

 <div style="text-align: center;"> <b>DIVISION OF ADULT INSTITUTIONS</b>   <b>POLICY AND PROCEDURES</b> </div>	<b>DAI Policy #:</b> 309.00.50	<b>Page</b> 1 of 5
	<b>Original Effective Date:</b> 03/01/99	<b>New Effective Date:</b> 07/07/25
	<b>Supersedes:</b> 309.00.50	<b>Dated:</b> 07/18/22
	<b>Administrator's Approval:</b> Shannon Butcher, Administrator – 06/23/25	
	<b>Required Posting or Restricted:</b> <input checked="" type="checkbox"/> <b>PIOC</b> <input checked="" type="checkbox"/> <b>All Staff</b> <input type="checkbox"/> <b>Restricted</b>	
<b>Chapter:</b> 309 Resources for Inmates		
<b>Subject:</b> Pornography		

## POLICY

The Division of Adult Institutions shall prohibit PIOC from possessing pornographic materials in print or electronic form.

## REFERENCES

Wisconsin Administrative Code s. DOC 303.09 – Seizure and Disposition of Contraband  
Wisconsin Administrative Code s. DOC 309.02 (7m), (9), (14), (15), (16), (21), 23) – Definitions  
Wisconsin Administrative Code s. DOC 309.04 – Inmate Mail  
Wisconsin Administrative Code s. DOC 309.05 – Publications  
DAI Policy 309.04.01 – PIOC Mail  
DAI Policy 309.05.01 – Selection of Library Materials  
DAI Policy 309.20.03 – PIOC Personal Property and Clothing  
Books and Publications Reviewed Master List

## DEFINITIONS, ACRONYMS AND FORMS

Contraband – Any item which PIOC may not possess; is not authorized by the institution; is not state property and is on the institution grounds (or in an assigned area of PIOC on work release/special projects) but not in the possession of any person; comes into the PIOC possession through unauthorized channels or which is not on the PIOC property list and is required to be; is stolen property; is damaged or altered; items in excess of allowable limits or is used as evidence for a disciplinary hearing and deemed contraband by the disciplinary committee or hearing officer.

DAI – Division of Adult Institutions

DOC – Department of Corrections

DOC-243 – Notice of Non-Delivery of Mail/Publication

Features – Publication contains depictions of nudity on a routine or regular basis or promotes itself based upon depictions of nudity in the case of individual one-time issues. The department will not prohibit a publication solely because it contains nudity that has a medical, educational or anthropological purpose.

Human sexual behavior – The actual or simulated act of any of the following:

- Sexual intercourse.
- Sodomy.

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- Bestiality.
- Masturbation.
- Necrophilia.
- Sexual sadism or sexual masochistic abuse including, but not limited to, flagellation, torture or bondage.
- Sexual excitement. The condition of human male or female genitals when in a state of sexual stimulation or arousal.

### ICRS – Inmate Complaint Review System

Nudity in Commercially Published Material – The showing of human male or female genitals or pubic area with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of the areola or nipple or the depiction of covered male genitals in a discernibly turgid state.

Nudity in a Personal Photograph – The showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of the areola or nipple or the depiction of covered male genitals in a discernibly turgid state.

Photograph – An image on film, video tape or electronic transmission.

### PIOC – Persons in Our Care

Prurient Interest – Arousing an immoderate or unwholesome interest or desire; marked by arousing or appealing to sexual desire.

## **PROCEDURE**

### **I. General Guidelines**

- A. Pornographic material received in the facility shall not be delivered to PIOC.
- B. Pornography includes, but is not limited to:
  1. Written materials which the average person, applying state contemporary community standards, would find when taken as a whole, does all of the following:
    - a. Appeals to the prurient interest.
    - b. Describes human sexual behavior in a patently offensive way.
    - c. Lacks serious literary, artistic, political, educational or scientific value.
  2. Any material, other than written material, that shows any of the following:
    - a. Human sexual behavior.
    - b. Sadomasochistic abuse, including but not limited to flagellation, bondage, brutality to or mutilation or physical torture of a human being.
    - c. Unnatural preoccupation with human excretion.
  3. Any commercially published material that features pictures/drawings of nudity on a routine or regular basis.

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- a. Publications shall not be prohibited solely because they display naked or partially covered buttocks.
- b. A publication shall not be prohibited solely because it contains pictorial nudity that has a medical, educational or anthropological purpose.
- c. Commercially produced postcards, calendars and greeting cards are considered publications.
- d. A publication that promotes itself based upon depictions of nudity in the case of individual one-time issues may be denied.
- e. The fact a commercial publication has been denied on a one-time basis does not mean future issues will be denied.
4. Any material showing nudity of any person who has not attained the age of 18 whether personal or commercially published pictures/drawings. Pictures/drawings of an infant or pre-pubescent child's chest are not considered breasts.
5. Any personal photograph showing nudity.

## **II. Staff Responsibilities**

### **A. Mail and Property Staff Shall:**

1. Review all incoming materials for pornographic content.
2. Review the Books and Publications Reviewed Master List to determine if the publication is prohibited.
3. Assess for prohibited content if the publication has not been previously reviewed.
4. Refer questionable material to the facility Security Director/designee for review.
  - a. If Security Director/designee believes commercially published material not found on the Books and Publications Reviewed Master List should not be allowed due to the established guidelines, the material shall be scanned and electronically sent to the Security Chief/designee.
  - b. If material is not allowed due to established guidelines, complete a DOC-243 and send to PIOC.
  - c. Hold all questionable materials until PIOC have received a decision from the Security Chief/designee.
5. Denied items shall be held pending ICRS review if PIOC indicate they want to file a complaint.
6. When reviewing multiple photos on a single sheet and one or more photos are not allowed, the entire sheet shall be denied.
7. Dispose of non-allowable material according to disposal guidelines.

### **B. Librarian/designee shall:**

1. Review all incoming materials designated for the library for pornographic content.
2. Direct questionable materials to Security Director/designee for review.
3. Ensure updated and archived denied books and denied publications lists are printed monthly and made available to PIOC for their review.

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C. Security Director/designee shall:

1. Review staff submitted questionable pornographic materials.
2. Approve or deny publications and photographs and if approved, direct it be issued to PIOC.
3. Review scans of questionable publications ensuring electronic copy is legible.
  - a. If not allowed, forward to Security Chief/designee for review and decision.
    - i. Cite the publication name and issue/volume number.
    - ii. Include recommendation/rationale for denial.
  - b. If allowed, inform mailroom staff to issue the item to PIOC.

D. DAI Security Chief/Designee Shall:

1. Provide final decision regarding questionable publications.
2. Maintain listing of reviewed publications which is made available to all facilities posted on myDOC.

E. PIOC Shall:

1. Review Books and Publications Reviewed Master List to determine if the publication is prohibited.
2. Not order materials known to be previously denied on list.
3. Comply with established policy and procedure on disposal of contraband.
4. Inform those who may send in photographs of the requirements outlined in this policy.

**DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES**

<b>Facility:</b> Name		
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<b>New Effective Date:</b> 00/00/00	<b>Supersedes Number:</b>	<b>Dated:</b>
<b>Chapter:</b> 309 Resources for Inmates		
<b>Subject:</b> Pornography		
<b>Will Implement</b> <input type="checkbox"/> As written <input type="checkbox"/> With below procedures for facility implementation		
<b>Warden's/Center Superintendent's Approval:</b>		

**REFERENCES****DEFINITIONS, ACRONYMS AND FORMS****FACILITY PROCEDURE**

I.

- A.
- B.
  - 1.
  - 2.
    - a.
    - b.
    - c.
  - 3.
- C.

II.

III.

**RESPONSIBILITY**

I. Staff

II. PIOC

III. Other