

## INTERIM POLICY

SUBJECT AREA  
950-999 Civil Rights  
and Opportunities

EFFECTIVE DATE:

UNITS AFFECTED: All  
Correctional Facilities

INTRODUCTION

Free expression, and the diffusion of pertinent information among residents, staff and the community can be helpful rehabilitative tools. Resident publications such as newspapers, magazines or newsletters may play a positive role in this process. The Department therefore is willing to consider requests for resident publications subject to cost factors and provided specific articles do not pose a threat to security, order and programs.

OBJECTIVES

To provide uniform guidelines for the initial approval to publish and subsequent regulation of resident publications.

GROUP SERVED

All residents and all facilities.

POLICY DESCRIPTION

From time to time, authority to publish resident authored newspapers, newsletters, magazines and similar periodicals is requested. These proposed publications often require State financial support either by direct grants or supervision by Department personnel or both. Uniform guidelines are necessary for the evaluation of requests to publish and ongoing regulation of approved periodicals within the requirements of applicable law.

A. NEW PUBLICATIONS

No new resident newspaper, newsletter, magazine or similar periodical may commence operation without specific written approval by the Superintendent of the facility concerned and the Commissioner of Corrections.

A request for approval to publish shall include at least the following:

1. Name of the proposed publication and a description of its purpose and the anticipated readership field.
2. Names of residents proposed as editors or chief officers and the method by which replacement editors or officers will be chosen.
3. A description of what services the proposed publication offers which are not provided by existing resident or Department publications.
4. An estimate of cost to the Department of the proposed publication, including but not limited to reproduction, materials, distribution expenses and time required for employee supervision.

If the Commissioner approves publication, operations may commence subject to the publication guidelines set forth below.

B. GUIDELINES FOR APPROVED PUBLICATIONS

1. Any resident periodical approved for publication which ceases publication may not resume operations without written approval of the Commissioner. Failure to publish an issue of an approved resident periodical for six consecutive months shall be deemed a cessation of operations.

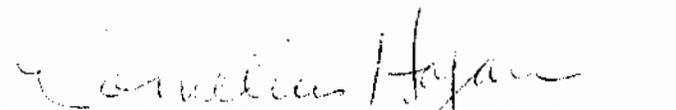
2. The Superintendent of each facility having a resident periodical shall establish an advisory committee for the publication within the facility consisting of at least two staff members. This committee will provide advice and assistance to the resident publication staff and review each issue prior to publication to insure that it does not contain material constituting a threat to security, order and rehabilitation, and that the publication is otherwise in order (e.g. contains the disclaimer specified below). The committee shall normally complete this review within fifteen days after submission of the proposed publication. If the committee finds that all or a part of the publication is a threat to security, order and program of the facility, then the editors will be provided a written explanation of the reasons and publication may be temporarily halted. The editors may, within fifteen days, appeal this determination to the Superintendent who will affirm or reverse in whole or in part the decision of the committee within fifteen days of receipt of the appeal. If no appeal is taken within the allotted time the decision of the committee shall be final. If the decision of the Superintendent on appeal is adverse to the editors, they may within fifteen days appeal to the Commissioner who shall make a final determination. If no appeal is taken from the decision of the Superintendent within the allotted time, his decision shall also be final.

3. The Commissioner may, in his discretion, permit appeals by editors to be filed later than the allotted time. In case of serious institutional emergency, the time permitted for review at the facility level may be extended by the supervising officer until termination of the emergency.

4. Within the procedural framework discussed above, the following rules shall apply:

- a. No material will be suppressed unless it presents a threat to security, order and rehabilitation.
- b. No publication will be permitted regardless of content unless it contains the following disclaimer prominently displayed on the first page: "Any article, editorial or other writing appearing herein should not be considered the policy or opinion of the Commissioner of Corrections, the Vermont Department of Corrections, the (name of facility), or any other Department or State official or employee."

5. The Supervising Officer of each Department facility shall annually at the time he submits his initial budget proposal to the Commissioner, present a complete analysis of present and anticipated annual costs to the Department of each resident publication then in existence at his facility. As a minimum this analysis shall include costs of reproduction, materials, distribution and time required for employee supervision. Following consideration of this information a decision will be made concerning what if any resident publications shall continue to receive Department approval and support for the next budgeted fiscal period.

  
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Cornelius Hogan, Commissioner

#### LEGAL REFERENCE

T.28 V.S.A., Sec. 102(b)(2)  
T.28 V.S.A., Sec. 102(c)(1)  
T.28 V.S.A., Sec. 601(7)