

STATE OF OHIO



DEPARTMENT OF REHABILITATION
AND CORRECTION

SUBJECT:	PAGE <u> 1 </u> OF <u> 4 </u>
Electricity Usage Co-Payment Program	NUMBER: 61-PRP-03
RULE/CODE REFERENCE: A.R. 5120-5-14; ORC 5120.56	SUPERSEDES:
RELATED ACA STANDARDS:	EFFECTIVE DATE: September 8, 2011
	APPROVED: 

I. AUTHORITY

This policy is issued in compliance with Ohio Revised Code 5120.01 which delegates to the Director of the Department of Rehabilitation and Correction the authority to manage and direct the total operations of the Department and to establish such rules and regulations as the Director prescribes.

II. PURPOSE

The purpose of this policy is to establish consistent procedures and guidelines for the electricity usage co-payment program in accordance with ORC section 5120.56.

III. APPLICABILITY

This policy applies to all persons employed by or under contract with the Department of Rehabilitation and Correction who may be involved in the electricity usage co-payment program and inmates who may be required to pay such a co-payment.

IV. DEFINITIONS

CACTAS – The Cashless Commissary and Trust Accounting System used to maintain commissary operations and manage inmate trust fund accounts.

Court-Ordered Debt – A debt collected from an inmate due to a properly submitted and recorded child/spousal support order; court order for payment of costs, fees, restitution, or other charges; federal civil filing fee, or state civil filing fee. A separate negotiated agreement for payment amounts between an inmate and the court or other authoritative entity is not considered a court-ordered debt.

Electricity Usage Co-Payment Charge – A fee paid, on a monthly basis, by inmates who are in possession of one or more electronic appliances.

Electronic Appliance – A device that utilizes electricity to operate or to charge for which an institution issues an inmate a Certificate of Ownership (DRC4063), or other appropriate certificate (personal property title) as approved by the Regional Director. Devices that operate by direct current only (i.e., are

battery-operated and cannot be used with an adapter for power), whether or not a Certificate of Ownership is issued, is not an electronic appliance.

Entirety of the month – A period of time starting at 12:00:00 am on the first day of a calendar month and ending at 11:59:59 pm on the last day of the same calendar month.

Indigent Inmate – An inmate is considered indigent if, at the time of the collection of the electricity usage co-payment, the inmate has earned or received less than twelve dollars during the immediately preceding thirty-day period, and if the inmate's account balance has not exceeded twelve dollars at any time during the immediately preceding thirty-day period.

Inmate Property File - A record on each inmate of all state issued items and property inventories that is completed and maintained by the quartermaster or assigned staff member. This file includes the Certificate of Ownership (DRC4063) for any electronic appliance owned by the inmate.

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction that inmates in possession of one or more electronic appliances assume minimal fiscal responsibility for provided services through the implementation of an electricity usage co-payment program.

VI. PROCEDURES

A. Inmate Notification of Electricity Usage Co-Payment Procedures

1. During the reception process, all inmates shall be advised in writing of the co-pay program.
2. Each institution's inmate handbook shall include co-pay program information.
3. Each institution's inmate library shall maintain current copies of Administrative Rule 5120-5-14, Electricity Usage Co-Payment, and this policy.

B. Co-Payment Charge

Inmates in possession of one or more electronic appliances for all or any part of a month will be subject to a one dollar (\$1.00) electricity usage co-payment charge for that month.

C. Exemptions

The monthly electricity usage co-payment charge shall not be collected from an inmate under any of the following circumstances:

1. An inmate is indigent as defined by this policy.
2. An inmate is subject to court-ordered debt as defined by this policy.
3. An inmate is able to show he or she is assigned to a security level at which use of electronic appliances is not permitted.
4. An inmate is able to show that no electronic appliances are in his or her possession.
5. An inmate is exempted from the electricity usage co-payment by the Managing Officer.

D. Electricity Usage Co-Payment Process

1. In accordance with DRC Policy 61-PRP-01, Inmate Personal Property, a Certificate of Ownership (DRC4063) shall be issued for any device that uses electricity to operate or to charge that is purchased by or given to an inmate.
2. Upon issuance of a Certificate of Ownership (DRC4063) for an electronic appliance, an Electronic Appliance Notification form (DRC1097) shall be sent to the cashier's office.
3. Upon receipt of the form, the cashier's office will flag the inmate's account for "Electronics" in CACTAS and send notification to the inmate.
4. Each month, the cashier's office shall debit one dollar (\$1.00) as an electricity usage co-payment from the account of each inmate flagged for "Electronics."
5. The cashier's office shall complete the Electricity Usage Co-Payment report (DRC1098) and forward it to the Operation Support Center by the 10th of the following month with a check from the Inmate Trust Fund account for the co-payments collected.

E. Electricity Usage Co-Payment Grievance Procedures

Inmates may contest an electricity usage co-payment charge by utilizing the inmate grievance procedures as provided in Administrative Rule 5120-9-31, Inmate Grievance Procedure. Pursuant to this rule, the inmate's first step is to send an Informal Complaint (DRC4151) to the cashier supervisor.

F. Electricity Usage Co-Payment Refund Process

1. Inmates shall be entitled to request a refund of the electricity usage co-payment from the cashier's office when the inmate is able to show placement in a special management, limited privilege, or security status that prevented use of the electronic appliance for the entirety of the month in which the electricity co-payment was debited. Inmates who were out to court or otherwise absent with leave from the institution for the entirety of the month shall be entitled to request a refund.
2. Inmates shall not be entitled to a refund under the following circumstances:
 - a. The inmate's placement in a special management, limited privilege, or security status that prevented use of the electronic appliance was not for the entirety of the month in which the electricity co-payment was debited
 - b. The inmate is released later in the month in which the electricity co-payment is debited.
 - c. The electronic appliance(s) is stolen, returned for repair, or broken unless the inmate is able to show the electronic appliance(s) was not in their possession for the entirety of the month in which the electricity co-payment was debited.
3. If it is determined an electricity usage co-payment charge should not have been debited, the cashier's office shall reverse the charge.

G. Disposition of Electronic Appliances

1. Inmates who no longer are in possession of any electronic appliances must be able to document the disposition of each electronic appliance. The institution shall update the Inmate Property File by marking “VOID” or similar-meaning language on the Certificate of Ownership (DRC4063) for the electronic appliance.
2. When the institution verifies an inmate is no longer in possession of any electronic appliances, an Electronic Appliance Notification form (DRC1097) shall be sent to the cashier’s office.
3. Upon receipt of the form, the cashier’s office will remove the flag for “Electronics” from the inmate’s account in CACTAS and send notification to the inmate.

Related Department Forms:

Electronic Appliance Notification	DRC1097
Electricity Usage Co-Payment Report	DRC1098
Certificate of Ownership	DRC4063
Informal Complaint	DRC4151