I. AUTHORITY

Ohio Revised Code 5120.01 authorizes the Director of the Department of Rehabilitation and Correction, as the executive head of the department, to direct the total operations and management of the department by establishing procedures as set forth in this policy.

II. PURPOSE

The purpose of this policy is to describe applicable regulations governing resident group activities, including directives relating to the requirements for authorized secular resident groups provided in Ohio Administrative Code (OAC) 5120-9-37, and to set forth guidelines for implementing and monitoring resident group activities.

III. APPLICABILITY

This policy applies to all incarcerated individuals and persons employed by or under contract with the Ohio Department of Rehabilitation and Correction (ODRC) involved in the organization, participation, supervision, and review of resident groups and activities.

IV. DEFINITIONS

The definitions for the below listed terms can be found at the top of the policies page on the ODRC Intranet at the following:

Definitions Link

- Accountability Report
- Fundraising Activities
- Profit and Loss Statement
- Resident Group
- Resident Group Advisor
- Solvency
- Unauthorized Group
V. POLICY

It is the policy of the ODRC to authorize group activities that serve to benefit incarcerated individuals and the community. In accordance with OAC 5120-9-37, Inmate Group Activities, unauthorized group activities or authorized group activities inconsistent or beyond authorized activity are prohibited. Staff supervision of all resident group activities shall ensure no incarcerated individual or group will be given control or authority over others.

VI. PROCEDURES

A. Formulation and Application

Incarcerated individuals who wish to form a group within an institution shall comply with the requirements of OAC 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 incarcerated individual whose request to apply is approved. The applicant shall complete the form and include the information required in paragraph (G) of OAC 5120-9-37. Newly established resident groups as described in OAC 5120-5-07, Inmate Group Fiscal Activities and ODRC Policy 73-GRP-01, Resident Groups, may conduct fundraisers and/or utilize the Industrial and Entertainment (I&E) Account to provide start-up funds. If the resident group elects to utilize the I&E Account for start-up funds, they shall have sufficient fundraising plans to repay the I&E Account within one year of its establishment.

B. Supervision

Each resident group shall have a staff advisor assigned by the managing officer/designee. ODRC employees shall supervise all group activities, oversee the financial requirements, as applicable, and work assignments to ensure no incarcerated individual or group is given control or authority over other incarcerated individuals. No administrative person having direct supervision over the Business Office and/or Cashier’s Office shall be allowed to serve as a group advisor. The responsibilities of the resident group advisor are as follows:

1. The advisor shall be knowledgeable of the group by-laws, community affiliation, and ODRC rules and regulations so they may properly supervise the activities of the group,

2. The advisor shall attend meetings of the group or provide an informed staff alternate to attend the meetings,

3. The advisor shall supervise all volunteers approved to participate in the group activities. In accordance with ODRC Policy 71-SOC-01, Recruitment, Training and Supervision of Volunteers, all volunteers shall receive orientation training prior to participating in any group activity,

4. The advisor shall review and sign all resident group correspondence, reports, requisitions, etc., prior to being submitted to any staff, agency, or individual,
5. The advisor shall require and review activity reports of the group and shall assist the managing officer/designee in their annual review of the group’s activities and re-application,

6. The advisor shall ensure no incarcerated individual or group is given control or authority over others.

C. Unauthorized Groups

1. OAC 5120-9-37 (B) describes the Unauthorized Group activities prohibited by OAC 5120-9-06 (C) (17). The primary objectives of the regulatory scheme are to prevent resident 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 staff. The primary means of achieving these objectives is through the enforcement of the prohibition on unauthorized group activities described in OAC 5120-9-37 (B) (1) through B (5).

2. OAC 5120-9-06 (C) (17) and 5120-9-37 (B) are not intended to prevent incarcerated individuals 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, resident groups may not be used to shield unauthorized group activities. If an employee suspect incarcerated individuals are using authorized activities to conceal some unauthorized activity, the employee shall give those individuals a direct order to disperse and issue a conduct report for disobedience of a direct order if they fail to do so. If, at any subsequent time, those individuals again engage in such subverted activities, the employee shall charge them with an unauthorized group violation under OAC 5120-9-06 (C) (17). Employees 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. When such items are withheld, employees shall observe the procedural safeguards set out in OAC 5120-9-17 (H), 5120-9-18 (I) and (J) and 5120-9-19 (C) and (D).

4. Any material related to unauthorized group activity found in an incarcerated individual’s possession shall be deemed contraband and confiscated. See Rule 5120-9-55 of the OAC.

D. Fiscal Activities

1. All fiscal activities conform to OAC 5120-5-07, Inmate Groups Fiscal Activities, the ODRC Cashiers’ Manual and the ODRC Business Operations Manual, in addition to this policy.

2. In addition to any established dues for groups associated with a state or national organization, local dues may not exceed $0.50 per month per person or $6.00 per calendar year per person per group.
3. In no case shall any one group member be authorized to act on behalf of the group with respect to expenditures. All expenditures shall be approved by the general membership of the group, the group advisor, appropriate deputy warden/designee, and the managing officer/designee. All approvals shall be in writing and contain original signatures.

4. Fundraisers

Fundraising activities shall have the prior written approval of the managing officer/designee and comply with OAC 5120-5-07, Inmate Groups Fiscal Activities. Written approval shall specifically state the purpose of the fundraisers. The following applies:

a. Resident group fundraisers are subject to a donation requirement by the end of each fiscal year. First, the expenses related to conducting the fundraiser(s) shall be deducted from the proceeds. Fifty-one percent (51%) or more of the remaining proceeds shall then be utilized for donating funds or items purchased to 501 (c)(3) tax exempt charitable organizations. Community service hours shall be granted to group participants who are active in fundraising activities which benefit 501 (c)(3) tax exempt organizations. The Request for Certification of Approval (DRC1229) shall not be required in order to expend the collected funds for the specific donation.

b. If the group does not have any financial requirements, the group shall not be required to have funds for donating.

c. If the group does not have any fundraisers during the fiscal year, the donation requirement shall not apply.

d. Newly established groups may have a fundraiser(s) to obtain start-up funds (as detailed in subsection VI.A of this policy). The donation requirement shall not apply to this fundraiser(s).

e. Resident groups shall not conduct fundraisers for donating to the Combined Charitable Campaign.

5. Purchasing guidelines governed by Department of Administrative Services (DAS), Office of Procurement Services (OPS) apply as follows:

a. Materials or items purchased for resale do not require the Request for Certification of Approval (DRC1229). Please reference the ODRC Cashiers’ Manual for complete details.

b. Purchases, excluding resales, shall follow the purchasing guidelines as referenced in the ODRC Business Operations and/or Cashiers’ Manual.

c. If there are any concerns regarding a purchase, DBA shall consult with the institution’s respective regional director in the Office of Prisons (OOP).
d. Additionally, no purchase for the same general purpose that collectively exceeds $500 from various groups, paid from separate funds, shall be made without prior approval of the DBA chief/designee.

e. A resident group shall not own equipment. If the group requests to purchase equipment items, regardless of the cost, the group shall be informed that the equipment to be purchased shall be donated to ODRC for the benefit of the resident group. Once the equipment is received, an approved transmittal letter shall be uploaded into OAKS AM along with the assigned ODRC asset number, as applicable to the equipment cost. Please reference the Appendix attached to ODRC Policy 22-BUS-08, Inventory and Control of Property, Supplies and Other Assets and the ODRC Cashiers’ Manual for complete details regarding donated assets.

6. Profit and Loss Statements (DRC1132 or DRC1133) shall be prepared by all resident groups for each fundraising activity held. The Profit and Loss Statements (DRC1132 or DRC1133) shall be 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 (DRC1131) shall be generated if inventory remains at the conclusion of the fundraising activity.

7. No business/fiscal activity is to be conducted with any current or formerly incarcerated individuals, their family members, or their business associates.

8. Incarcerated individuals performing general institution duties are not to receive pay from group funds.

9. Institutional funding shall not be used for any purpose or activity that is the direct responsibility of a resident group (e.g., postage, office supplies, and copies).

10. No resident group shall purchase for an employee, nor shall any employee accept any gifts (e.g., watches, rings, etc.) from a group, except for properly approved plaques or certificates of recognition awarded to individuals for their assistance and guidance.

11. Resident group accounts shall remain in a solvent condition as stated in the approved Application for Group Activity for Residents (DRC4166) under Arrangement for Financial Requirements. Exception: If the group is not required to have any Arrangement for Financial Requirements, the group shall not be required to have funds for operating. Therefore, solvency is not applicable to this resident group.

12. New accounts shall not be permitted without the prior written approval of the managing officer and DBA chief/designee.

When there is a need to dissolve a group, the institution will send a memo to the DBA chief. The memo shall include the managing officer’s signature, the justification to dissolve the group, and the disposition of any remaining funds. DBA recommends the disposition of funds be donated or transferred to I&E. DBA will review each request on a case-by-case basis.
13. Resident groups may receive contributions from individuals or groups in the community 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 resident groups may adopt a symbol representing evidence of membership 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, the capability of being used as a weapon, or its ability to conceal contraband. Symbols that represent an insult or threat to others shall not be approved, including any gang insignias.

4. The managing officer may regulate the times and places where symbols may be worn, especially if they constitute a safety hazard, such as wearing medallions while working near machinery.

5. Authorized groups may receive permission to utilize a logo on stationary with the written approval of the managing officer. Any approved stationary shall comply with subsection VI.E.1 of this policy and shall include the institution name and address.

F. Reporting

1. Each resident group shall submit a quarterly report to the managing officer/designee 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,
   g. Benefits received by members and the general population; and
   h. Accomplishments.

2. Each resident 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 resident groups to the appropriate regional director by January 15th yearly. The annual report shall include the items listed in subsection VI.F.1 of this policy.
4. Each resident group shall submit a Monthly Accountability Statement/Profit Loss Statement to the Cashier’s Office. 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 correctional environment, it is necessary that each resident group be reviewed annually to determine its benefit to the members, the general population, and community. This review shall be in written form and may be conducted as part of the annual institutional needs assessment.

2. The annual report shall include a review of the quarterly reports, any incident reports relating to the group, and the stated mission or purpose of the group.

3. The managing officer’s/designee’s comments regarding any discontinuation of a resident 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 resident 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 resident group for reasons described in paragraph (C) of OAC 5120-9-37.

5. Each institution shall complete the Annual Certification of Resident Group, Resident Program and Industrial Art Program (DRC1163). This form shall be signed by the managing officer and submitted to the DBA chief no later than July 31st each year.

H. Records Management

1. A program file shall be maintained for each resident group containing the following information:

   a. Resident group application,
   b. By-laws and/or constitution,
   c. Assignment of advisor,
   d. Special authorizations,
   e. Annual and quarterly reports,
   f. Incident reports; and
   g. Monthly accountability statements.

2. This information shall be maintained by the following persons:

   a. Managing officer/designee,
   b. Group advisor,
   c. Unit management chief, and
   d. Responsible deputy warden
3. The resident group may maintain in its files information found in subsection VI.H.1.a-d of this policy and other information as deemed necessary to the group activity by the group advisor. The group advisor or managing officer/designee shall have access to all group files.

Referenced ODRC Policies:

22-BUS-08 Inventory and Control of Property, Supplies, and Other Assets
71-SOC-01 Recruitment, Training and Supervision of Volunteers
310-SEC-12 Security Threat Group

Referenced Forms:

Accountability Statement DRC1131
Profit and Loss Statement – Merchandise DRC1132
Profit and Loss Statement – Services DRC1133
Annual Certification of Resident Group, Resident Program and Industrial Art Program DRC1163
Request for Certification of Approval DRC1229
Application for Group Activity for Residents DRC4166