

STATE OF OHIO



DEPARTMENT OF REHABILITATION
AND CORRECTION

SUBJECT: Inmate Groups	PAGE <u>1</u> OF <u>7</u> NUMBER: 73-GRP-01
RULE/CODE REFERENCE: A.R. 5120-9-06; 9-07; 9-17; 9-18; 9-19; 9-37, 5120-5-07	SUPERSEDES: 73-GRP-01 dated 04/20/15
RELATED ACA STANDARDS: 4-4182	EFFECTIVE DATE: March 29, 2016
	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 describe applicable regulations governing inmate group activities, including directives relating to the requirements for authorized secular inmate groups provided in Administrative Rule 5120-9-37, and to set forth guidelines for staff to follow in implementing and monitoring inmate group activities.

III. APPLICABILITY

This policy applies to all inmates and persons employed by or under contract with the Ohio Department of Rehabilitation and Correction involved in the organization, participation, supervision and review of inmate groups and activities.

IV. DEFINITIONS

Fund Raising Activities - Any activity designed to raise funds for the group that may include dues, the sale of items for profit, the collection of goods and donations for resale, and the solicitation of funds when approved by the Managing Officer.

Inmate Groups - Inmate groups are authorized associations, affiliations, or clubs that are organized and operated by inmates under the supervision of an assigned staff member. These groups are generally recognized by their internal table of organization of elected positions and are designed as an activity or service to the member and/or general inmate population.

Inmate Group Advisor/Supervisor - A staff member assigned by the Managing Officer to offer supervision and advice to the inmate group.

Unauthorized Group - An association of two (2) or more persons/inmates, not approved by the Department, with common characteristics that serve to distinguish that association from other inmates or groups. Common characteristics that serve to distinguish the association from other inmates or groups include: sharing a common interest, activity, or purpose; acting in concert on an ongoing or recurrent basis; having an internal organization, whether loosely or highly structured; recognizing themselves as a distinct group. The term “unauthorized group” includes any group that is or could be considered a security threat group as defined in Department policy 310-SEC-12, Security Threat Group.

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction (DRC) to authorize inmate group activities that serve to benefit the inmate, the general inmate population and the community. In accordance with Administrative Regulation 5120-9-37, Inmate Group Activities, unauthorized inmate group activities or authorized group activities inconsistent or beyond authorized activity are prohibited. In addition, staff supervision of all activities shall ensure no inmate or group of inmates will be given control or authority over other inmates.

VI. PROCEDURES

A. Formulation and Application

Inmates who wish to form a group within an institution shall comply with the requirements of Administrative Rule 5120-9-37, Inmate Group Activities. The Managing Officer/designee shall furnish the appropriate application form, Application for Group Activity for Residents (DRC4166), to an inmate whose request to submit an application is approved. Inmates shall complete the written application form and include the information required in paragraph (A) (2) of Administrative Rule 5120-9-37.

B. Supervision

1. Each inmate group shall have a correctional staff supervisor/advisor who shall be assigned by the Managing Officer. Correctional staff shall supervise all inmate group activities and work assignments to ensure no inmate or group of inmates is given control or authority over other inmates. No administrative person having direct supervision over the Business Office and/or Cashier's Office shall be allowed to serve as a group advisor or group supervisor. The duties of the inmate group supervisor/advisor are as follows:
 - a. He/she shall be knowledgeable of the group by-laws, community affiliation, and Department rules and regulations so that he/she may properly supervise the activities of the group.
 - b. He/she shall attend meetings of the group or provide an informed staff alternate to attend the meetings.
 - c. He/she shall supervise all volunteers approved to participate in the group activities. In accordance with Department policy 71-SOC-01, Recruitment, Training and Supervision of Volunteers, all volunteers must receive orientation training prior to participating in any group activity.

- d. He/she shall review and sign all inmate group correspondence, reports, requisitions, etc., prior to being submitted to any staff, agency, or individual.
- e. He/she shall require and review activity reports of the group and shall assist the Managing Officer in his/her annual review of the group's activities and re-application.
- f. Ensure no inmate or group of inmates is given control or authority over other inmates.

C. Unauthorized Groups

1. Section 5120-9-37 (B) of the Ohio Administrative Code describes the unauthorized group activities prohibited by Section 5120-9-06 (C) (17) of the Ohio Administrative Code. The primary objectives of the regulatory scheme are to prevent inmate groups from engaging in criminal or disruptive activities, fostering racial or religious hatred, violating prison rules or directives, or creating alternative leadership structures which could challenge the authority of the correctional staff. The primary means of achieving these objectives is through the enforcement of the prohibition on unauthorized group activities described in Section 5120-9-37 (B) (1) through B (5) of the Ohio Administrative Code.
2. Sections 5120-9-06 (C) (17) and 5120-9-37 (B) are not intended to prevent inmates from engaging in authorized joint activities such as sporting or recreational activities (e.g. basketball, baseball cards, chess, etc.) or informal discussions on various topics. However, inmates may not subvert authorized activities by using them to shield unauthorized group activities. If a staff member suspects inmates are using authorized activities to conceal some unauthorized activity, the staff member shall give those inmates a direct order to disperse. If those inmates fail to do so, the staff member shall charge them with the institutional offense of disobeying a direct order. If, at any subsequent time, those inmates again engage in such subverted activities, the staff member shall charge them with an unauthorized group violation under Section 5120-9-06 (C) (17) of the Ohio Administrative Code. Staff shall also consider a more serious response in the event of any immediate security concern.
3. Incoming and outgoing mail, publications, etc. related to unauthorized group activity are subject to being withheld from the inmate. When such items are withheld, staff members must observe the procedural safeguards set out in Sections 5120-9-17 (H), 5120-9-18 (I) and (J) and 5120-9-19 (C) and (D) of the Ohio Administrative Code.
4. Any material related to unauthorized group activity that is found in the possession of an inmate shall be deemed contraband and confiscated. See Rule 5120-9-55 of the Ohio Administrative Code.

D. Fiscal Activities

1. All fiscal activities must conform to Administrative Regulation 5120-5-07, Inmate Groups Fiscal Activities, and the Department's Business Operations Manual, in addition to this policy.

2. In addition to any established dues for groups associated with a state or national organization, dues may not exceed fifty cents (\$0.50) per month per person or six dollars (\$6.00) per calendar year per person per group.
3. In no case shall any inmate member be authorized to act on behalf of the group with respect to expenditures. All expenditures shall be approved by the general members of the club, the club advisor, appropriate Deputy Warden/designee, and the Managing Officer/designee. All approvals shall be in writing and contain original signatures.
4. Fund raising activities must have the prior approval of the Managing Officer/designee and be in compliance with Administrative Rule 5120-5-07, Inmate Groups Fiscal Activities. The Managing Officer/designee must approve donations of funds, or items, purchased with funds raised by inmate groups in advance, in writing, by the Managing Officer/designee. The majority of the funds raised by authorized groups throughout the year shall be donated to charitable organizations by December 31st, with the group maintaining enough money for the groups account to remain in a solvent condition. Community service hours shall be granted to group participants who are active in fund raising activities for charities.
5. Other than items for resale or fund raising activities, expenditures exceeding \$500.00 shall require the prior approval of the Chief, Division of Business Administration/designee. If there are any concerns regarding a purchase, DBA shall consult with the institution's respective Regional Director in the Office of Prisons. Also, no purchase for the same general purpose that collectively exceeds \$500.00 from various groups, paid from separate funds, shall be made without the prior approval of the Chief, Division of Business Administration/designee. Again, any concerns with such purchases shall be directed by DBA to the institution's respective Regional Director in the Office of Prisons.
6. Profit and Loss Statements are to be prepared by all groups on a monthly basis for all fund raising activities and submitted to the group advisor and the Managing Officer/designee. This report shall indicate the total accountability of all funds and merchandise, in addition to showing profit and/or loss. An Accountability Report shall be generated if inventory still remains at the conclusion of the fund raising event.
7. No business fiscal activity is to be conducted with any current or former inmates, their family members, or their business associations.
8. Inmates performing general institution duties are not to receive pay from the inmate group funds.
9. Institutional funding shall not be used for any purpose or activity that is the direct responsibility of an inmate group (e.g. postage, office supplies, and copies).
10. All fiscal activity is to be conducted under the provisions and guidelines outlined in the Department's Business Operations Manual, Administrative Regulation 5120-05-07, Inmate Groups Fiscal Activities, and this policy.
11. No inmate group shall purchase for an employee, nor shall any employee accept any gifts (e.g. watches, rings, etc.) from an inmate group, except for properly approved plaques or certificates of recognition awarded to individuals for their assistance and guidance.

12. Group accounts must remain in a solvent condition. Purchase orders shall not be processed unless there are sufficient funds available to cover all outstanding obligations.
13. New accounts shall not be permitted without the prior written approval of the Managing Officer and Chief of the Division of Business Administration/designee.
14. Inmate groups may receive contributions from individuals or groups with prior approval of the Managing Officer. Such contributions shall be made to the group for the group's designated purpose and shall not be credited to any individual.

E. Symbols or Logos

1. Authorized inmate groups may adopt a symbol representing evidence of membership in an authorized group only with the prior written approval of the Managing Officer/designee.
2. Such symbols shall be in the form of a pin or medallion, to the extent that such items are in accordance with the institution dress code.
3. Symbols may be disapproved based upon size, weight, obscenity or the capability of being used as a weapon or its ability to conceal contraband. In addition, symbols that represent an insult or threat to others shall not be approved, including any gang insignias.
4. The Managing Officer may circulate regulations limiting the times and places where symbols may be worn, especially if they constitute a safety hazard, such as wearing medallions near working machinery.
5. Authorized groups may also receive permission to utilize a logo on stationary with the written approval of the Managing Officer. Any approved stationary must comply with section VI.E.1 of this policy and must include the institution name and address.

F. Reporting

1. Each inmate group shall submit a quarterly report to the Managing Officer that is approved by the group's advisor. This report shall include the following information:
 - a. Name of group;
 - b. Affiliation, if any, to a state, national or international organization;
 - c. Purpose of the group;
 - d. Membership by race;
 - e. Meetings held;
 - f. Financial standing, if appropriate;
 - g. Received benefits to the participants and general population; and
 - h. Accomplishments.
2. Each inmate group shall submit an annual report approved by the group advisor to the Managing Officer by January 1st of each year. The report shall include items in section VI.F.1 of this policy.

3. The Managing Officer/designee shall submit an annual report of the various inmate groups, which shall include the items listed in section VI.F.1 of this policy, to the appropriate Regional Director by the January 15th of each year.
4. Each group shall submit a monthly accountability statement/Profit Loss Statement to the Cashier's Office of the respective institution. This statement shall detail all financial and merchandise activities for the month. Failure to supply this statement may be grounds for suspension of group activities.

G. Annual Review

1. In view of the changing nature of the institutions, staff and inmate populations, it is necessary that each inmate group be reviewed annually to determine if the program continues to present a benefit to the members, inmate population, and community. This review may be conducted as part of the annual institutional needs assessment.
2. The annual review shall be made by the Managing Officer/designee by reviewing the quarterly reports, any special incident reports relating to the group, and the stated mission or purpose of the group.
3. The Managing Officer's/designee comments regarding any non-continuation of a group shall be submitted with the annual report required in this section.
4. The Regional Director shall review the comments of the Managing Officer/designee and the annual report to determine if the group should be authorized to continue. If disapproved, written reasons for the disapproval shall be made to the Managing Officer. This shall not preclude a Managing Officer from discontinuing a group for reasons described in paragraph (C) of Rule 5120-9-37 of the Administrative Code.
5. Each institution shall complete the Annual Certification of Inmate Group, Inmate Program and Industrial Art Program (DRC1163). This form shall be signed by the Managing Officer and submitted to the Chief of the Division of Business Administration no later than July 31st each year.

H. Records Management

1. A program file shall be maintained for each group containing the following information:
 - a. Inmate Group Application;
 - b. By-laws and/or constitution;
 - c. Assignment of advisor/supervisor;
 - d. Special Authorizations;
 - e. Annual and Quarterly Reports;
 - f. Special Incident Reports; and
 - g. Monthly accountability statements.

2. This information shall be maintained by the following persons:
 - a. Managing Officer/designee;
 - b. Group Advisor/Supervisor;
 - c. Unit Management Chief, and
 - d. Responsible Deputy Warden

3. The inmate group may maintain in their files information found in section VI.H.1.a-d of this policy and other information as deemed necessary to the group activity by the advisor. The advisor or Managing Officer/designee will have access to all group files.

Related Department Forms:

Annual Certification of Inmate Group, Inmate Program and Industrial Art Program
Application for Group Activity for Residents

DRC1163
DRC4166