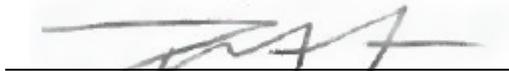


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CHAPTER 24: PROGRAMS AND SERVICES		
	STATE of MAINE DEPARTMENT OF CORRECTIONS Approved by Commissioner: 	PROFESSIONAL STANDARDS: See Section VIII
	EFFECTIVE DATE: December 10, 2018	LATEST REVISION: April 27, 2020

I. AUTHORITY

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

II. APPLICABILITY

Adult Facilities

III. POLICY

It is the policy of the Department to allow approved prisoners to use Department-issued computer tablets in specific adult facility housing units as authorized by the Commissioner, or designee. This policy provides the guidelines for use, management, and security of the computer tablets.

IV. DEFINITIONS

1. Text messaging or texting - the act of composing and sending electronic messages, typically consisting of alphabetic and numeric characters, between two users. The limit for text messages on a Department computer tablet is 160 characters and anything more will be split up into separate texts. Multi-media messages, e.g., pictures, videos, etc. are not supported on the Department's computer tablets.

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ATTACHMENTS

- Attachment A: Prisoner Computer Use, Computer Tablet Use, and/or Internet Access by Facility
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VI. PROCEDURES

Procedure A: Department-Issued Computer Tablets, General

1. The Commissioner, or designee, shall determine the housing units in adult facilities where Department-issued computer tablets may be used by approved prisoners as set forth in the Prisoner Computer Use, Computer Tablet Use, and/or Internet Access by Facility list (Attachment A).
2. The Department’s Manager of Correctional Information Technology (IT) Operations, or designee, is responsible for the information technology operations of computer use, including computer tablet use, as set out in Department Policy (AF) 24.10, Prisoner Use of Computers and/or Access to the Internet.
3. For each facility that has been approved to allow prisoners to use Department-issued computer tablets, the facility Chief Administrative Officer, or designee, shall:
 - a. develop and maintain facility Standard Operating Procedures (SOPs) governing facility specific practices for computer tablet use to include, but not be limited to, the following:
 - 1) a system to ensure access for approved prisoners to the extent feasible, considering available resources and safety, security and orderly management of the facility;
 - 2) a schedule of when tablet use is allowed;
 - 3) a schedule of when text messaging is allowed; and
 - 4) a system to monitor the use of text messaging for content, to whom messages are sent, length of time, etc. that may include random reviewing of messaging, staff oversight, installation of cameras where

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tablets are being used, etc.;

- 5) locations for tablet use, which may be by designated housing units or use in a prisoner's cell based upon, but not limited to, the following factors:
 - a) privilege level;
 - b) case plan compliance;
 - c) disciplinary history; and
 - d) Unit Management Team approval;
 - 6) a tablet check-in and check-out process;
 - 7) ensuring any prisoner in a job assignment that involves working with computer tablets receives appropriate training, direction, and monitoring;
 - 8) a process to determine the length of time to be imposed for a suspension or a restriction of computer tablet privileges and/or text messaging privileges due to violations of the computer tablet rules; and
 - 9) audit processes to ensure compliance with this policy;
- b. designate a facility computer tablet administrator to coordinate computer tablet use at the facility;
 - c. notification of any problems with tablet use to the Department's Director of Education, or designee; and
 - d. ensure that staff involved with prisoners who use tablets, e.g., programming staff, education staff, etc. are trained as set out in the Training Document for Staff (Attachment B).
4. The facility Chief Administrative Officer, or designee, shall ensure that the Department's Director of Education has access to the facility SOPs for review and approval.
 5. The Department may use:
 - a. tablets to disseminate approved policies and other information to the prisoner population in support of facility practices in addition to programming content as set out below; and
 - b. text messaging to disseminate information to prisoners and/or to provide services to a prisoner.
 6. A prisoner's use of a Department-issued computer tablet is considered a privilege and not a right and the privilege may be terminated at any time for any reason at the complete discretion of the Commissioner, or designee.
 7. This policy does not apply to tablets that may be available in the future for purchase as personal property by a prisoner.

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Procedure B: Selection of Department-Issued Computer Tablets

1. The Commissioner, or designee, shall ensure that the Department computer tablets selected for prisoner use:
 - a. adhere to industry-leading security standards, including visibility into system operations and security;
 - b. have a secure firewall and encrypted wireless format;
 - c. not have internet access capabilities, operate on a closed network, and only provide functionality when connected to a designated wireless access point within the facility;
 - d. have content and software that has been vetted, screened, and edited for use in correctional settings;
 - e. use alert notifications for flagged words;
 - f. have real-time tracking and control of usage and content;
 - g. include preloaded content for different learning levels, to include academic, vocational, therapeutic, and life skills courses;
 - h. provide prisoners with transcripts for coursework;
 - i. include programming integration capabilities;
 - j. have text messaging capabilities;
 - k. have entertainment incentives;
 - l. have durable hardware and casing; and
 - m. be user-friendly to enable use with limited staff interaction and have internal troubleshooting capabilities.

Procedure C: Computer Tablet Rules

1. A prisoner shall not use a computer tablet unless approved by the Unit Management Team to do so.
2. A prisoner shall:
 - a. only use the computer tablet during approved usage times in the approved areas of the facility;
 - b. use his or her name as it appears on the judgment and commitment paperwork under which the prisoner was admitted to the Department when creating his or her computer tablet user account; and
 - c. not create more than one user account on the computer tablet.
3. A prisoner approved to use a Department-issued computer tablet shall:
 - a. handle the computer carefully and protect it from potential sources of damage;

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- b. not intentionally or negligently destroy or damage or cause a malfunction of any computer tablet or peripheral equipment;
 - c. not upload any program or introduce any virus into any computer tablet;
 - d. not consume food and/or beverages when using or around a computer tablet or peripheral equipment;
 - e. report any damage or malfunction to the computer tablet to staff immediately;
 - f. not leave the tablet unattended and, in the event of an emergency, shall follow the unit protocol for returning the computer tablet;
 - g. log off the computer tablet when finished using it; and
 - h. use the computer tablet in accordance with this policy and other applicable Department policies.
4. A prisoner is responsible for compensating the Department for any damages to or loss of a Department-issued computer tablet or peripheral equipment due to his or her intentional act or negligence.
5. A prisoner approved to use a Department-issued computer tablet shall not use a computer tablet:
- a. to violate copyright laws;
 - b. to harass or threaten anyone;
 - c. for any other illegal activity;
 - d. to commit a disciplinary violation;
 - e. to access pornography;
 - f. to engage in any business activity or profession or buy or sell any goods or services; or
 - g. to access any materials that would not be allowed to be received via the mail as set out in Department Policy (AF) 21.2, Prisoner Mail.
6. A prisoner approved to use a Department-issued computer tablet shall:
- a. not impersonate any other person, falsely represent himself or herself as anyone other than a prisoner, or make any other false statement in connection with computer tablet use;
 - b. not use a computer tablet to send a text message to or to receive a text message from a person whom the prisoner is prohibited from having contact with as described in Department Policies (AF) 21.2, Prisoner Mail, (AF) 21.3, Prisoner Telephone System, or 6.3, Contact with Victims;
 - c. not contact another prisoner through text messaging, either directly or indirectly;
 - d. not send or receive a text message for another prisoner or have another prisoner send or receive messages on his or her behalf;

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- e. not allow another prisoner to use his or her assigned a computer tablet or use another prisoner's assigned tablet;
 - f. not allow another prisoner access to his or her user account, password or other login information and shall not use another prisoner's user account, password or other login information;
 - g. not share answers to assignments or tests with another prisoner or receive answers to assignments or tests from another prisoner; or
 - h. not use inappropriate language including, but not limited to, profanity, references to violence or sexual acts, bullying, etc., when messaging or at any other time in connection with computer tablet use.
7. If a prisoner inadvertently accesses any site or any material that is not authorized, the prisoner shall immediately report that access to staff.
8. A prisoner who violates any of these rules may be subject to:
- a. a suspension of the prisoner's computer tablet account or entertainment points;
 - b. a restriction of computer tablet use, e.g., can only access the learning content or can only access the tablet once a day;
 - c. a suspension or a restriction of text messaging privileges;
 - d. disciplinary or other administrative action, and/or
 - e. criminal prosecution.
9. Any illegal activity shall result in the permanent termination of computer tablet privileges.

Procedure D: Unit Manager Responsibilities

1. The Unit Manager of a housing unit where computer tablet use is allowed, or the Unit Manager's designee, shall be responsible for, but not limited to, the following:
- a. an approval process to review and approve prisoners for computer tablet use;
 - b. posting of the Computer Tablet Use Hours of Operation Schedule (Attachment C) for computer tablet use and text messaging for each unit;
 - c. a process for signing out and signing in tablets, including documenting the time signed out and time signed in, an inspection of computer tablets, reporting damage, loss, or other problems, etc.;
 - d. a process for returning computer tablets during an emergency;
 - e. a process to review prisoner violations of rules for computer tablet use, including text messaging;
 - f. ensuring that the discipline process is followed for any rule violation involving computer tablet use;

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- g. a process to add or take away earned incentive points;
- h. a process to suspend the entertainment features; and
- i. conducting periodic training on tablet use for prisoners based on the User Agreement.

Procedure E: Other Staff Responsibilities

1. The Department’s Director of Education, or designee, is responsible for the overall management of computer tablets use, which includes, but is not limited to:
 - a. serve as a liaison between the Department and the computer tablet contractor;
 - b. review and approve facility SOPs on computer tablet use;
 - c. provide training to staff;
 - d. coordinate training on tablet use for prisoners;
 - e. provide any necessary technical assistance to staff who are responsible for supervising prisoner computer tablet use and/or text messaging;
 - f. ensure appropriate staff monitor tablet use and prevent unauthorized tablet use and/or text messaging;
 - g. upload content for tablets with notification to appropriate facility staff;
 - h. ensure that any security breaches related to prisoner tablet use and/or text messaging are reported to appropriate staff and, if necessary, investigated;
 - i. oversee audits of prisoner computer tablet use and/or text messaging; and
 - j. coordinate any repairs to tablets, as necessary.

2. The facility tablet administrator, or designee, is responsible for, but not limited to:
 - a. the coordination of computer tablet use at the facility;
 - b. ensure that facility staff who are involved with the tablets are trained as set forth in the Training Document for Staff, Attachment B;
 - c. ensure that any prisoner assigned to the tablet program as a work assignment is trained and monitored; and
 - d. report any problems or security breaches with tablet use to the Department’s Director of Education, or designee.

3. Designated staff assigned to a housing unit where computer tablet use is allowed shall be responsible for, but not limited to:
 - a. oversee the issuance of the tablets in accordance with facility Standard Operating Procedures (SOPs) governing facility specific practices for computer tablet use;
 - b. provide limited assistance to prisoners on matters relating to content, connectivity, or accessibility to the platform;

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- c. conduct a tablet inventory check at the beginning and end of his or her shift to ensure all tablets are accounted for using the Computer Tablet Inventory form (Attachment D);
 - d. monitor prisoner tablet use to ensure proper use and accountability;
 - e. ensure the inspection of the computer tablet upon return by a prisoner and note any missing, damaged or other problems with tablets in the unit logbook;
 - f. report any issues with computer tablet use to the facility tablet administrator; and
 - g. direct questions about text messaging use to a Special Investigations and Intelligence Unit (SII) officer.
4. Designated facility staff may terminate a prisoner's computer tablet use at any time for any reason relating to safety, security, or orderly management of the facility. The staff shall complete appropriate documentation and submit it to the Chief Administrative Officer, or designee.

Procedure F: SII Officer Responsibilities

1. Each facility's Special Investigations and Intelligence Unit (SII) officers shall have the primary responsibility for monitoring text messages sent by or received by prisoners of that facility. If SII is monitoring the text messages of a prisoner as part of an investigation and the prisoner is transferred to another Department facility, then the SII for the facility that the prisoner transferred from shall continue to be responsible for the monitoring. In addition, one facility's SII may monitor text messages sent to or received by a prisoner of another facility as part of an investigation of a prisoner of the SII's facility. In either of these circumstances, the SII monitoring the text messages shall coordinate the investigation with the SII for the other facility. Finally, the SII for one facility may request the assistance of the SII for another facility as an additional resource.
2. If an SII officer discovers that the number of a victim with whom a prisoner is prohibited from having contact has not been previously blocked, the officer shall block the number for purposes of both phone calls and text messages and shall notify the Department's Director of Victim services, or designee.
3. An SII officer shall notify:
 - a. the Department's Director of Victim Services, or designee, if the officer discovers that a prisoner has sent a text message to or received a text message from a victim with whom the prisoner is prohibited from having contact; and
 - b. the Unit Manager, or designee, if a prisoner;
 - 1) has committed any texting violations; and
 - 2) is suspended from texting.

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Procedure G: Issuance and Use

1. The Unit Management Team shall determine which prisoners are allowed to use tablets, based upon, but not limited to, privilege level, individualized case planning needs, facility and unit security considerations, and any other relevant factors.
2. The Unit Management Team shall specify the purpose(s) for which a prisoner is allowed to use the tablet.
3. A prisoner who is approved to use a Department-issued computer tablet shall electronically sign the Prisoner Computer Tablet Use Agreement form (Attachment E) in Edovo upon the first login and every login thereafter to confirm acceptance of the "Terms of Use," which shall be available for review within the login area of the tablet.
4. Prisoners are not permanently issued a specific computer tablet but may sign out Department-issued tablets based on availability and as set out in facility Standard Operating Procedures (SOPs) governing facility specific practices for computer tablet use.
5. Prior to signing the Computer Tablet Sign Out/ Sign In Sheet (Attachment F), the prisoner shall inspect the tablet for damage, e.g., a chipped, cracked, or in other ways altered, a black screen, a tablet that won't turn on, etc. and report any damages to a staff member immediately.
6. Each prisoner shall log into his or her computer tablet account using his or her ID, which is the same ID as his or her text messaging account ID, and shall protect his or her computer tablet account by establishing strong passwords and safeguarding his or her login information, e.g., login ID, username, password, pin, etc.
7. Unless authorized by the facility Chief Administrative Officer, or designee, for use in a prisoner's cell, use of the tablets shall be limited to common areas, e.g., program rooms, classrooms, the library, day rooms, computer labs, etc.
8. A prisoner shall only take a computer tablet back to his or her cell only if authorized to use it in the cell as set out above.
9. When a prisoner signs the Computer Tablet Sign Out/ Sign In Sheet (Attachment F) in order to return a tablet, he or she shall acknowledge whether or not the tablet is in good working order.
10. A prisoner who, at any time, discovers a tablet is damaged or malfunctioning shall notify designated housing unit staff, who shall take the tablet out of commission.

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Procedure H: Programming

1. Content on the tablet shall include, but not be limited to, educational programs, such as college courses, Hi-Set preparation, vocational training, health education, literacy courses, and language resources. In addition, the content may also include motivational content, library services, cognitive behavioral therapy, recreational content, counseling, and religious programming.
2. Program staff may be given access to prisoner accounts to monitor progress as part of a specific program or assignment. This includes, but is not limited to, education staff, behavioral health staff, substance use disorder treatment staff, case managers, etc.
3. Staff may make suggestions for additional content to the tablet platform by completing the New Program or Service form, Attachment A to Department Policy (AF) 24.1, Administration of Programs and Services, as set forth in that policy.
4. A prisoner may earn incentive points, dependent on the amount of time the prisoner spends in educational modules, to gain access to entertainment content.
5. Each prisoner shall be able to track and review his or her progress on courses and certificates earned and shall be able to access where he or she previously paused coursework or entertainment.

Procedure I: Text Messaging

1. Text messaging services that do not have internet connection capabilities shall be available for approved prisoners to send and receive text messages to and from family and/or friends.
2. A person who wishes to participate in text messaging with an approved prisoner must establish a customer account with the Department’s contract provider for text messaging to purchase text messaging services at the rate established by the contract provider.
3. The Department of Corrections is not responsible for:
 - a. the setup or operation of the person’s text messaging service;
 - b. any costs incurred by the person in connection with the text messaging service, including if the prisoner or the person loses text messaging privileges or computer tablet use or text messaging is terminated because of technical difficulties or for reasons of safety, security, or orderly management of the facility.
4. Staff shall not troubleshoot text messaging problems, but may advise:
 - a. a prisoner to obtain assistance by sending a message through the “Help and Support” function on the tablet; or
 - b. an outside contact to email Edovo directly at connect@edovo.com.

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5. A person with an account with the Department’s contract provider for text messaging services should report issues or problems with the messaging service directly to the contract provider.
6. Text messaging is considered to be the equivalent of both correspondence and phone calls for purposes of this and other Department policies, and, therefore, applicable provisions in Department Adult Facility Policies 21.2, Prisoner Mail, 21.3, Prisoner Telephone System, and Department Policy 6.3, Contact with Victims shall be adhered to for text messaging including, but not limited to, provisions governing:
 - a. prohibited contacts;
 - b. prohibited content;
 - c. suspension and restriction of privileges; and
 - d. monitoring.
7. In addition to the above, prohibitions and restrictions may apply to access text messaging services based on a prisoner’s privilege level and/or safety, security and orderly management of the facility.
8. An approved visitor whose privileges to visit with a prisoner have been suspended or restricted, but who is not prohibited from receiving phone calls from or sending mail to or receiving mail from the prisoner may participate in text messaging with the prisoner, if authorized by the facility Chief Administrative Officer, or designee, unless the prisoner’s tablet use privileges have been terminated or the prisoner’s text messaging privileges have been suspended or restricted.
9. Staff shall not provide a print-out or other copy of a text message, or disclose any specifics relating to a prisoner’s text messaging (e.g., who a prisoner has been sending text messages to or receiving text messages from, the contents of a text message, etc.), to a prisoner, to a person participating in text messaging with a prisoner, or to any other person outside the Department, except as required by law and only after consultation with the Department’s legal representative in the Attorney General’s Office.

Procedure J: Monitoring

1. During orientation to the use of computer tablets, prisoners shall be informed of the possibility of staff monitoring computer tablet usage, including the viewing and retention of text messages. The tablet rules and a notice stating that text messages are subject to being viewed and retained shall also be included in the Prisoner Computer Tablet Use Agreement.
2. The facility Chief Administrative Officer, or designee, shall post signage approved by the Department’s Director of Operations, or designee, in the areas where computer tablets are used, stating that tablet usage may be monitored and that text messages are subject to being viewed and retained.

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3. In addition to applicable provisions in Department Adult Facility Policies 21.2, Prisoner Mail, 21.3, Prisoner Telephone System, and Department Policy 6.3, Contact with Victims regarding monitoring, a facility law enforcement officer, i.e., a Special Investigations and Intelligence Unit (SII) officer or a correctional investigative officer (detective), may monitor tablet use, including text messages, at any time in his or her discretion for compliance with Departmental policies and the computer tablet rules.
4. Any text message sent by or received by a prisoner on a Department computer tablet may be monitored by a facility law enforcement officer and:
 - a. approval from the facility Chief Administrative Officer, or designee, is not required; and
 - b. although reasonable suspicion may be a reason for monitoring, it is not required.

Procedure K: Termination, Suspension, and Restriction of Tablet Use Privileges

1. The Department’s Director of Education shall designate Department staff who may remotely shut down computer tablet use for a facility or a housing unit due to security or other concerns. Staff shall consult and receive the approval of the Director of Education, or designee, before shutting down tablet use.
2. The Director of Education, or designee, shall:
 - a. determine when and under what conditions the tablet use shall be reactivated after the tablets have been shut down; and
 - b. document every remote shut down, the reason(s) for the shut down, and the reactivation and the reason(s) for the reactivation.
3. The Chief Administrative Officer, or designee, shall immediately terminate a prisoner’s computer tablet use privileges for an illegal activity involving the use of a computer tablet, regardless of whether a criminal conviction or disciplinary action results from the activity. This termination is permanent, unless, after at least one year has elapsed, the Chief Administrative Officer, or designee, recommends reinstatement of the privileges and reinstatement is approved by the Commissioner, or designee.
4. If a prisoner’s computer tablet use is not allowed or terminated by facility staff due to the behavior of the prisoner, the Chief Administrative Officer, or designee, shall determine whether to impose a suspension or restriction of computer tablet use privileges.
5. The Chief Administrative Officer, or designee, may impose a suspension or restriction of computer tablet use privileges for any other reason of safety, security, or orderly management.

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6. The prisoner shall be notified in writing of a suspension or restriction of his or her computer tablet use privileges and the specified period of the suspension or restriction.
7. Once the duration of the suspension or restriction has elapsed, the prisoner may apply for reinstatement of full computer tablet use privileges by writing to the facility Chief Administrative Officer, or designee. The Chief Administrative Officer, or designee, may decide to grant reinstatement, extend the suspension or restriction for a specified period of time or change a suspension to a restriction for a specified period of time.
8. Nothing in this computer tablet policy applies to a prisoner who receives a disciplinary disposition of loss of computer tablet use privileges for a disciplinary violation related to computer tablet use in accordance with the Department's disciplinary policy.

Procedure L: Termination, Suspension, and Restriction of Text Messaging Privileges

1. If text messaging is not allowed or terminated due to the behavior of the prisoner, the Chief Administrative Officer, or designee, shall determine whether to impose a suspension or restriction of text messaging privileges.
2. The Chief Administrative Officer, or designee, may impose a suspension or restriction of text messaging privileges for any other reason of safety, security, or orderly management.
3. The prisoner shall be notified in writing of a suspension or restriction of his or her or text messaging privileges.
4. A suspension or restriction may be imposed for either a definite or indefinite period of time.
5. The prisoner shall be responsible for notifying people that he or she sends text messages to or receives text messages from of a suspension or restriction of his or her privileges.
6. In the case of a suspension or restriction of a prisoner's text messaging privileges for a definite period of time, once the specified time has elapsed, the prisoner may apply for reinstatement of text messaging privileges by writing to the Chief Administrative Officer, or designee. The Chief Administrative Officer, or designee, may decide to grant reinstatement, extend the suspension or restriction for a definite period of time, or change a suspension to a restriction for a definite period of time.
7. In the case of a suspension or a restriction of a text messaging privileges for an indefinite period of time, after a year has elapsed, the prisoner may apply for reinstatement of text messaging privileges by writing to the Chief Administrative Officer, or designee. The Chief Administrative Officer, or designee, may decide to grant reinstatement, extend the suspension or restriction for a definite or

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indefinite period of time, or change a suspension to a restriction for a definite or indefinite period of time.

8. If a prisoner's text messaging privileges have been suspended, the prisoner shall be informed in writing that he or she may reapply for reinstatement once the specified definite period of time has elapsed or, if the suspension is for an indefinite period of time, that he or she may reapply after one year has elapsed.
9. Text messaging shall not be allowed and number(s) shall be blocked as necessary under the same circumstances as phone calls are not allowed as set out in Policy 21.3 (AF), Prisoner Telephone System.
10. Nothing in this computer tablet policy applies to a prisoner who receives a disciplinary disposition of loss of text messaging privileges for a disciplinary violation related to text messaging in accordance with the Department's disciplinary policy.

Procedure M: Storage

1. In each housing unit, computer tablets shall be secured in the approved charging station(s), which shall be in close proximity to the officer's desk. The charging station(s) shall not be removed without authorization from the Unit Manager.
2. Each tablet shall remain plugged into a charging station when not in use and the charging station shall remain locked when tablets are being charged.
3. The tablets shall be updated nightly via a connection to a wireless access point. The charging station(s) must remain secured at the designated location to allow for connectivity to the wireless access point.

Procedure N: No Reasonable Expectation of Privacy

1. The Department retains control, custody, and supervision of all computers, computer tablets, networks, and internet services owned or leased by the Department. Prisoners have no reasonable expectation of privacy in their use of Department computers or computer tablets, including stored files.
2. Prisoners and persons who participate in text messaging with prisoners have no reasonable expectation of privacy with respect to any type of communication occurring during text messaging. All text messages may be viewed and retained.

VII. PROFESSIONAL STANDARDS

None

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