
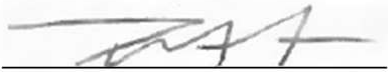


POLICY TITLE: ADULT RESIDENT USE OF COMPUTERS AND/OR ACCESS TO THE INTERNET		PAGE <u>1</u> OF <u>17</u>
POLICY NUMBER: 24.10 (AF)		
CHAPTER 24: PROGRAMS AND SERVICES		
	STATE of MAINE DEPARTMENT of CORRECTIONS Approved by Commissioner: 	PROFESSIONAL STANDARDS: See Section VIII
EFFECTIVE DATE: August 24, 2017	LATEST REVISION: September 24, 2025	CHECK ONLY IF APA []

I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in Title 34-A M.R.S.A. Section 1403.

II. APPLICABILITY

All Departmental Adult Facilities

III. POLICY

It is the policy of the Department to allow approved adult residents to use Department computers and/or access approved resources on the internet for facilitating and enhancing education and vocational training, reentry planning, facility work opportunities, remote work, and other authorized purposes.

IV. DEFINITIONS

1. Facility law enforcement officer - facility correctional investigative officer (detective) or facility Special Investigations and Intelligence Unit (SII) officer.
2. Sexually explicit materials involving minors - materials that describe or depict a sexual act, sexual contact, sexual touching, bestiality, or masturbation involving a person who is, appears to be, or is represented to be under 18 years of age or materials that describe or depict violence inflicted on a person who is, appears to be, or is represented to be under 18 years of age for the purpose of arousing or gratifying sexual desire. This includes, but is not limited to, a "person" who is real, who is generated by artificial intelligence, or who is a product of animation or is otherwise not real.

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VII. PROCEDURES

Procedure A: Computer Use and/or Internet Access, General

1. This policy pertains to all adult resident use of computers and associated access to the internet, except for use of those computers dedicated exclusively to legal work and use of state-issued and personal computer tablets.
2. A resident's use of computers in connection with remote work is governed by both this policy and Department Policy 25.7 (AF), Resident Remote Work.
3. This policy shall be reviewed at least annually by the Department's Director of Education Technology, updated as necessary, and provided to all relevant facility staff and residents. *5-ACI-1F-05*
4. A resident's use of a Department computer and/or access to the internet is considered a privilege and not a right.
5. The facility Chief Administrative Officer, or designee, may restrict, suspend, or terminate a resident's computer use and/or internet access at any time for any reason at their complete discretion.
6. The Commissioner, or designee, may restrict, suspend, or terminate a resident's computer use and/or internet access at any time for any reason at their complete discretion.

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7. The Department's Director of Education Technology, or designee, is responsible for the overall management of computer use and internet access by approved residents, which includes, but is not limited to:
 - a. overseeing installation and maintenance of computer hardware;
 - b. overseeing installation and maintenance of computer software;
 - c. overseeing installation and configuration of internet connection(s);
 - d. overseeing implementation of security controls (e.g., firewalls, filters, etc.);
 - e. securing and maintaining appropriate licenses;
 - f. overseeing updates to hardware, software, internet connections, and security controls, as necessary;
 - g. setting up network folders and authorizing access to appropriate internet sites;
 - h. blocking access to other internet sites;
 - i. ensuring that residents cannot use computers or the internet to access any confidential information or any Departmental sites or programs, including, but not limited to, the Department's website, online document management system, resident and client records management system, etc.;
 - j. ensuring that web-filtering software is used so that residents can only access authorized internet sites;
 - k. ensuring that resident user accounts, resident User IDs, and resident passwords are set-up;
 - l. managing resident user accounts to include expiration dates, size limitations, etc.;
 - m. ensuring appropriate staff monitor computer use and internet access by residents to improve service levels and prevent unauthorized computer use and/or internet access by residents;
 - n. ensuring that any security breaches and violations related to resident computer use and/or internet access are reported and, if necessary, investigated;
 - o. ensuring that reports of investigations of security breaches and violations are forwarded to appropriate staff;
 - p. overseeing audits of computer use and internet access by residents; and
 - q. providing any necessary technical assistance to staff who are responsible for supervising computer use and/or internet access by residents.
8. A resident shall not be provided direct or indirect access to staff login credentials (username and password), staff accounts, or system manuals intended for staff use only.
9. A resident shall be allowed to use only a computer and/or peripheral equipment (e.g., mouse, external keyboard, external monitor, etc.) that is owned by the Department. If approved to be issued a laptop and/or peripheral equipment, a resident shall be allowed to have only a laptop and/or peripheral equipment issued by education/technology staff.
10. With the approval of the Department's Director of Education Technology, or designee, additional restrictions may be placed on the issuance of a laptop (e.g., no issuance of a laptop for the completion of coursework until a resident has successfully completed at

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least one semester using a computer other than a laptop, resident must be taking at least two classes in order to be issued a laptop, etc.).

11. A resident shall not be issued an external storage device (e.g., USB/Flash drive, external hard drive, etc.). If a resident needs to have approved materials transferred from one computer to another for an approved purpose via an external storage device, the transfer shall be done by education/technology staff, and the resident shall not be allowed to handle the device.
12. A computer shall not have its camera or microphone enabled except for a laptop issued to a resident who is working remotely, who is in an earned living unit, or is in a minimum security facility or minimum security housing unit or a stationary computer in an earned living unit or in a minimum security facility or minimum security housing unit.
13. A resident assigned to a facility job that requires access to a job-site computer, including a laptop, shall be allowed to work only under the supervision, direct or indirect, of the work supervisor.
14. A resident assigned to work on resident computers or systems (resident technology worker) shall be allowed to work only under the supervision, direct or indirect, of the Department's Director of Education Technology, or designee.
15. The Department's Director of Education Technology, or designee, shall be responsible to periodically audit a resident technology worker's work to ensure there have not been any security breaches or other issues.
16. A resident technology worker shall not have access to:
 - a. any Criminal Justice Information Services (CJIS) information; or
 - b. other confidential information, including resident confidential information.
17. If applicable, designated education/technology staff shall arrange to transfer any electronic documents created by the resident upon the resident's release from custody.
18. If any resident other than the resident to whom they are issued uses a laptop, login credentials, email or other messaging system account names and passwords, or peripheral equipment, it will be deemed that either the resident to whom they were issued used it or permitted the other resident to use it.
19. Nothing in this policy prevents a resident from receiving a disciplinary sanction for a disciplinary violation related to computer use and/or internet access in accordance with Department Policy (AF) 20.1, Resident Discipline.

Procedure B: Eligibility and Approval

1. An adult resident enrolled in a Department approved educational or vocational program may be approved by the Department's Director of Education Technology, or designee, in consultation with appropriate facility staff as necessary, for:
 - a. computer use if computer use is necessary for accomplishing required course work;

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- b. internet access if internet access is necessary for participating in classes or accomplishing required course work, including access to applicable online resources, e.g., online writing labs, etc.;
 - c. a college email account if the college provides college email accounts to students for educational purposes and provided that the resident gives designated facility education/technology staff the login credentials (username and password) required to access the email account; and/or
 - d. other messaging account if the college provides such accounts to students for educational purposes and provided that the resident gives designated facility education/technology staff the login credentials (username and password) required to access the account.
2. If the computer use would involve participation by a resident in classes also being attended, whether in person or remotely, by individuals in the community, prior to making the decision on whether to approve the resident for computer access, the, Department's Director of Education Technology or designee, shall consult with the Department's Director of Victim Services, or designee.
 3. A resident engaged in a Department approved reentry plan may be approved by the Department's Director of Education Technology, or designee, in consultation with appropriate facility staff as necessary, for computer use, internet access, and/or a Department email account if necessary for facilitating reentry planning.
 4. A resident engaged in a facility job may be approved by the Department's Director of Education Technology, or designee, in consultation with appropriate facility staff as necessary, for computer use, internet access, and/or a Department email account if necessary to perform the functions of the job.
 5. A resident engaged in a Department approved search for remote work may be approved for computer use, internet access, and/or a Department email account pursuant to Department Policy 25.7, Resident Remote Work if necessary for searching for the work.
 6. A resident authorized to apply for Department approved remote work may be approved for computer use, internet access, and/or a Department email account pursuant to Department Policy 25.7, Resident Remote Work if necessary for applying for the work.
 7. A resident performing Department approved remote work may be approved for computer use, internet access, and/or an employer email or other messaging account pursuant to Department Policy 25.7, Resident Remote Work if necessary for performing the work provided that the resident gives designated facility education/technology staff the login credentials (username and password) required to access an employer provided email or other messaging account.
 8. A resident technology worker may be approved by the Department's Director of Education Technology, or designee, for computer use, internet access, and/or a Department email account if necessary to perform the functions of the job.
 9. A resident may be approved by the Department's Director of Education Technology, or designee, for computer use, internet access, and/or a Department email account or other

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messaging account, in consultation with appropriate facility staff as necessary, for any other approved purpose.

10. Any resident approved for computer use, internet access, and/or a Department email account as set out above may be charged a resident technology fee as allowed by Title 34-A, section 1403(14).
11. A representative of a resident group, such as a civic group or a Resident Advisory Council, may be approved by the Department's Director of Education Technology, or designee, for a laptop, if it is also approved by the facility Chief Administrative Officer, or designee. The laptop may be used only for internal tasks, such as setting agendas for group meetings, taking minutes of meetings, and creating proposals for submission to the Chief Administrative Officer, or designee. An email or other messaging account shall not be attached to the laptop, nor shall the laptop be used for video conferencing. A resident technology fee shall not be charged for the group laptop. All other limits on and requirements related to the use of a laptop shall apply.
12. If a resident has a court-imposed condition (whether attached to administrative release, deferred disposition, probation, or supervised release for sex offenders) or there is a condition of parole or Supervised Community Confinement Program (SCCP) prohibiting access to the internet, prohibiting use of an electronic device, or including a similar prohibition, the following shall apply:
 - a. if the condition is currently in effect (e.g., the resident is on active probation while also serving a term of imprisonment), the resident shall not be issued a laptop, not even a loaner laptop, and not be allowed to use any other computer; or
 - b. if the condition is not currently in effect, but it will become effective at a later date, or the resident was, is, or will be serving a sentence during their current time in custody as a result of a revocation of administrative release, deferred disposition, probation, supervised release for sex offenders, or parole or a return from SCCP which had such a condition, the resident shall not be issued a laptop, not even a loaner laptop, and not be allowed to use any other computer, except that:
 - 1) the resident, if otherwise eligible, may be allowed to use a stationary computer in a designated computer lab area under the supervision, direct or indirect, of staff, and the resident's computer use may be monitored and audited more frequently than other residents; and
 - 2) if the resident is enrolled in college classes, they shall be allowed to take only six (6) credits per term, unless the Chief Administrative Officer, or designee, approves in writing the taking of additional credits. If this limitation causes an adverse financial or academic impact to the resident, the resident shall be solely responsible.
13. If a resident is approved for computer use and/or internet access, designated education/technology staff shall require the resident to sign the Adult Resident Computer Use and/or Internet Access Agreement (Attachment A) and any other applicable agreements (Attachments B and/or C to this policy and/or the applicable agreements attached to Department Policy 25.7, Resident Remote Work). Any resident who refuses to sign any applicable agreement or an updated revision thereto shall not be permitted to use a computer or have internet access.

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14. The original signed Resident Computer Use and/or Internet Access Agreement and any other applicable agreements shall be maintained by the Department's Director of Education Technology, or designee, and a copy provided to the resident.

Procedure C: Mandatory Conditions

1. Every adult resident who is approved for computer use and/or internet access shall abide by all of the standard mandatory conditions included in the Adult Resident Computer Use and/or Internet Access Agreement (Attachment A).
2. Additional mandatory conditions may be imposed on a resident at any time by the Department's Director of Education Technology, or designee, and if there are any such additional conditions, they shall be specified in the Adult Resident Computer Use and/or Internet Access Agreement.
3. A resident who is approved to use a computer and/or to access the internet in connection with reentry planning shall also abide by all of the conditions included in the Adult Resident Reentry Access Agreement (Attachment B).
4. A resident who is a technology worker shall also abide by all of the conditions included in the Adult Resident Technology Worker Agreement (Attachment C).

Procedure D: Implementation of Resident Computer Use and/or Internet Access

1. Once an adult resident is approved for computer use and/or internet access (and has signed the Resident Computer Use and/or Internet Access Agreement and any other applicable agreements), designated staff shall notify the Department's Director of Education Technology, or designee, who shall set up the resident's user account.
2. The Department's Director of Education Technology, or designee, shall assign the resident their login credentials (username and password) for their user account and maintain an up-to-date list of the credentials assigned to all residents.
3. If applicable, the Director of Education Technology, or designee, shall also create an email account or other messaging system account, including the name and password for the account, and maintain an up-to-date list of the accounts created for all residents.
4. If applicable, the Director of Education Technology, or designee, shall also obtain the name and password for any college or employer email or other messaging account created for a resident and maintain an up-to-date list of the accounts created for all residents by colleges and employers.
5. If applicable, education/technology staff shall issue a laptop to the resident and maintain an up-to-date list of issued laptops and the residents to whom they were issued. In the case of loaner laptops, education/technology staff shall maintain records showing which residents were issued the laptops, when they were issued, and when they were returned.

Procedure E: Supervision and Monitoring of Computer Use and/or Internet Access

1. The Department's Director of Education Technology, or designee, shall manage computer use and/or internet access by adult residents by, as necessary, setting priorities on the use of the Department's computers and internet access.

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2. Education/technology staff or other designated staff shall ensure that computers are kept secured from any access by residents when the computers are not authorized for resident use.
3. Designated facility law enforcement officer(s) and education/technology staff shall monitor computer use and/or internet access by residents to ensure appropriate use. Other security staff may monitor computer use and/or internet access by the resident to ensure appropriate use. As part of the monitoring, staff may inspect a computer, an external storage device, electronic files, downloaded or printed material, internet sites accessed, etc. at any time for any reason.
4. If any staff becomes aware of or suspects that a resident has violated any condition of computer use and/or internet access set out in any agreement, the staff shall notify the facility Education Program Coordinator, facility Technology Steward, resident's Unit Manager, facility Chief Administrative Officer, and Department's Director of Education Technology, or their designees, of any violation, whether or not ongoing, as soon as practicable.
5. The staff shall take other appropriate action in response to any violation, including, but not limited to, ending the resident's computer use and/or internet access until there is a determination of whether a violation actually occurred, initiating disciplinary action, and/or reporting the violation to a facility law enforcement officer or other appropriate staff.
6. If any staff becomes aware of or suspects a security breach in connection with resident computer use and/or internet access (i.e., a resident has bypassed security controls, such as a firewall or filter, by using a proxy or otherwise), the staff shall immediately report the incident to a facility law enforcement officer or, if a facility law enforcement officer is not available, to the Shift Commander, who shall notify a facility law enforcement officer as soon as practicable. The staff shall also notify the facility Technology Steward, facility Chief Administrative Officer, or designee, and the Department's Director of Education Technology, or designee.
7. If any staff becomes aware of or suspects criminal activity or violation of a condition of probation or supervised release for sex offenders, the staff shall secure and preserve the computer, peripheral equipment, and external storage device, if applicable, in their current state, except that the computer shall be placed in airplane mode. The staff shall immediately notify a facility law enforcement officer or, if a facility law enforcement officer is not available, the Shift Commander, who shall notify a facility law enforcement officer as soon as practicable. The staff shall also notify the facility Technology Steward, facility Chief Administrative. The staff shall also notify the facility Technology Steward, facility Chief Administrative Officer, or designee, and the Department's Director of Education Technology, or designee.
8. The Department's Director of Education Technology, or designee, in consultation with the facility Chief Administrative Officer, or designee, a facility law enforcement officer, if applicable, and other Department staff, as appropriate, shall determine the appropriate course of action when any violation is reported.
9. If necessary to determine whether a violation actually occurred, an investigation by a designated facility law enforcement officer shall be conducted whenever there is suspicion, in connection with resident computer use and/or internet access, of any:

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- a. security breach;
- b. criminal activity;
- c. access of sexually explicit materials involving minors, regardless of whether it also constitutes criminal activity;
- d. violation of a condition of probation or supervised release for sex offenders that is currently in effect, will become effective at a later date, or is no longer in effect as a result of a revocation for which the resident was, is, or will be serving a sentence during their current time in custody;
- e. contact or an attempt to contact a victim (even if the resident has received a waiver to contact the victim through other means); or
- f. search or attempt to search for information about a victim, regardless of whether they are a victim of the resident's crime or a crime of another person.

An investigation may be conducted on suspicion of any other violation, as determined necessary by the Department's Director of Education Technology, or designee, in consultation with the facility Chief Administrative Officer, or designee.

10. If it is determined that an investigation is necessary, the investigating facility law enforcement officer may request the assistance of other Department staff or of the Maine State Police or other outside law enforcement agency to perform a forensic evaluation of any computer or peripheral equipment.
11. If it is determined that an investigation is necessary, the investigating facility law enforcement officer shall complete a report on the findings of the investigation and forward the report to the Associate Commissioner of Adult Services, the facility Chief Administrative Officer, the Department's Director of Education Technology, and the Department's Director of Operations, or their designees, who shall determine any further action to be taken.

Procedure F: Audits of Computers Used by Residents

1. Each adult facility Chief Administrative Officer, in collaboration with the Department's Director of Education Technology, or designee, shall designate the facility Technology Steward and other appropriate facility staff to be responsible for overseeing the management of computer use and/or internet access by residents at the facility.
2. All computers used by residents shall be audited by designated facility staff at least quarterly. Auditing staff may request assistance from the Department's Director of Education Technology, or designee.
3. Staff conducting an audit shall document the audit and forward the results to the Department's Director of Education Technology, or designee, at the conclusion of the audit.
4. The Department's Director of Education Technology, or designee, shall compile a Department-wide report and forward the report to all facility Chief Administrative Officers and the Commissioner, or designee.

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**Procedure G: Restriction or Termination of Computer Use and/or Internet Access
for Reasons other than Violations**

1. The Department's Director of Education Technology, or designee, shall terminate an adult resident's computer use and/or internet access if the resident is placed in a housing unit, on a status, or at a privilege level where the resident will not be immediately allowed computer use and/or internet access.
2. The computer use and/or internet access of a resident approved for computer use and/or internet access for the purpose of participating in an educational program shall be terminated if the resident is no longer enrolled in the program and will not be enrolled in the program in the immediate upcoming fall, winter, or spring term, as applicable, unless there is another purpose for which they have already been approved.
3. The computer use and/or internet access of a resident approved for computer use and/or internet access for any other purpose shall be terminated if the purpose is no longer applicable to the resident, unless there is another purpose for which they have already been approved.
4. The computer use and/or internet access of a resident shall be restricted or terminated, as applicable, if it is discovered that they have a condition as described in Procedure B. 10 above.
5. The Department's Director of Education Technology, or designee, shall inform the resident of any restriction or termination of their computer use and/or internet access privileges under this procedure using the Notification of Restriction or Termination of Computer Use and/or Internet Access for Reasons Other than Violations (Attachment D).
6. Designated facility staff shall meet with the resident without unnecessary delay and provide them with the notification, and the resident and the staff shall sign and date the notification. If the resident refuses or is unable to sign, the staff shall note that on the notification form. The staff shall provide the original of the signed notification form to the Director of Education Technology and provide a copy to the resident and a copy to the Unit Manager (UM), or designee.
7. The Director of Education Technology, or designee, shall ensure that the signed notification is uploaded in the Department's resident and client records management system.

Procedure H: Tier II and Tier I Violations

1. The computer use and/or internet access of a resident, regardless of the purpose for which it is approved, shall be restricted, suspended, or terminated, as set out below (unless a warning is allowed), if it has been determined that the resident committed a Tier II or Tier I violation.
2. The Director of Education Technology, or designee, shall consult with the facility Chief Administrative Officer, or designee, and, as appropriate, the resident's Unit Team and other Department staff, in deciding which of the below actions is appropriate: restriction, suspension, or termination and, if the first, what the restriction consists of.

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3. Pending a decision whether to restrict, suspend, or terminate a resident's computer use and/or internet access privileges, the laptop assigned to them, if any, shall be retrieved. Also, pending a decision whether to suspend or terminate a resident's computer use and/or internet access privileges, steps shall be taken to prevent them from using any stationary computer, but not if the pending decision is whether to just restrict their privileges.
4. If a resident's computer use and/or internet access is restricted, it may result in any of the following:
 - a. withdrawal of authorization to use a laptop (but continued authorization to use a computer other than a laptop);
 - b. authorization to use a computer (laptop and/or another computer) under staff supervision only;
 - c. withdrawal of authorization to access the internet (but authorization to use a computer for other purposes); and/or
 - d. withdrawal of authorization to have an email or other messaging account (but authorization to access the internet for other purposes).
5. If a resident's computer use and/or internet access is suspended, it shall result in withdrawal of authorization to use a computer and/or access the internet for any purpose and under all circumstances.
6. If a resident's computer use and/or internet access is terminated, it shall result in withdrawal of authorization to use a computer and/or access the internet for any purpose and under all circumstances.
7. Except when a written warning is allowed, a resident's computer use and/or internet access shall be restricted, suspended, or terminated as set out below if it is determined that the resident has committed any violation not listed as a Tier I violation or as a violation requiring termination as set out in Procedure I. Such violations are Tier II violations.
8. A Tier II violation shall result in a written warning for the first violation, a one (1) month restriction or suspension for the second violation, a three (3) month restriction or suspension for the third violation, and a one (1) year restriction or suspension for the fourth violation. A fifth or subsequent violation shall result in a termination of computer use and/or internet access.
9. A resident's computer use and/or internet access shall be restricted, suspended, or terminated as set out below if it is determined that the resident committed any of the following Tier I violations:
 - a. shared login credentials or an email or other messaging account name and password with any other person (except for DOC staff);
 - b. created a user account or email or other messaging account;
 - c. used an unauthorized user account or email or other messaging account;
 - d. allowed another resident to use a laptop issued to them or used a laptop issued to another resident;

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- e. allowed another resident to use login credentials assigned to them or used login credentials assigned to another resident;
 - f. conducted business activities (except as allowed for remote work) or financial transactions;
 - g. accessed pornography (other than sexually explicit materials involving minors) or other inappropriate images/videos (e.g., photo focusing on an intimate body part, children in skimpy outfits, etc.);
 - h. created or used a proxy; or
 - i. created or used a VPN (virtual private network) (unless use of the VPN is specifically authorized by education/technology staff).
10. A Tier I violation shall result in a one (1) month restriction or suspension for the first violation, a three (3) month restriction or suspension for the second violation, and a one (1) year restriction or suspension for the third violation. A fourth or subsequent violation shall result in a termination of computer use and/or internet access.
 11. A resident is considered to have committed only one violation if the activity is of the same type and occurred during the same time period (e.g., accessing three pornography sites during one computer session is only one Tier 1 violation, but accessing one pornography site during three different computer sessions is three Tier 1 violations and accessing a pornography site and conducting financial transactions during one computer session is two Tier 1 violations).
 12. If it is determined that a resident has committed more than one violation at least one of which is a Tier I violation and at least one of which is a Tier II violation, the loss of privileges shall be for the greatest length of time allowed considering the number of their violations (e.g., a resident who has committed two Tier II violations and one Tier I violation shall have their privileges restricted or suspended for three (3) months due to having committed three Tier II or worse violations overall).
 13. If it is determined that a resident has committed more than one violation before being discovered, the restriction, suspension, or termination shall be based on the number of violations even if the resident did not receive any prior restrictions, suspensions, or terminations (e.g., a resident who has committed three pornography violations but whose violations are not discovered until the third violation shall receive a one (1) year suspension or restriction, a resident who uses an unauthorized email account on four different occasions but whose violations are not discovered until the fourth violation shall receive a termination, etc.).
 14. The Department's Director of Education Technology, or designee, shall make all restriction, suspension, and termination decisions under this procedure, except as otherwise provided under Procedure J, in which case, the Director shall make recommendations, and decisions shall be made by the Computer Violations Review Board.
 15. The Department's Director of Education Technology, or designee, shall inform the resident of any warning or restriction, suspension, or termination of their computer use and/or internet access privileges under this procedure or Procedure J, as applicable,

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using the Notification of Warning or Restriction, Suspension, or Termination of Computer Use and/or Internet Access (Attachment E).

16. Designated facility staff shall meet with the resident without unnecessary delay and provide them with the notification, and the resident and the staff shall sign and date the notification. If the resident refuses or is unable to sign, the staff shall note that on the notification form. The staff shall provide the original of the signed notification form to the Director of Education Technology and provide a copy to the resident and a copy to the Unit Manager (UM), or designee.
17. The Director of Education Technology, or designee, shall ensure that the signed notification is uploaded in the Department's resident and client records management system.
18. If computer use and/or internet access has been restricted, the Department's Director of Education Technology, or designee, shall take the appropriate actions to implement the restriction for the duration of the restriction.
19. If computer use and/or internet access has been suspended, the Department's Director of Education Technology, or designee, shall disable the resident's user account for the duration of the suspension.
20. If computer use and/or internet access has been terminated, the Department's Director of Education Technology, or designee, shall disable the resident's user account until the privileges have been reinstated, if ever.
21. If applicable, designated staff shall retrieve any laptop or peripheral equipment issued to the resident.
22. After the time period of a restriction or suspension is over, the resident shall notify their UM, or designee. The UM, or designee, shall inform the Director of Education Technology, or designee, who shall reinstate the resident's computer use and/or internet access privileges to the same extent they existed before the restriction or suspension, unless there is another reason not to reinstate them (e.g., the resident's computer use was for college and they are not currently enrolled in a college program, the resident is on disciplinary segregation status, etc.).

Procedure I: Violations Requiring Termination of Privileges

1. The computer use and/or internet access of a resident, regardless of the purpose for which it is approved, shall be terminated if it is determined that the resident used or allowed another resident to use a computer and/or access to the internet for:
 - a. committing a security breach;
 - b. criminal activity,
 - c. accessing sexually explicit materials involving minors, regardless of whether it also constitutes criminal activity;
 - d. violation of a condition of probation or supervised release for sex offenders that is currently in effect, will become effective at a later date, or is no longer in effect as a

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result of a revocation for which the resident was, is, or will be serving a sentence during their current time in custody;

- e. contacting or attempting to contact a victim (even if they have received a waiver to contact the victim through other means); or
- f. searching or attempting to search for information about a victim, regardless of whether they are a victim of the resident's crime or a crime of another person.

The same is true if it is determined that a resident intentionally damaged or destroyed or attempted to intentionally damage or destroy a computer, peripheral equipment, or external storage device.

2. Pending a decision whether to terminate a resident's computer use and/or internet access privileges, the laptop assigned to them, if any, shall be retrieved and steps shall be taken to prevent them from using any stationary computer, except as set out below.
3. If a resident is being investigated for any of the above violations, their computer use and/or internet access privileges shall be terminated unless the facility law enforcement officer conducting the investigation determines it would jeopardize the investigation or a possible prosecution. If termination did not occur due to jeopardy to an investigation or prosecution, it shall occur as soon as the jeopardy is over.
4. Once the investigation is over or, if applicable, the jeopardy to a possible prosecution is over, the resident's computer use and/or internet access privileges shall be terminated if it is determined that the resident committed one of the above violations (even if there was no prosecution or, if a prosecution, no conviction or revocation).
5. The Department's Director of Education Technology, or designee, shall make all termination decisions under this procedure, except as otherwise provided under Procedure J, in which case, the Director shall make recommendations, and decisions shall be made by the Computer Violations Review Board.
6. The Department's Director of Education Technology, or designee, shall inform the resident of any termination of their computer use and/or internet access privileges under this procedure or Procedure J, as applicable, using the Notification of Warning or Restriction, Suspension, or Termination of Computer Use and/or Internet Access (Attachment E).
7. Designated facility staff shall meet with the resident without unnecessary delay and provide them with the notification, and the resident and the staff shall sign and date the notification. If the resident refuses or is unable to sign, the staff shall note that on the notification form. The staff shall provide the original of the signed notification form to the Director of Education Technology and provide a copy to the resident and a copy to the Unit Manager (UM), or designee.
8. The Director of Education Technology, or designee, shall ensure that the signed notification is uploaded in the Department's resident and client records management system.
9. If computer use and/or internet access has been terminated, the Department's Director of Education Technology, or designee, shall disable the resident's user account until the privileges have been reinstated, if ever.

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10. If applicable, designated staff shall retrieve any laptop or peripheral equipment issued to the resident.

Procedure J: Computer Violations Review Board

1. The Commissioner may establish a Computer Violations Review Board to make decisions with respect to specific violations as set out below and, more generally, to review the causes of violations, actions taken in response to violations, and ways to reduce violations.
2. If established, the members of the review board shall consist of the Deputy Commissioner, or designee, the Department's Director of Education Technology, or designee, and the Chief Administrative Officer, or designee, of each of the adult correctional facilities, and any other staff deemed appropriate by the Commissioner. The chair of the board shall be the Deputy Commissioner or the Director of Education Technology.
3. The board shall meet weekly to make decisions on Tier I and/or Tier II violations that the Director of Education Technology, or designee, has, in the prior week, recommended result in restrictions or suspensions of three (3) months or more and on any violations that the Director, or designee, has recommended result in termination. If there have been no such recommendations, the meeting for that week may be cancelled.
4. The board shall review the facts of each such violation, any other violations by the resident, and decide whether the recommendation is in compliance with this policy.
5. The board shall not engage in this review for violations resulting in written warnings or restrictions or suspensions of less than three (3) months.
6. The board may, however, review any violations to determine their causes and to determine what, if any, steps could be taken to reduce the prevalence of those causes.

Procedure K: Request for Reinstatement of Terminated Privileges

1. After one (1) year from the date of a first termination (but no sooner), the resident may apply to their Unit Team to have their computer use and/or internet access privileges reinstated by using the Request for Reinstatement of Computer Use and/or Internet Access (Attachment F).
2. The Department's Director of Education Technology, or designee, shall, after consideration of the Unit Team's recommendation and consultation with the facility Chief Administrative Officer, or designee, and other Department staff, if appropriate, make the decision whether to reinstate the privileges and, if so, what privileges to reinstate and under what conditions.
3. The Department's Director of Education Technology, or designee, shall inform the resident of the decision on the request form.
4. Designated facility staff shall meet with the resident without unnecessary delay and provide them with the request form showing the decision on the request and the resident and the staff shall sign and date the form. If the resident refuses or is unable to sign, the staff shall note that on the request form. The staff shall provide the original of the signed

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request form to the Director of Education Technology and provide a copy to the resident and a copy to the UM, or designee.

5. The Director of Education Technology, or designee, shall ensure that the signed request form is uploaded in the Department's resident and client records management system.
6. If computer use and/or internet access privileges have been reinstated, the Director of Education Technology, or designee, shall reinstate them in accordance with the decision on the request.
7. If a resident is denied reinstatement, they may not reapply for reinstatement until at least five (5) years have passed from the date of the denial.
8. If a resident receives a second or subsequent termination, they may not apply for reinstatement until at least five (5) years have passed from the date of the latest termination. If they are denied, they may not reapply until at least another five (5) years have passed from the date of the denial.

Procedure L: Appeals Related to Computer Use and/or Internet Access Violations

1. For decisions made by the Department's Director of Education Technology, or designee, or the Computer Violations Review Board, as applicable, to restrict, suspend, or terminate computer use and/or internet access for a violation or to deny a request to reinstate computer use and/or internet access that had been restricted, suspended, or terminated for a violation, a resident may appeal by forwarding the Appeal Related to Computer Use and/or Internet Access (Attachment G) via the U.S. Postal Service to the Department's Director of Education Technology, or designee.
2. In order to be reviewed, the appeal must be postmarked within fifteen (15) days of when the resident received the decision.
3. An appeal shall not delay the implementation of the decision.
4. Upon review of the appeal, the Director of Education Technology, or designee, may:
 - a. affirm the decision;
 - b. reverse the decision; or
 - c. modify the decision.
5. If an appeal is timely, the Director of Education Technology, or designee, shall make a decision on the appeal, after consultation with the Chief Administrative Officer, or designee, and send a written response to the resident within fifteen (15) days after receiving the appeal. The response to the appeal (or notation that the appeal was not timely) shall be marked as "legal mail" and processed as such at the facility where the resident is housed. The Director of Education Technology, or designee, shall also send a copy of the response to the Unit Manager (UM), or designee.
6. The Director of Education Technology, or designee, is the final authority for these appeals (i.e., there is no further administrative level of appeal).
7. A copy of the appeal and the decision on the appeal shall be placed in the resident's Administrative Record and the Case Management Record.

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VIII. PROFESSIONAL STANDARDS

ACA

- 5-ACI-1F-05** Written policy, procedure, and practice govern inmate access and use of information technology computing devices. The policy is reviewed annually by the Chief Information Officer or equivalent, updated as necessary, and is communicated to all staff and offenders.

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