



Ohio Administrative Code

Rule 5120-9-51 Internet access for incarcerated individuals.

Effective: May 24, 2021

(A) Incarcerated individuals may only access the internet if they are participating in an approved educational program with direct supervision that requires the use of the internet for training or research purposes. The determination of which programs have educational value is at the discretion of the Director, or designee, and a list of these programs may be provided to the incarcerated population.

(B) Criteria by which incarcerated individuals may be screened and approved for access or training involving the internet shall include the following:

(1) Only incarcerated individuals enrolled in approved programs shall be eligible for internet access under this rule.

(2) The incarcerated individual's current offense of commitment and past criminal conduct may be taken into consideration when determining whether an individual may be eligible for internet access under this rule.

(3) The Ohio central school system superintendent, or designee, in consultation with the department of rehabilitation and correction (DRC) Chief of the Office of Information Technology (OIT) or a designee, and the Deputy Director of operations, or designee, shall have the discretion to deny access to the internet to incarcerated individuals based upon security concerns or the institutional behavior of the inmate individual on a case by case basis. Relevant subject matter experts may be consulted in making this determination.

(C) Only pre-approved internet sites will be accessible on the computers used by incarcerated individuals in an educational program.

(D) Designation of the authority to approve internet sites for authorized use: The Ohio central school system superintendent shall lead and designate a committee comprised of subject matter experts to



serve as the designated authority for the pre-approval of internet sites for authorized use. One of the members of the committee must be a representative of the DRC OIT, chosen by the DRC Chief of OIT. The committee will confer and recommend internet sites for the superintendent to pre-approve.

(E) A process for the periodic review of the operation of the system, including users of the system and the internet sites accessed by the system: the DRC Chief of OIT, or designee, shall also be responsible for periodic review of the operation of the system, including users of the system and sites accessed by the system. The Chief of OIT, or designee, shall utilize available technology and/or services to ensure that access to the internet by incarcerated individuals is restricted only to those sites pre-approved under this rule.

(F) Sanctions that must be imposed against incarcerated individuals and staff members who violate department rules governing access to the internet:

(1) Any staff member, contractor, or volunteer who permits or assists in unauthorized access to the internet by an incarcerated individual may be subject to appropriate disciplinary measures for conduct in violation of this rule, and may be subject to prosecution under section 2921.44 of the Revised Code.

(2) Incarcerated individuals who violate this rule may be found to have violated one or more of the inmate rules of conduct set forth in 5120-9-06 of the Administrative Code and may be subjected to an appropriate penalty as set forth in 5120-9-07 or 5120-9-08 of the Administrative Code.

(3) Incarcerated individuals in a correctional institution under the control of the department of rehabilitation and correction may also be subject to prosecution under division (C)(2) of section 5145.31 of the Revised Code. Incarcerated individuals in a private correctional facility, as defined in section 9.06 or 9.07 of the Revised Code, are subject to prosecution under division (C)(2) of section 9.08 of the Revised Code.