



# WISCONSIN DEPARTMENT OF CORRECTIONS

Governor Tony Evers / Secretary Kevin A. Carr

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## GUIDANCE DOCUMENT CERTIFICATION

I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections §227.10 and §227.11 of the Wisconsin Statutes.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

Stephanie Hove

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Name of Individual Certifying this Document/Proposed Document

Assistant Division Administrator, Adult Institutions

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Title

*Stephanie Hove*

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Signature

12/13/19

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Date Signed

Department of Corrections – Wisconsin  
Office of the Secretary  
Wis. Stat. § 227.112(6)  
DOC-2910 (6/2019)

 <p style="text-align: center;"><b>DIVISION OF ADULT INSTITUTIONS</b></p> <p style="text-align: center;"><b>POLICY AND PROCEDURES</b></p>	<b>DAI Policy #:</b> 309.00.50	<b>Page</b> 1 of 6
	<b>Original Effective Date:</b> 03/01/99	<b>New Effective Date:</b> 12/23/19
	<b>Supersedes:</b> 309.00.50	<b>Dated:</b> 08/15/16
	<b>Administrator's Approval:</b> Makda Fessahaye, Administrator	
<b>Required Posting or Restricted:</b>		
<input checked="" type="checkbox"/> <b>Inmate</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		
<b>Guidance Document</b>	<input checked="" type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>	<b>Posting date</b> 12/19/19

**POLICY**

The Division of Adult Institutions shall prohibit inmates from possessing pornographic materials.

**REFERENCES**

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

Wisconsin Administrative Code s. DOC 303.09 – Seizure and Disposition of Contraband

DAI Policy 309.04.01 – Inmate Mail

DAI Policy 309.05.01 – Selection of Library Materials

**DEFINITIONS, ACRONYMS AND FORMS**

Commercial photograph – A photograph for which the photographer is paid for images rather than works of art. Wholesale, retail and professional uses of photography would fall under this definition. Photos of this nature include, but are not limited to: advertisements, merchandising, product placement to promote or sell a product or service.

DAI – Division of Adult Institutions

DOC – Department of Corrections

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

Features – The publication shows nudity on a routine or regular basis or promotes itself based upon such depictions in the case of individual one-time issues.

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

- Sexual intercourse.
- Fellatio or cunnilingus.
- Sodomy.
- Bestiality.
- Masturbation.

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- Necrophilia.
- Sexual sadism or sexual masochistic abuse including, but not limited to, flagellation, torture or bondage.
- Sexual excitement.

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 noticeable state of erection.

Nudity in a Personal Photograph – The showing of the human male or female genitals, pubic area or any portion of the 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 noticeable state of erection.

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

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

Sexual Excitement – The condition of human male or female genitals when in a state of sexual stimulation or arousal.

Sexual Intercourse – Any penetration, however slight, by the penis into the mouth, vagina, or anus of another person, or any penetration by any part of the body or an object into the anus or vagina of another person.

## **PROCEDURE**

### **I. General Guidelines**

- A. Pornographic materials received in the facility shall not be delivered to inmates.
- 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. Sodomasochistic 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 and follow established policy and procedure.
  - a. If material is not allowed due to established guidelines, complete a DOC-243 and send to the inmate.
  - b. Direct questionable materials to the Security Director/designee for review.
  - c. Hold all questionable materials until the inmate has received a decision from the reviewing authority.
2. 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 and follow established policy and procedure.
2. Direct questionable materials to Security Director/designee for review.
3. Ensure updated and archived denied books and denied publications lists are available to inmates for their review.

### **C. Security Director/Designee Shall:**

1. Review submitted questionable pornographic materials.
2. Approve or deny personal photographs and if approved, direct it be issued to the inmate.
3. Forward scanned questionable publications to the DAI Security Chief/designee with recommendation and rationale for approval or denial.

### **D. DAI Security Chief/Designee Shall:**

1. Provide decision regarding questionable publications.
2. Maintain listing of reviewed and denied publications to all facilities.

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E. Inmates Shall:

1. Review denied publications list available in the facility library.
2. Not order pornographic materials.
3. Comply with established policy and procedure on disposal of contraband.
4. Inform those who may send in personal photographs of the requirements outlined in this policy.

**Administrator's Approval:** \_\_\_\_\_ **Date Signed:** \_\_\_\_\_  
Makda Fessahaye Administrator

**DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES**

<b>Facility:</b> Name		
<b>Original Effective Date:</b>	<b>DAI Policy Number:</b> 309.00.50	<b>Page</b> 5 of 6
<b>New Effective Date:</b> 12/23/19	<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. Inmate

III. Other

**DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES**

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