

# MONTGOMERY COUNTY SHERIFF'S OFFICE

**JEFFERY T. SMITH**  
SHERIFF



**CARL J. RUST**  
UNDERSHERIFF

200 CLARK DRIVE, P.O. Box 432, FULTONVILLE, NEW YORK 12072 ★ (518) 853-5500/(518)853-4096 FAX

<b>MONTGOMERY COUNTY SHERIFF'S OFFICE</b>  <b>CORRECTIONS DIVISION</b>  <b>POLICY AND PROCEDURES</b>  <b>ESSENTIAL SERVICES</b>	<b>NUMBER: CD 09-02-08</b>  <b>EFFECTIVE DATE: 05-21-03</b>  <b>REVISION DATE: 04/01/2020</b>  <b>PAGE: 1 OF 1 PAGES</b>
<b>SUBJECT: PRINTED MATERIAL &amp; PUBLICATIONS</b>	<b>DISTRIBUTION: ALL AUTHORIZED PERSONNEL</b>
<b>AUTHORITY: SHERIFF</b>	<b>ISSUED BY: ADMINISTRATOR</b>
<b>REFERENCES: SCOC 7026</b>	

**POLICY:**

IT IS THE POLICY OF THE MONTGOMERY COUNTY CORRECTIONAL FACILITY TO ALLOW ALL INCARCERATED INDIVIDUALS TO RECEIVE PRINTED MATERIAL AND OR PUBLICATIONS DIRECTLY FROM THE PUBLISHERS AND FAMILY WHEN SUCH PRINTED MATERIAL AND / OR PUBLICATIONS DOES NOT CONSTITUTE A THREAT TO THE SAFETY, SECURITY, AND GOOD ORDER OF THE FACILITY.

**DEFINITION:**

**CENSOR** - THE EXCLUSION OF ANY PRINTED MATERIAL OR PUBLICATION, OR ANY PORTION THEREOF.

**PROCEDURES:**

1. ALL INCARCERATED INDIVIDUALS MAY RECEIVE INCOMING PRINTED MATERIAL AND PUBLICATIONS FROM FAMILY, FRIENDS AND/OR PUBLISHERS VIA THE UNITED STATES POSTAL SERVICE AS A GIFT OR PURSUANT TO ORDER OR SUBSCRIPTION.
2. ALL INCOMING PRINTED MATERIAL AND PUBLICATIONS WILL BE SEARCHED TO ENSURE THE ABSENCE OF CONTRABAND.
3. PRINTED MATERIAL AND PUBLICATIONS MAY NOT BE CENSORED SOLELY BECAUSE SUCH PRINTED MATERIAL AND PUBLICATION:
  - A. CRITICIZE THE FACILITY, STAFF, OR THE CORRECTIONAL SYSTEM;

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- B. SUPPORTS UNPOPULAR IDEAS, INCLUDING IDEAS THAT FACILITY STAFF DEEM NOT CONDUCTIVE TO REHABILITATION OR CORRECTIONAL TREATMENTS;
  - C. CONTAIN IDEAS SUPPORTING ETHNIC OR RACIAL MILITANCY.
4. ANY INCOMING PRINTED MATERIAL OR PUBLICATION INTENDED FOR AN INCARCERATED INDIVIDUAL WHO HAS BEEN RELEASED OR TRANSFERRED TO ANOTHER-FACILITY, ***WILL NOT BE OPENED. THE OUTSIDE WILL BE MARKED "RETURN TO SENDER, NO LONGER HERE."*** AND RETURNED TO THE POST OFFICE ON THE NEXT BUSINESS DAY.
  5. ALL INCOMING PRINTED MATERIAL AND PUBLICATIONS MAY BE CENSORED WHEN, IT IS DETERMINED THAT ITS CONTENTS CONSTITUTE A THREAT TO THE SAFETY, SECURITY, AND GOOD ORDER OF THE FACILITY, INCARCERATED INDIVIDUALS, STAFF AND THE COMMUNITY, SUCH CONTENTS MAY INCLUDE:
    - A. INFORMATION REGARDING THE MANUFACTURING OF EXPLOSIVES, WEAPONS, OR DRUGS;
    - B. INFORMATION INTENDED TO ENCOURAGE OR ASSIST IN A CRIMINAL ACT, RIOT, WORK STOPPAGE OR OTHER BREACH OF MAJOR INSTITUTIONAL RULES;
    - C. ANY CONTENTS THAT CONSTITUTE ILLEGALLY MAILABLE MATERIALS, IN WHICH CASE, SUCH CONTENTS WILL BE REFERRED TO THE POSTAL AUTHORITIES;
    - D. ANY MATERIAL THAT WOULD ENCOURAGE DEVIANT SEXUAL BEHAVIOR;
    - E. ANY OTHER MATERIAL THAT WOULD THREATEN THE SAFETY, SECURITY AND GOOD ORDER OF THE FACILITY, INCARCERATED INDIVIDUALS, STAFF AND THE COMMUNITY.
  6. ANY READING REVIEW OR DETERMINATION MADE, SHALL BE COMPLETED WITHIN SEVEN DAYS AFTER THE RECEIPT OF THE PRINTED MATERIAL OR PUBLICATION. WHEN THE PRINTED MATERIAL OR PUBLICATION IS A PERIODICAL, ANY READING, REVIEW OR DETERMINATION MADE SHALL BE COMPLETED WITHIN 48 HOURS AFTER THE RECEIPT OF THE PRINTED MATERIAL OR PUBLICATION.

## LIMITATION OF PRINTED MATERIAL & PUBLICATIONS:

1. ANY PRINTED MATERIAL OR PUBLICATION, WHICH IS THOUGHT TO CONSTITUTE A THREAT TO THE SAFETY, SECURITY OR GOOD ORDER OF THE FACILITY, INCARCERATED INDIVIDUALS, STAFF AND THE COMMUNITY WILL BE FORWARDED TO THE FACILITY ADMINISTRATOR.

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2. ANY DETERMINATION MADE BY THE FACILITY ADMINISTRATOR TO CENSOR AN ITEM OF PRINTED MATERIAL OR A PUBLICATION SHALL BE MADE IN WRITING AND SHALL STATE THE SPECIFIC FACTS AND REASON UNDERLYING SUCH DETERMINATION. A COPY OF SUCH DETERMINATION SHALL BE GIVEN TO THE SENDER AND THE INTENDED INCARCERATED INDIVIDUAL RECIPIENT.
3. THE DELETION OF ANY PORTION OF ANY PRINTED MATERIAL OR PUBLICATION THAT HAS BEEN CENSORED SHALL BE PERMITTED **ONLY** WHEN THE INTENDED INCARCERATED INDIVIDUAL RECIPIENT CONSENTS TO SUCH DELETION. IN WHICH CASE THE CENSORED PORTION OF THE PRINTED MATERIAL OR PUBLICATION SHALL BE DELETED AND THE REMAINDER FORWARDED TO THE INTENDED INCARCERATED INDIVIDUAL RECIPIENT.
  - A. WHEN THE INTENDED INCARCERATED INDIVIDUAL RECIPIENT DOES NOT CONSENT TO SUCH DELETION, THE ENTIRE PRINTED MATERIAL OR PUBLICATION AT ISSUE SHALL BE RETURNED TO THE SENDER.
4. THE FACILITY ADMINISTRATOR SHALL ADVISE THE INCARCERATED INDIVIDUAL AND THE PUBLISHER IN WRITING OF ANY CENSORSHIP DETERMINATION REGARDING SUCH READING MATERIAL OR PUBLICATION.
5. NO PUBLICATION / PRINTED MATERIAL WILL BE DUPLICATED ON ANY COPY MACHINE.
6. ANY INCOMING PRINTED MATERIAL OR PUBLICATION WHICH MAY INVOLVE A CRIMINAL OFFENSE, SHALL BE FORWARDED TO THE FACILITY ADMINISTRATOR WHO WILL CONTACT THE PROPER AUTHORITIES.
7. TO PROMOTE THE SAFETY AND SECURITY OF THE FACILITY, INCARCERATED INDIVIDUALS AND STAFF, ESPECIALLY SAFETY FROM THE RISK OF FIRE, ONLY 5 PUBLICATIONS / PRINTED MATERIAL WILL BE PERMITTED WITHIN EACH INCARCERATED INDIVIDUALS CELL.
8. BESIDES THE LIMITATIONS ALLOWED BY SUBDIVISION (7) OF THIS SECTION, ANY DECISION TO DENY, RESTRICT OR LIMIT AN INCARCERATED INDIVIDUAL OF ANY RIGHT, SERVICE, ITEM OR ARTICLE, GUARANTEED AN INCARCERATED INDIVIDUAL BY THE PROVISIONS OF THIS PART, SHALL BE DONE IN ACCORDANCE WITH POLICY CD-04-02-06, SECTION (B).