

STATE OF OHIO



DEPARTMENT OF REHABILITATION  
AND CORRECTION

SUBJECT: Inmate Access to the Telephone & Electronic Mail (email)	PAGE <u> 1 </u> OF <u> 4 </u> .
	NUMBER: 76-VIS-02
RULE/CODE REFERENCE:	SUPERSEDES: 76-VIS-02 dated 05/21/05
RELATED ACA STANDARDS: 4-4271; 4-4272; 4-4275; 4-4497	EFFECTIVE DATE: October 21, 2015
	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 set forth procedures governing inmate access to the use of telephones and electronic mail (email).

**III. APPLICABILITY**

This policy applies to persons employed by the Ohio Department of Rehabilitation and Correction (DRC), independent contractors providing a service to the Department, inmates, and volunteers.

**IV. DEFINITIONS**

**Emergency Telephone Calls** - Calls involving serious family illness, death, or impending circumstances which cannot be deferred until regular mail delivery or regular telephone schedules.

**Legal Representatives** - Attorneys, legal aid officers and assistants to the inmate's attorney of record, legal interns, and legal investigators.

**V. POLICY**

It is the policy of the Ohio Department of Rehabilitation and Correction to provide inmates with reasonable and equitable access to telephones and email at a reasonable price.

**VI. PROCEDURES**

A. Access and Use of Telephone Equipment:

1. Inmate telephone calls may be voice monitored or recorded to ensure the telephone privilege is not being abused in a manner that is a violation of law or detrimental to the security of the institution, employees, or other inmates.

2. All inmate phone calls shall be prepaid or charged collect, unless charges to the institution are authorized in advance by the Managing Officer or designee. Inmates will not be permitted to place toll-free calls (i.e. 800, 877) or additional charge calls (i.e. 900).
3. Telephone calls shall be permitted for all general population and protective control inmates subject to local policies developed by the Managing Officer. Such policies may limit phone calls based upon the physical plant, security concerns, staffing, telephone availability, daily inmate schedules and conduct. All such policies shall be in writing and available for review by inmates and staff.
4. Inmates may be allowed emergency telephone calls subject to the limitations outlined in section VI.B of this policy.
5. Telephone privileges may be summarily removed for cause if a rule violation or a security threat is noted during the call. Violations such as abusive language, excessive time on the phone, 3-way and forwarded calls (i.e. not applicable to inmate subscribed to a call routing service such as Millicorp or ConsCall Home) shall be considered cause for summary removal of privileges. All violations shall be documented in a conduct report and the hearing officer or rules infraction board may suspend telephone privileges for rule violations.
6. The awarding of additional telephone privileges for demonstrated positive behavior may be utilized by unit staff where facilities, space and staffing permit. Any such privilege program shall be in writing and posted for inmate review.
7. Generally, inmates in security control, disciplinary control, local control, and in special management status may place emergency or legal calls only when approved by the Managing Officer or designee. All inmate calls made from segregation units shall be documented on the attached Segregation Telephone Call Record (DRC 2640).
8. Inmates may not receive incoming telephone calls unless arrangements for such are made in advance and approved by the Managing Officer or Designee.

B. Monitoring Inmate Phone Calls:

1. Telephone calls may be voice monitored or recorded by staff designated by the Managing Officer on a random or regular basis or for cause. Any violations shall subject the inmate to disciplinary action. All emergency telephone calls may be voice monitored.
2. A sign clearly stating telephone calls may be monitored and recorded shall be posted in clear view of all inmate telephones.

C. Legal Calls

1. On occasion, courts will schedule pre-trial hearings via conference calls between the plaintiff, plaintiff's attorney, defendant, defendant's attorney and the courts. In such cases, it is imperative that all factors are properly coordinated to ensure availability of the inmate, private telephone access, and visual monitoring. Upon

receipt of such hearing notice, the Managing Officer will assign a specific employee to coordinate the telephone pre-trial hearing. All such calls shall be visually monitored, but not voice monitored.

2. Inmates' use of telephones to place calls to parties outside of the institution is conditioned on their consent to these calls being monitored. As such, these telephone calls are not appropriate for legally recognized privileged communication. If an inmate wishes to have a privileged communication, then this generally should occur in person or through the U.S. mail, subject to the provisions made in regulations governing legal services, mail, printed materials and visitation. In the event of an urgent legal matter, an inmate may contact unit personnel to request arrangement of an unmonitored telephone call. Telephone calls with an attorney, that have been cleared and approved by the Managing Officer/Designee, shall not be voice monitored, but shall be visually monitored.

D. Access and Use of Electronic Mail (email)

1. DRC employees, contractors, and volunteers shall not give inmates access to any DRC email account under the following circumstances:
  - a. For purposes of sending, receiving, printing, and/or viewing emails or any data or information attached to DRC emails, such as documents or pictures;
  - b. To obtain user account information, such as names and/or passwords.
2. Inmates shall not have the following access:
  - a. To use any DRC email account;
  - b. To have in their possession or under their control any DRC email user account information, including name and/or password;
  - c. To have in their possession or under their control any data or information attached to DRC emails, such as documents or pictures unless such possession is authorized in writing by the Managing Officer and is required by participation in an approved work program.
3. All content contained in an email system provided specifically for inmates is not considered private and may be monitored and/or copied in an electronic or paper format to ensure it is not being abused in a manner that is a violation of law or detrimental to the security of the institution, employees, or other inmates. Any violations shall subject the inmate to disciplinary action.
4. In as much as inmate use of the inmate email system is conditioned upon their consent to these emails being monitored and/or copied in an electronic or paper format, said emails are not appropriate for legally recognized privileged communication. If an inmate wishes to have a privileged communication, then this generally should occur in person or through the regular U.S. mail subject to the provisions made in regulations governing legal services, mail, printed materials, and visitation.

5. Use of inmate email shall be permitted for all general population and protective control inmates subject to local policies developed by the Managing Officer. Such policies may limit use of inmate email based upon the physical plant, security, concerns, staffing, email computer device availability, daily inmate schedules and conduct. All such policies shall be in writing and shall be available for review by inmates and staff.
6. Inmate email privileges may be summarily removed for cause if a rule violation or a security threat is noted during use of the email. Violations, such as threatening language and physical abuse of the kiosk or mobile device shall be considered cause for summary removal of privileges. Violations shall be documented in a conduct report and the hearing officer or rules infraction board (RIB) may suspend inmate email use privileges for rule violations.
7. Where a documented and imminent security threat exists, the Chief Inspector may suspend email privileges for an inmate for an indefinite period of time without a conduct report to allow for further investigation, monitoring, and mitigation of the threat.
8. Notice stating that inmate email is subject to monitoring and/or copying shall be posted or displayed in the kiosk or mobile device.

**Related Department Forms:**

Segregation Telephone Call Record

DRC2640