

 <p><b>CD-122000</b></p>	<h1 style="text-align: center;">NEW MEXICO CORRECTIONS DEPARTMENT</h1> <p style="text-align: center;"><i>"We commit to the safety and well-being of the people of New Mexico by doing the right thing, always."</i>  <b>C</b>ourage <b>R</b>esponsibility <b>E</b>thics <b>D</b>edication - <b>CRED</b>ibly serving the public safety of New Mexico</p>	
	<b>ISSUE DATE:</b> 11/20/17	<b>REVIEWED:</b> 11/20/17
	<b>EFFECTIVE DATE:</b> 11/20/17	<b>REVISED:</b> 11/20/17
<b>TITLE: Educational Television (ETV)</b>		

**AUTHORITY:**

- A. NMSA 1978, Sections 33-1-6 and 33-2-43 through 33-2-47, as amended.
- B. NMSA 1978, Section 33-8-8(c) (2), as amended.
- C. New Mexico Constitution, Article XX, Section 15.
- D. Policy *CD-010100*.

**REFERENCE:**

- A. NMCD Policy CD-100500 Inmate Recreation
- B. NMCD Policy CD-120100 Education Bureau

**PURPOSE:**

To establish guidelines for a closed circuit television network for the educational and recreational benefit of inmates.

**APPLICABILITY:**

All employees, inmates and volunteers of the Recidivism Reduction Division (RRD) and other personnel involved in the prescriptive or treatment phase of inmates' educational plans.

**FORMS:**

None

**ATTACHMENTS:**

None

**DEFINITIONS:**

- A. ETV: Educational television or learning television is the use of television programs in the field of distance education. It may be in the form of individual television programs or dedicated specialty channels that are often associated with cable television in the United States as Public, educational, and government access (PEG) channel providers.

- B. Swank: Swank Motion Pictures, Inc. is an authorized distributor of copyrighted motion pictures for non-theatrical public performances. For more information <https://www.swank.com/>

**POLICY:**

- A. The operation of the Educational Television system (ETV) is under the supervision of the Recidivism Reduction Division (RRD).
- B. The RRD shall designate an ETV facility coordinator to supervisor all activities of the ETV recording/broadcast studio at each facility.
- C. All video recording of materials, persons, and activities in connection with the ETV recording/broadcast studio at each facility must have the written authorization of the ETV facility coordinator.
- D. Before any video recording that includes inmates is done, the consent of all the inmates is required as outlined in CD-012400 Communications Plan and Media Access. Signed waivers must be kept on file.
- E. The Federal Copyright Act (Title 17, United States Code, Public Law 94-553, 90 stat. 2541 governs how copyrighted material may be used, each facility must enter into a public performance licensing agreement for correctional institutions annually which provides each facility with proper approval how copyrighted materials like movies can be used publicly if properly licensed. Any organization's public exhibition of a film without proper licensing is subject to steep and significant penalties through The Copyright Act (as much as \$150,000 per exhibition). Even inadvertent infringers are subject to the Copyright Act.
- F. Each facility Warden and/or designee will determine and notify their ETV facility coordinator as to what types of movies will be shown, how they will be shown (times and dates) as well as to which classifications of inmates for each showing.
- G. Only employees will operate ETV unless there is expressed written approval from RRD Director or designee and Warden of facility.
- H. No changes, additions or other data will be input into ETV/SWANK without expressed approval from IT Director or designee, RRD Director or designee and Warden of facility.
- I. The facility Warden and/or designee and RRD Operations Manager shall conduct an annual review of programming and operations of ETV. Recommendations for proposed changes in operations of ETV at each facility shall be forward to the Adult Prisons Division (APD) Director and RRD Director for final approval and review.

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David Jablonski, Secretary of Corrections  
New Mexico Corrections Department

11/20/2017

Date