



Ohio Administrative Code Rule 5120-9-17 Incoming mail.

Effective: May 23, 2014

(A) Mail in the form of first class letters or electronic mail addressed to an inmate shall not be withheld except as provided in this rule. There shall be no limitation on the number of first class letters that an inmate may receive nor the number of persons with whom an inmate may correspond.

(B) Inspection of incoming mail:

(1) All mail, including electronic mail, other than legal mail, shall be opened and may be read or copied in the institution mail office and inspected for the presence of contraband, unauthorized forms of funds, and other threats to the security and safety of the institution. The written portion of the mail shall then be promptly delivered to the inmate, unless withheld in accordance with paragraph (G) of this rule.

(2) "Legal mail" is mail addressed to an inmate clearly bearing the return address of an attorney-at-law, a public service law office, a law school legal clinic, court of law, or the correctional institution inspection committee. It may be opened and inspected for contraband only in the presence of the inmate-addressee. "Legal mail" does not include postcards from a court of law that indicates fees and/or fines owed by the inmate-addressee.

(3) Electronic mail is offered to inmates as an additional means of communication. Electronic mail received is not suitable for confidential legal communications or legal mail. Inmates shall be instructed not to use electronic mail for confidential legal communications. "Legal mail" shall be restricted to the traditional mail format. Electronic mail cannot be accepted while an inmate is in special management housing.

(C) The managing officer or his designee shall determine the disposition of contraband pursuant to rule 5120-9-55 of the Administrative Code. The contraband may be returned to the sender, confiscated as evidence, held for the benefit of the inmate-addressee, or otherwise disposed of in a manner consistent with the law.



(D) All funds mailed to inmates shall be processed in accordance with rule 5120-5-02 of the Administrative Code.

(E) A letter or electronic message that is incorrectly addressed may be returned to the sender after a reasonable effort to ascertain the identity of the addressee has failed.

(F) Telegrams and electronic mail may be reviewed prior to delivery.

(G) Mail, including electronic mail, that presents a threat to the security and safety of the institution, its staff or inmates, may be withheld from the inmate-addressee. No material or correspondence will be considered to present such a threat solely on the basis of its appeal to a particular ethnic, political, racial or religious group. To constitute such a threat, the correspondence must meet at least one of the following criteria:

(1) The correspondence incites, aids, or abets criminal activity or violations of departmental rules, such as, but not limited to, rioting, extortion, illegal drug use or conveyance of contraband.

(2) The correspondence incites, aids, or abets physical violence against others, such as, but not limited to, instructions in making, using, or converting weapons.

(3) The correspondence incites, aids, or abets escapes, such as, but not limited to, instructions on picking locks or digging tunnels.

(4) The correspondence is in code or cipher.

(H) Procedures for withholding correspondence are as follows:

(1) The initial decision to withhold the correspondence will be made by the officer charged with inspecting it, with the concurrence of the mail room supervisor.

(2) The inmate-addressee and the author of the correspondence will be notified, in writing, that the correspondence was withheld. The notification will:



- (a) Identify the inmate-addressee by name and number.
 - (b) Identify the author by name and address.
 - (c) Include a description of the correspondence by date or otherwise.
 - (d) Include a brief statement of the reason the correspondence is being withheld.
 - (e) Inform the author of the procedure for appeal, including the time for appeal.
 - (f) Identify the person to whom the decision to withhold the correspondence is to be appealed.
- (3) The notification will be sent to the author and the inmate-addressee within seven calendar days of the decision to withhold, unless the managing officer determines that the notification will interfere with the conduct of a pending investigation.
- (4) Decisions to withhold mail, including electronic mail, may be appealed in writing by the author to the managing officer or his designee within fifteen calendar days of the date of the mailing of the notification. The appeal should explain why the correspondence does not present a threat to the security and safety of the institution, its staff or inmates.
- (5) The written appeal and the correspondence will be considered by the managing officer or designee who shall determine whether the correspondence will be withheld or delivered to the inmate.
- (6) Any correspondence withheld from an inmate-addressee will be retained during the pendency of the appeal or for the time in which an appeal may be filed.
- (7) If it is determined on appeal that the correspondence does not present a threat to the safety and security of the institution, its staff or inmates, the correspondence will be immediately delivered to the inmate-addressee.



(8) If it is determined on appeal that the correspondence presents a threat to the safety and security of the institution, its staff or inmates, or, if no appeal is taken, the mail may be returned to the author, held as evidence for criminal prosecution or a disciplinary proceeding, or destroyed.

(I) Mail, including printed electronic mail, in the possession of an inmate may, when approved by the managing officer or his designee, be seized, read, and copied where a reasonable belief exists that it may contain evidence of a violation of federal or state law or departmental rules. If a staff member reasonably believes there is a present risk of destruction of such mail, it may be seized and forwarded to the managing officer or his designee for review.

(J) Advertising mail, commonly known as "junk mail" and advertising in the form of electronic mail, commonly known as "spam", which include, but are not necessarily limited to promotional offers, drawings, sweepstakes, lotteries and other promotional campaigns, which proposes a commercial transaction and which taken as a whole, is not a personal communication uniquely composed for a specific individual, may be withheld from the addressee. Junk mail may be returned to the sender if return postage is guaranteed, or it may be destroyed at the institution if not. No notice or other process need be provided to the addressee or the addresser in such circumstances, any other provision in this or any other rule of the Administrative Code notwithstanding. The only exception to this paragraph shall be for catalogues for mail-order purchases, as approved by the office of prisons, provided that the contents of the catalogue are subject to the screening criteria for printed materials in rule 5120-9-19 of the Administrative Code.