individual or group based upon their race, religion, nationality, sex, or ethnicity, or that appear more likely than not to provoke or to precipitate a violent confrontation between the recipient and any other person.
3. Publications that by depiction or description support the illegal activities of a Security Threat Group contrary to the security interests of the facility or the individual rehabilitative goals of the recipient. Sign language or style of dress alone, in the absence of other material that supports, incites, promotes, encourages, or advocates any type of illegal gang activity, will not be the cause of rejection.
4. Sexually explicit material as defined in III.F.
5. Publications or materials which pose a potential threat to the safety and security of the offender population or staff by advocating facility disruption or noncompliance with prison rules or regulations.
6. Other (List objectionable features. Be specific):

Prohibited Portions of Material:

<u>PAGE NO.</u>	<u>FEATURE(S)</u>	<u>DETAILS (Explain what is objectionable. Be specific)</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Review Committee Chair: Printed Name/Signature

Date

DISPOSITION FOLLOWING EVALUATION OF MATERIAL(S): *Note: Entire item will be prohibited if 5 or more pages are objectionable.*

Prohibited in entirety Permitted with above pages removed Permitted in entirety

Administrative Head: Printed Name/Signature

Date

Date Served to Offender

Served by: Staff Member's Printed Name/Initials

Date

Offender's Signature

Pursuant to AR 300-26, the Offender has ten days to appeal the decision of the Reading Committee. This appeal is the only available administrative remedy to the offender. Offender Reading Committee decisions may not be grieved under the provisions of DOC AR 850-4, Grievance Procedure.

OFFENDER READING MATERIAL COMMITTEE APPEAL FORM

Offender Name	DOC #	Facility	Cellhouse
Title or Description of Reading Material:			
What is the basis of your appeal (Be specific and brief):			
Offender Signature _____		Date _____	
Signature: _____ <i>For the Central Reading Committee</i>		Date of Review: _____	
Printed Name & Title: _____ (Return appeal and attachments to administrative head/designee listed above.)			
Appeal decision received by: _____ Offender Signature		DOC # _____	Date _____
Served by Administrative Head/designee - _____ Signature/Printed Name:		Date: _____	

Original - Department File Copies: Working File, Offender

xc: Offender, Working File, Department File, Facility Administrative Head, Publisher

Current Date _____

READING MATERIAL REVIEW

Page

FACILITY	DATE	OFFENDER NAME	DOC #	PUBLICATION	ISSUE	DENIED/ APPROVED	REASON	APPEAL O=Offender P=Publisher	DATE APPEAL REC'D	APPEAL DISPOSITION

DC Form 300-26C

USE FACILITY SPECIFIC LETTERHEAD

NOTICE TO PUBLISHER

TO: _____
Name

Address

City / State / Zip Code

FROM: _____
Facility

Address

City / State / Zip Code

DATE: _____

PLEASE BE ADVISED THAT YOUR PUBLICATION:

(Name & Issue of Publication)

SENT TO THE FOLLOWING COLORADO DEPARTMENT OF CORRECTIONS OFFENDER:

Offender Name

DOC #

HAS BEEN REVIEWED BY THE WARDEN AND FACILITY OFFENDER READING COMMITTEE AND WAS PROHIBITED FOR THE REASON(S) STATED IN THE ATTACHED FORM.

YOU HAVE THIRTY (30) DAYS FROM THE DATE LISTED ABOVE TO APPEAL THIS DECISION IN WRITING TO THE CENTRAL READING COMMITTEE, C/O CDOC EXECUTIVE DIRECTOR'S OFFICE, LOCATED AT 2862 S. CIRCLE DRIVE, COLORADO SPRINGS, CO 80906

DC Form 300-26D

COLORADO DEPARTMENT OF CORRECTIONS OFFENDER READING MATERIAL COMMITTEE APPEAL FORM

Offender Name	DOC #	Facility	Cellhouse
Title or Description of Reading Material:			
What is the basis of your appeal (Be specific and brief):			
Offender Signature _____		Date _____	
Administrative Head/designee Review: Initials _____ Printed Name _____ Date _____			
(Attach copy of Offender Reading Material Evaluation Form and the prohibited reading material)			
Central Reading Committee Response:			
Signature: _____ <i>For the Central Reading Committee</i>		Date of Review: _____	
Printed Name & Title: (Return appeal and attachments to administrative head/designee listed above.)			
Appeal decision received by: _____		DOC # _____	Date _____
Offender Signature		DOC #	Date
Served by Administrative Head/designee - Signature/Printed Name: _____			Date: _____

Original - Department File Copies: Working File, Offender

ADMINISTRATIVE REGULATION
IMPLEMENTATION/ADJUSTMENTS

DC FORM 100-1A

CHAPTER	SUBJECT	AR #	EFFECTIVE
Facility Security	Offender Reading Material	300-26	

(FACILITY/WORK UNIT NAME)

WILL ACCEPT AND IMPLEMENT THE PROVISIONS OF THE ABOVE ADMINISTRATIVE REGULATION:

AS WRITTEN NOT APPLICABLE WITH THE FOLLOWING ADJUSTMENTS TO MEET
LOCALIZED OPERATIONS/CONDITIONS

(SIGNED) _____ (DATE) _____
Administrative Head