



Ohio Administrative Code Rule 5120-9-18 Outgoing mail.

Effective: May 23, 2014

(A) There shall be no limitation on the number of letters that an inmate may send, nor shall there be any restrictions as to persons with whom an inmate may correspond, except as provided in this rule.

(B) Postage and embossed envelopes shall be available for sale in the institution commissary. Inmates may send one letter each month at state expense.

(C) Legal mail is mail addressed to an attorney at-law, a public service law office, a law school legal clinic, a court of law, or the correctional institution inspection committee. Such mail must be clearly addressed reflecting one of the above addressees and be marked "legal mail" by the inmate.

(D) Electronic mail is offered to inmates as an additional means of communication. This form of communication 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 accessed while an inmate is in special management housing.

(E) Inmates shall seal their own first class letters, except in instances where there is to be an enclosure of money or documents held by the institution.

(F) All outgoing mail, including electronic mail, shall be clearly identified by the sender's name, institution number and return address. Any outgoing mail not so identified may be opened and read for the purpose of identifying the sender. All outgoing letters from inmates shall be stamped on the front or back of the envelope with a stamp identifying:

- (1) That the letter is inmate correspondence; and
- (2) the sending institution's name and address.



(G) Inmates are prohibited from sending any letter or electronic mail:

(1) That is threatening,

(2) That incites, aids or abets or constitutes criminal activity or violations of departmental rules,

(3) That is, or contains evidence of criminal activity or violations of departmental rules,

(4) That is in code or cipher,

(5) That would present a threat to the safety and security of the institution, its staff or inmates,

(6) To any person who the inmate has been advised has notified the managing officer that he or she is being harassed by the inmate and does not want to receive correspondence from the inmate,

(7) To any person, firm, association, or other entity for the purpose of soliciting funds or property without the prior approval of the managing officer. This provision does not apply to lawful requests made by an inmate for funds from an individual approved to send money to the inmate.

(8) That contains funds being sent to any person not on the inmate's approved visiting list.

(H) Any violation of the preceding procedures and prohibitions by the inmate shall be considered a violation of the inmate rules of conduct and may result in disciplinary action. Sanctions for such violations may include a restriction of the inmate's mail privileges for a specific period of time. Any mail restriction imposed must be only the minimum required to prevent future abuses of the mail privilege.

(I) Except as provided in paragraph (E) of this rule, outgoing non-legal inmate letters may only be opened, read, copied, or withheld, and electronic mail may only be withheld when the managing officer or designee has a reasonable belief that the inmate's correspondence meets one of the criteria listed in paragraph (G) of this rule. In such cases the following procedures shall be followed:

(1) The managing officer or designee shall make a request in writing to the director or designee



stating the name and number of the inmate, the reasons for believing that the mail meets the criteria listed in paragraph (G) of this rule, and the time period for which permission to open, read, copy or withhold the inmate's mail is sought.

(2) The director or designee shall review the request. The director or designee may order further investigation before granting or denying such request. If approved, the director or designee shall document such approval, the name and number of the inmate and the time period for which such approval is granted. Approval of the director or designee to open, read, copy or withhold such mail shall extend only to the managing officer or designee.

(3) The managing officer or designee shall then record on a log the following information for any outgoing non-legal mail that is approved to be opened: the sender's name and number, the dates of approval to open, read, copy or withhold, the name of the managing officer's designee, if applicable, the addressee, the date the mail is opened and reviewed, and any action taken as a result of the review.

(4) If, after reviewing such mail the managing officer or designee determines that it does not meet any of the criteria listed in paragraph (G) of this rule, the mail shall be promptly forwarded to the addressee. If the correspondence is determined to meet one of the criteria listed in paragraph (G) of this rule, it may be copied and/or read and forwarded to the addressee or retained as evidence pursuant to an investigation and/or subsequent criminal or administrative proceeding, or returned to the inmate, as deemed appropriate by the managing officer or designee.

(5) In any case where the correspondence is determined to meet the criteria in paragraph (G) of this rule, and it would not hinder any ongoing investigation, the inmate shall receive written notice of the withholding of mail and or an appropriately issued conduct report. The notice or conduct report shall identify the correspondence by addressee, date or other description, and include an explanation as to why it is being withheld and/or a conduct report being issued.

(J) Outgoing legal inmate mail may only be opened if there is a reasonable belief that the mail contains contraband. In such cases the following procedures shall be followed:

(1) Request in writing, as soon as practicable, to the director or designee approval to open said legal



mail. The request shall include the name and number of the sender, the addressee's name and address as it appears on the envelope, and the reasons for believing the envelope contains contraband.

(2) The director or designee shall review the request and as soon as practicable, approve or disapprove the request. Such approval or disapproval shall be documented in writing and reflect the name of the director or designee approving or disapproving the request.

(3) If the request is denied, the mail shall be promptly delivered to the mail room and processed as outgoing mail without further delay. If the request is approved, the managing officer or designee shall immediately open the envelope in the presence of the sender. The contents may be inspected only to the extent necessary to determine if it contains contraband.

(4) If contraband is found, it shall be handled in accordance with rule 5120-9-55 of the Administrative Code. Any non-contraband contents shall immediately be returned to the inmate who shall be given the opportunity to reseal such contents in another stamped envelope provided by the managing officer or designee, to be taken to the mailroom to be processed as outgoing legal mail without further delay.

(5) The opening and inspecting of any outgoing legal mail shall be documented on an outgoing legal mail inspector log. The managing officer or his designee shall record the name of the person inspecting the mail, the date of the inspection, the addressee, the sender's name and number, a description of any contraband found, the disposition of the contraband, and the date any non-contraband contents were mailed.