

GENERAL DISTRIBUTION

WEST VIRGINIA
DIVISION OF CORRECTIONS
& REHABILITATION

NUMBER: 504.00

EFFECTIVE DATE: 16 August 2023

SUBJECT: **TABLET PROGRAM**

POLICY DIRECTIVE

PURPOSE:

To establish procedures and guidelines for the usage of tablets by adult inmates and juvenile residents in Division of Corrections and Rehabilitation facilities.

REFERENCE:

WV Code §15A-4-8.

RESPONSIBILITY:

Superintendents are responsible for enacting Operational Procedures to ensure compliance with this Policy Directive.

CANCELLATION:

Any previous written instruction on the subject including DCR Policy Directive 504.00, dated 12 April 2023.

APPLICABILITY:

All facilities and work units within the Division of Corrections and Rehabilitation (DCR). This Policy is available for general distribution and is to be made available for inmate and resident review upon the effective date.

DEFINITIONS:

App: The word “app” is short for application, especially as downloaded to a mobile device. App is another name for a computer program. An app is usually represented by a small picture, known as an icon, on the screen of your device.

Tablet: A mobile computing device approximately the size of a hardcover book and resembles a large smartphone. Tablets do many of the same things as a traditional

computer and use a touch screen as their primary input device. A tablet can have apps installed on it to perform a function.

POLICY:

- I. The Division of Corrections and Rehabilitation (DCR) provides touchscreen tablet computers (tablet) for use by each adult inmate and juvenile resident within the DCR. Each tablet is the property of DCR's vendor and shall remain at the facility where it was issued upon the transfer or release of the inmate or resident. Use of an assigned tablet is a **privilege and not a right.**
 - A. The DCR reserves the right to suspend use of a tablet at any time. Removal of an individual's access to a tablet is subject to the inmate or resident grievance process unless removal is ordered in accordance with disciplinary procedures.
 - B. DCR reserves the right to allow, limit, or disable certain features of the tablet and can do so at any time. The DCR shall monitor and approve all communication applications available on the tablet. Messages and photographs determined to violate DCR policy will not be sent and/or received.
- II. The Commissioner or his/her designee is authorized to monitor, intercept, record, and disclose electronic communications with the following provisions.
 - A. All inmates and residents shall be notified in writing that their electronic communications may be monitored, intercepted, recorded, and disclosed. The tablets provided by the DCR do not have professional messaging capabilities so privileged communications are not protected.
 - B. The following notice shall be prominently placed on every electronic communications device that may be monitored.

**“ALL ELECTRONIC COMMUNICATIONS MAY BE MONITORED,
INTERCEPTED, RECORDED, AND DISCLOSED.”**
 - C. The Superintendent, acting as the designee of the Commissioner, shall monitor electronic communication. Should the Superintendent designate staff member(s) to monitor electronic communication, notification and authorization shall be in writing, and only those individuals are authorized.
 - D. Only the Commissioner, Superintendent, or those designated shall have access to copies or recordings of electronic communications unless disclosed to an appropriate law enforcement agency, or the West Virginia Intelligence Fusion Center, when disclosure is necessary for the investigation, prevention, or prosecution of a crime or to safeguard the orderly operation of the facility. Disclosure may also be made in civil or administrative proceedings pursuant to an order of a court or administrative tribunal

when the disclosure is necessary to safeguard and protect the orderly operation of the facility or to protect persons from physical harm or the threat of physical harm.

1. All recordings or copies of electronic communications disclosed pursuant to the above shall be retained by the facility;
 2. The name of the law enforcement officer and law enforcement agency to which any such contents of communication are provided shall be recorded; and
 3. Unless required otherwise by law, any such records shall be retained for at least three (3) years.
- E. Should an inmate/resident be charged with a crime based, in whole or in part, on the electronic communication supplied to law enforcement, the inmate's/resident's attorney in the criminal matter shall be entitled access to and copies of the electronic communications in the custody of the Commissioner which are not evidence in or the subject of another criminal investigation.
- III. Prior to receiving an assigned tablet, the Rules for Tablet Assignment and Use (**Attachment #1**) will be reviewed with the inmate or resident who will be provided with a copy. The inmate or resident will sign the Tablet Acknowledgment Form (**Attachment #2**) agreeing to the terms and conditions of the tablet program. Signed forms will be uploaded to the Offender Information System (OIS) Document Management.
- A. An inmate/resident may not be assigned the same tablet each day, nor do tablets transfer from one DCR facility to another. Any funds remaining in the inmate's/resident's tablet account will be available on the newly assigned tablet.
 - B. Inmates and residents will sign into the tablet using their assigned 7-digit OID# and 4-digit security PIN number. Each inmate/resident must maintain the security of the tablet, PIN, and logon information. Inmates and residents are not to share their tablet, PIN, or logon information with anyone. Each inmate/resident is responsible for logging off the tablet if he/she is not using it. Each inmate/resident is responsible for any fees or costs associated with applications, communication services, entertainment services (e.g., movies, games, music, etc.), or any other special programming that may be added to the tablet using his/her PIN number.
 - C. Each inmate/resident will be issued one (1) pair of earphones or earbuds to use with the tablet. Inmates/residents may be issued a tablet charger to use within their cell or room. Inmates/residents may not have more than one (1) set of earphones/earbuds and one (1) tablet charger in their possession at any time. Lost or damaged earphones/earbuds and chargers may be replaced through purchase by the inmate/resident. Inmates/residents are required to exchange them on a one-for-one basis through established procedures in the facility. If charging the tablet within the inmate's or resident's cell or room is not available, there will be a tablet charging station and/or charging cart available.

- D. The tablet is the inmate's/resident's responsibility. Any intentional damage or destruction to the tablet or charging equipment may result in the revocation of the tablet and disciplinary procedures resulting in restitution for the cost of replacing the tablet or charging equipment. Any physical damage shall be immediately reported to staff. Failure to follow this procedure may result in loss of tablet privileges.
 - E. Earphones/earbuds are mandatory when using the tablet for phone calls, video visits, playing games, watching movies or listening to music.
- IV. Superintendents are responsible for establishing and making available to the inmate or resident population facility-specific Operational Procedures to address at a minimum, the following:
- A. Rules of tablet use including scheduled times an inmate or resident may spend on the tablet, and the areas tablets are permitted to be used;
 - B. Procedures and schedule for charging tablets;
 - C. Procedures for inmates and residents to report damaged or non-working tablets and charging equipment, including software and applications issues which are to be reported to the vendor.
 - D. Procedures for staff to inspect tablets for visible damage and ensure all tablets are accounted for (physically damaged tablets will be removed from the housing unit and an incident report will be filed); and
 - E. Procedures for depositing funds to the inmate's/resident's tablet account.

ATTACHMENT(S):

- #1 Rules for Tablet Assignment and Use (3 pages)
- #2 Tablet Acknowledgment Form

APPROVED SIGNATURE: _____

William K. Marshall III

William K. Marshall III, Commissioner

08/16/2023

Date

DIVISION OF CORRECTIONS & REHABILITATION

Rules for Tablet Assignment and Use

**“ALL ELECTRONIC COMMUNICATIONS MAY BE MONITORED,
INTERCEPTED, RECORDED, AND DISCLOSED.”**

1. An inmate or resident who accepts responsibility for, and is assigned a state-issued tablet shall:
 - a. Sign a Tablet Acknowledgement Form;
 - b. Agree to abide by agency and facility policies and procedures, as well as terms and conditions published by the tablet provider;
 - c. Agree to use the tablet only for lawful purposes; and
 - d. Agree to repay the agency for the replacement cost of the tablet and/or charger if the inmate's/resident's intentional or grossly negligent behavior results in the damage or destruction of a tablet and/or charger. Said replacement cost for the tablet is \$350.00 and \$20.00 for the wall charger.
2. An inmate/resident who has been assigned a tablet knows and understands that access to a tablet is a privilege that may be temporarily or indefinitely suspended, or permanently revoked based on the inmate's/resident's:
 - a. Failure to abide by agency and facility policy and procedures;
 - b. Misuse of the tablet;
 - c. Using or attempting to use the tablet in an unauthorized location;
 - d. Using or attempting to use the tablet to contact or communicate with individuals he or she is not authorized to communicate with;
 - e. Sending, receiving, accessing or attempting to send, receive or access contraband materials;
 - f. Accessing or attempting to access apps or content without proper payment;
 - g. Accessing, using, or being in possession of another inmate's or resident's tablet or PIN; and
 - h. Intentionally or through gross negligence damaging or destroying the assigned tablet.
3. The Superintendent or designee may limit, suspend, or revoke an inmate's/resident's access to apps and content on the tablet if:
 - a. The inmate or resident is using the tablet to intimidate, harass, bully, or manipulate individuals with whom the inmate or resident is in contact;
 - b. The inmate or resident is using the tablet to engage in unlawful activity or violating any of the agency's written rules; or
 - c. There are exigent circumstances relating to the security, safety, and good order of the facility and its inhabitants that require a limitation to or pause of access to an app or content.
4. An inmate/resident may only have one set of earphones/earbuds at any time and one charger (if provided one).
5. An inmate/resident must purchase replacement earphones/earbuds and chargers if they are lost, damaged, or otherwise unusable; and return the unusable earphones/earbuds and charger to staff when receiving the replacement items.

AVAILABLE PROFILES

A. FREE PROFILE:

- No cost to inmate/resident
- Account information (tablet balance)
- Contact list of family and friends who created an account
- eBooks
- Facility information file (Inmate/Resident Handbook, other facility information, PREA information)
- Commissary ordering (where available)
- Phone dialer (no cost to use tablet as a phone; however, normal phone calling/minute rates apply)
- Education
- Law Library
- Video visitation (no cost to use for video visitation; however, once connected, \$0.20 per minute)

B. STANDARD PAID PROFILE:

- Cost is:
 - \$0.05 cents per minute of usage at jails
 - \$0.04 cents per minute of usage at prisons and community corrections
 - \$0.04 cents per minute of usage at juvenile facilities
- Inmate/resident may use multiple apps at the same time (e.g., listen to music while sending messages)
- Games
- Messaging
- Photos from family and friends. Family and friends must create an account to send photos to an inmate/resident. Inmates/residents cannot send photos to friends/family. Photos go through a review process before they are released to inmates/residents. Inappropriate photos will not be sent, and the sender will not be reimbursed for rejected photos.

Criteria for Acceptable Photos:

- All individuals in photo must be fully clothed (no nudity or excessive skin)
- No hand gestures/signaling
- No Snapchat filters/embellished photos
- No collages or multiple photos grouped together
- Movies (as listed)
- Music apps (as listed)
- News Apps (as listed)

MESSAGING

For friends and family to use messaging and photo sharing, they must create an account at gettingout.com. The cost to friends and family is \$0.15 cents per message and \$0.15 cents per photo. The cost to the inmate is \$0.04/minute to be logged into the Paid Profile to read

or send messages. **Note:** The charge for the inmate/resident is not per message, it is a per minute rate. Only friends/family are charged per message.

VIDEO MESSAGES

Video messages can be sent from friends and family at a cost of \$0.15 for a 30-second video message. All video messages are subject to review prior to delivery to inmate/resident on the tablet. If deemed inappropriate, the video message will not be approved and delivered to the inmate/resident. No refund will be provided to friends and family denied video messages.

VIDEO VISITATION CALLS

Video visitation calls via tablets are conducted on an on-demand basis. The video calls are **OUTGOING** only. When an inmate/resident wishes to initiate a video visit, he/she logs into the tablet and brings the tablet to one of the docking stations. Tablet must remain in the docking station for the video call to remain intact. If the tablet is removed from the docking station in the middle of a video call, the video will stop but audio will continue. All video calls are subject to monitoring, recording, and review. Any behavior deemed to be inappropriate by either the inmate/resident, or the visitor/friend/family, will result in disciplinary action and permanent loss of video call privileges. Earphones/earbuds are required for all video calls made on the tablets. The cost for video calls is \$0.20 per minute to be paid by either friends and family or the inmate/resident.

Inmates/residents using the video call feature are responsible for informing their visitor/friend/family that screenshots or other recording may not be made of the video call. Any misuse involving the tablet, or its features may result in suspension of privileges for the inmate/resident and/or the visitor/friend/family. Misuse may result in criminal charges to the inmate/resident/friend/family/visitor.

REPLACEMENT ITEMS

Tablet	\$350.00
Wall Charger	\$ 20.00

Copy to be provided to inmate or resident.

DIVISION OF CORRECTIONS & REHABILITATION

Tablet Program Acknowledgement Form

Inmate/Resident Name: _____ OID# _____

Facility: _____ Housing Assignment: _____

If assigned a specific tablet: Tablet Serial #: _____ Tablet ID #: _____

I, _____
(Print name)

- Agree to abide by the policies and procedures regarding tablet use set for by the DCR.
- Agree to use the tablet and charger (if applicable) only for lawful purposes and understand that I am responsible for payment of any fees or costs for communication, entertainment, and programmatic services.
- Understand that agency officials and law enforcement may be monitoring my electronic messages and digital images.
- Know and understand that my tablet privileges may be temporarily suspended or indefinitely revoked due to my:
 - Failure to abide by the policies and procedures;
 - Misuse of tablet; or
 - Intentional damage or destruction of the tablet.
- Know and understand that I may be subject to payment of restitution for the repair or replacement of my tablet or charger (if applicable) another inmate's/resident's tablet or charger (if applicable) if I am found guilty of damaging or destroying the tablet or charger (if applicable).

Signature: _____ Date: _____

_____ I acknowledge that I have received a touchscreen tablet and earphones/earbuds.
Initials

_____ I acknowledge that I have received either:
Initials

- A tablet charging cord;
- or*
- Instructions on how to use a tablet charging station.