



Department of Corrections

INTERNAL MANAGEMENT POLICY & PROCEDURE

Applicability: ☒ ADULT Operations Only ☐ JUVENILE Operations Only ☐ DEPARTMENT-WIDE

IMPP #: 12-134A

PAGE #: 1 of 4

SECURITY AND CONTROL: Uniform Review of Publications

Original Date Issued: 04-20-16 Replaces IMPP Issued: 10-17-25 **CURRENT EFFECTIVE DATE: 04-28-26**

Approved By:  , Secretary Next Scheduled Review: 04/2029

POLICY

The KDOC Publications Review Officer (PRO) at a correctional facility designated by the Deputy Secretary of Facility Management, shall review all questionable publications received by mail for intended delivery to residents, and shall, on an individual basis for each publication, decide whether to allow such publication within KDOC facilities or to withhold and deny delivery of such publication based upon the criteria set forth at KAR 44-12-313 and/or 44-12-601.

Each facility shall designate personnel to coordinate with the PRO regarding the publication review process.

Any decision to allow or withhold a publication shall apply to all adult departmental facilities.

By publication of this policy, it is the clear intent of the Secretary of Corrections to fully occupy the field of publication withholding, and no independent withholding of publications shall be undertaken by any facility within the Department.

DEFINITIONS

Business Day: A day on which Kansas state governmental offices are open for regular business.

Original Receiving Facility: The facility where the publication was originally received by mail. Normally, it is the facility where the resident addressee is housed.

Resident: A person who is in the legal custody of the Secretary of Corrections and housed in a departmental correctional facility.

PROCEDURES

I. Submission of Publications for Departmental Review

- A. Original receiving facility staff shall review all publications received by mail for intended delivery to residents. If there is a question of whether a publication can be allowed into a correctional facility and it has not previously been reviewed by the PRO, the original receiving facility shall refer the publication to the PRO for review.
 1. For publications that have been withheld pending review, facility staff shall complete page one (1) of the KDOC Notice of Withholding form (Attachment A) in Sharepoint and distribute a copy to the resident.
 - a. The sections of the publication in possible violation of policy shall be scanned and entered into Sharepoint, then notify the PRO of the entry.

- b. The information sent for review shall contain at least the front cover, the publisher's information page, the issue number and/or date and the sections in question.
 - c. To avoid duplicate submissions, all facility mailrooms shall maintain a log of those publications sent for review, and the PRO shall log all publications received, the action taken on the publication, and the dates of notification of decisions and return of the publication.
- B. Once a facility is notified that withholding of a publication has been proposed, the publication shall not be provided to any resident within that facility until a final decision has been reached.

II. Publication Review by the Publication Review Officer (PRO)

- A. The review of incoming publications intended for residents shall be made by the PRO.
- B. Any facility wishing to provide input regarding the possible withholding of a particular publication may enter input into Sharepoint recommending that the publication be withheld.
 - 1. All comments shall be entered within two (2) business days of the receipt of the initial withholding proposal.
- C. Subsequent to the review of all comments and other relevant information, the PRO shall render a decision as to whether the publication is to be allowed within KDOC facilities or if it is to be withheld.
 - 1. The decision shall be made within five (5) business days of the receipt of the publication. If more time is needed, the PRO shall give notice to the facility mailrooms of the delay.
- D. The decision by the PRO shall be entered on page two (2) of the KDOC Notice of Withholding in Sharepoint for the publication under review.
 - 1. If the decision is to allow the publication to be received by residents, the PRO shall notate such on the form and advise the facility mailrooms via email. The form shall be sent to the resident along with the permitted publication.
 - 2. If the PRO makes a determination that there is sufficient basis to withhold a publication, based on the criteria set forth in the Withholding Guidelines (Attachment B), the PRO shall notate such on the form and include specific reasons for the determination.

III. Automatic Appeals

- A. All publications withheld by the PRO shall be automatically appealed and reviewed by the Secretary's designee.
 - 1. The PRO shall make available to the Secretary's designee the scanned documentation used to support withholding. If scans are not sufficient or if the Secretary's designee requests the physical copy of the publication, the PRO shall notify the facility holding the original publication to send it to the Secretary's designee by mail.
 - 2. Within 30 business days of receipt of the appeal, the Secretary's designee shall review the publication to determine if the withholding was appropriate and consistent with policy. If more time is needed, the Secretary's designee shall give notice to the PRO of the delay.
 - 3. The Secretary's designee's decision is final and binding on all parties concerned.
 - 4. There shall be no further appeals accepted and a resident can consider their administrative remedy exhausted.

5. The Secretary's designee shall notate their decision on page two (2) of the KDOC Notice of Withholding (Attachment A) located within Sharepoint.
- B. After the decision is made, the Secretary or the Secretary's designee shall notify the PRO of the decision. The PRO shall send notice to the mailrooms of the decision. The publication shall be returned to the originating facility mailroom by mail.
1. At a minimum, each appeal record shall contain the appeal decision, the assigned FY#, the cover page, publisher's information page and the pages which are in violation of policy.
 - a. The PRO shall maintain and update appeal records in Sharepoint.
 - b. In the event that the publication as a whole shall be retrieved, designated staff can access a copy from the publisher, the Kansas State Library or other sources for publications.
 2. If it is the decision of the Secretary or the Secretary's designee that the withholding of the publication is reversed, and that the publication is allowed for delivery to residents within KDOC facilities, then the following actions shall be taken:
 - a. The Secretary or Secretary's designee shall notify the PRO that the withholding action has been reversed, and of the reasons for that reversal in writing.
 - b. The PRO shall then notify the mailroom personnel that the publication shall be allowed within their respective facilities.

IV. Notice to Residents/Publisher

- A. When a publication has been withheld, each facility receiving the publication shall notify the resident to whom the publication is addressed that the publication has been withheld using the KDOC Notice of Withholding (Attachment A).
- B. When a publication has been withheld, the PRO shall also provide notice to the publisher using the KDOC Notice of Withholding (Attachment A).

V. Disposition of Withheld Publications

- A. Any resident addressee of a withheld publication is required to make disposition of the withheld publication materials at the resident's expense.
 1. The resident shall be given the opportunity to send the publication to a location of their choosing and expense, pursuant to KAR 44-12-601(g)(4).
 2. Alternately, the resident may elect to have the publication destroyed or donated.
 3. Final action occurs on the date the Secretary or designee renders a decision on the publication appeal.
- B. If the resident refuses or fails to make disposition of the publication within 30 calendar days of the final action regarding the publication, the publication shall be destroyed.

VI. Reversal of Previously Approved or Denied Publications

- A. After a publication has been through the appeals process or a final decision has been made, only under extraordinary circumstances can the decision be reversed.
 1. Reasons to reverse a final decision include, but are not limited to, new evidence uncovered, staff negligence, or changes in law or policy.

2. In the event a publication was originally denied but later approved, the Secretary's designee shall inform the PRO that the publication is now approved. The PRO shall update Sharepoint and send out a notice to all mailrooms of the change.
3. In the event a publication was originally approved but later disapproved, the Secretary's designee shall inform the PRO that the publication is now disapproved. The PRO shall update Sharepoint and send out a notice to all mailrooms of the change.
 - a. Residents who are in possession of this publication before the reversal date shall make disposition of the publication at their own expense but shall not be issued any form of disciplinary sanction based on possession of the withheld material.

VII. This document forms the full basis of policy on the matter of publication review and withholding, and no General Orders on this subject shall be allowed.

NOTE: The policy and procedures set forth herein are intended to establish directives and guidelines for staff and residents and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees or residents, or an independent duty owed by the Department of Corrections to employees, residents, or third parties. Similarly, those references to the standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a Departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal Government and the state of Kansas. This policy and procedure are not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

REPORTS

None.

REFERENCES

K.A.R. 44-5-111, 44-12-313, 44-12-601

HISTORY

04-20-16 Original
12-06-21 Revision 1
06-07-24 Statement of Review
10-17-25 Revision 2
04-28-26 Revision 3

ATTACHMENTS

Attachment	Title of Attachment	Page Total
A	KDOC Notice of Withholding	2 pages
B	Withholding Guidelines	1 page

KDOC Notice of Withholding

Pursuant to K.A.R. 44-12-601 you are hereby notified that an item of mail or publication received in the Mailroom on:

Date of Notice: _____ **Tracking #** _____

Addressee: _____
(Resident Name) (KDOC #) (Facility) (Housing Unit)

Sender: Name: _____ Publisher: Name: _____
Address: _____ Address: _____
City, State, Zip: _____ City, State, Zip: _____

has been withheld (☐ in whole / ☐ in part). Description of mail/publication: _____

The grounds for this withholding are the reasonable belief that:

☐	The mail poses a threat to institutional safety, order or security [KAR 44-12-601 (d)(1)(A)].
☐	Contains Dangerous Contraband, as described in KAR 44-12-601 44-12-901, or Tobacco Contraband as described in KAR 44-12-903.
☐	Contains or Relates to Security Threat Group Material or Activity, as described in KAR 44-12-325.
☐	Contains Sexually Explicit Materials as described in IMPP 12-134A.
☐	Contains Contraband as described in KAR 44-12-902. Ex. Postage stamps, stickers/adhesive labels, blank paper/envelopes, oversized cards, oversized photographs, polaroids, battery in card.
☐	Poses a threat to the safety and security of public officials or the general public [KAR 44-12-601 (d)(1)(B)].
☐	Is addressed to a victim or person who has filed an objection to receiving correspondence from you. (KAR 44-12-601).
☐	Unauthorized correspondence between residents, including a former resident [KAR 44-12-601 (d)(1)(D)].
☐	Is being used in furtherance of illegal activities [KAR 44-12-601 (b)(1)(I)].
☐	Disallowed property per IMPP 12-120A, 11-115A, 10-133D, or other _____.
☐	Contains printed material over one ounce (KAR 44-12-601).
☐	Publication withheld due to guidelines within IMPP 12-134A (*appeal is automatic).
☐	Publication not received from an approved vendor (IMPP 12-127D).
☐	Resident did not order publication in accordance with guidelines set in IMPP 12-127D.
☐	Resident refused mail/publication.

The withheld mail/publication is:

☐	Being held in the facility mailroom waiting for disposition and/or protest by resident.
☐	Being held by E.A.I. and/or the Disciplinary Administrator as evidence pending disciplinary action and/or criminal prosecution.
☐	Bodily substance or biohazard material has been destroyed.
☐	Is a publication being held in facility mailroom pending review by PRO/appeal by SOC/Designee per IMPP 12-134A.
☐	Publication previously reviewed and withheld.

The sender, publisher and/or addressee may protest this withholding by completing the protest form on page 2 of this notice and forward it to the Secretary of Corrections within 15 business days of the date of this notice shown above. If a protest is not received, the mail/publication will be disposed of pursuant to K.A.R. 44-5-111 (Disposition of Contraband).

***For publications withheld under IMPP 12-134A, appeals are automatically processed.**

(Printed Name of Person Issuing Withholding)

(Signature of Person Issuing Withholding)

____/____/____
(Date)

KDOC Protest of Withholding

Date of Notice: __/__/__

Tracking # _____

Mail To: Kansas Department of Corrections
Mail Withholding
714 SW Jackson, Ste. 300
Topeka, KS 66603

From: _____
(Print name of Person Protesting)

(Housing Unit or Address)

(City, State, Zip, if Applicable)

(Resident # if Applicable)

In the space below, please print legibly your reason(s) for protesting this action by facility.
(Attach additional pages as necessary)

Protests shall be forwarded to the Secretary of Corrections or the Secretary's Designee for final review and disposition by mail and at the author or addressee's expense.

If the Office of the Secretary grants the protest, the material will be delivered to the resident.

If the protest is not granted, each resident shall have the option of having withheld mail/publication or other materials in their entirety either mailed out at the expense of the resident or discarded.

(Printed Name of Person Protesting)

(Signature of Person Protesting)

____/____/____
(Date)

Request Disposition of Mail/Publication If Protest Is not granted (Resident Only)

- ☐ I wish to have the withheld item destroyed
- ☐ I wish to have the withheld item mailed to the following person/address
- Name: _____
- Address: _____
- City, State, Zip: _____

I understand that I must pay all postage and other costs associated with mailing this item.

(Resident Signature and Number)

____/____/____
(Date)

Secretary's Decision: ☐ Protest Granted ☐ Protest Denied

(SOC/Designee)

____/____/____
(Date)

For publications being held pursuant to IMPP 12-134A:

Date Reviewed by PRO

Decision by PRO: ☐ Withhold ☐ Allow

If withheld, reason for such: _____

Secretary's Decision: FY# _____ ☐ Withhold ☐ Allow

(SOC/Designee)

____/____/____
(Date)

Disposition of Withheld Mail/Publication:

Delivered to Resident on ____/____/____ Mailed on ____/____/____ Destroyed on ____/____/____ by: _____

(Date) (Date) (Date) (Name of Person)

(Printed Name of Person Issuing Withholding)

(Signature of Person Issuing Withholding)

____/____/____
(Date)

Withholding Guidelines

Incoming mail and publications may be considered a threat to facility safety order or security if:

1. It blatantly encourages activities that may lead to the use of physical violence, group disruption, disregard of lawful authority or racial animus.
2. It facilitates unauthorized organizational activity.
3. It overtly advocates or encourages violence, hatred, group disruption, disregard of lawful authority or racial animus and not merely describes the same.
4. It encourages or instructs in the commission of criminal activity.
5. It depicts or describes procedures for the construction or use of weapons, ammunition, bombs, or incendiary devices.
6. It depicts or describes procedures for making alcoholic beverages or manufacturing drugs or glorifies drug or alcohol abuse.
7. 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 correctional facilities; or it depicts or describes methods or means of avoidance of detection from law enforcement.
8. 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.
9. It is determined by a behavioral health professional or counselor to be detrimental to behavioral health or rehabilitation. Disapproval of publications under this criterion shall be made on a case-by-case basis based upon documentation of the behavioral health professional or counselor's determination.
10. It is written in code or facilitates unauthorized communication between residents.
11. It contains sexually explicit material defined as follows:
 - A. The material is considered sexually explicit if the average person, applying modern-day standards, would find that the material, **taken as a whole**:
 - (1) Exists to generate sexual arousal;
 - (2) Has offensive representations or descriptions of:
 - (a) Sexual acts, normal or perverted, actual or simulated, including sexual intercourse, sodomy or bestiality;
 - (b) Masturbation, excretory functions, sexual or erotic poses, including poses that a reasonable person would find to be for the sole purpose of sexual arousal, sadomasochistic abuse or lewd exhibition of the human genitals, buttocks, or female breast;
 - (c) Minors, actual or simulated, including photographs of persons of unknown age that a reasonable person would find are intended to be depicted as minors; and
 - (d) Taken as a whole, a reasonable person would find that the material lacks serious literary, educational, artistic, political, or scientific value.

This list is not exhaustive and other writings and publications may constitute a threat to facility safety, order or security as determined on a case-by-case basis.