

<p style="text-align: center;">NH DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE DIRECTIVE</p>	<p>CHAPTER <u>Enforcement Operations</u> STATEMENT NUMBER <u>5.24</u></p>
<p>SUBJECT: INMATE E-MAIL SERVICE</p> <p>PROPONENT: <u>Christopher Kench, Director</u></p> <p style="text-align: center;"><i>Name/Title</i></p> <p style="text-align: center;"><u>Commissioner's Office 271-8016</u></p> <p style="text-align: center;"><i>Office Phone #</i></p>	<p>EFFECTIVE DATE <u>02/01/2014</u></p> <p>REVIEW DATE <u>02/01/2015</u></p> <p>SUPERSEDES PPD# <u>NEW</u></p> <p>DATED _____</p>
<p>ISSUING OFFICER:</p> <p>_____</p> <p style="text-align: center;"><i>William Wrenn, Commissioner</i></p>	<p>DIRECTOR'S INITIALS _____</p> <p>DATE _____</p> <p>APPENDIX ATTACHED:</p> <p>YES _____ NO <u>X</u></p>
<p>REFERENCE NO: See reference section on last page of PPD.</p>	

- I. **PURPOSE:**
To establish guidelines for incoming and outgoing inmate e-mails and to provide a process and criteria for reviewing and rejecting unauthorized e-mail.
- II. **APPLICABILITY:**
To all inmates and staff.
- III. **POLICY:**
- A. It is the policy of the Department of Corrections to allow inmates to send and receive e-mail correspondence through the contracted vendor, according to all applicable laws, policy, procedures and regulations.
 - B. Inmates participating in the program will not have access to the internet.
- IV. **PROCEDURE:**
- A. **Responsibility**
 - 1. Use of the e-mail program is a privilege; therefore, the warden or an authorized representative may limit or deny the privilege of a particular inmate (See section D for restrictions).
 - 2. Each facility will designate a position who will be assigned the task of reviewing e-mails, and forwarding of e-mails or notification of rejections.
 - B. **E-mail Security Screening**
 - 1. All incoming and outgoing e-mail is subject to being read prior to delivery.
 - 2. The person designated to review e-mails:
 - a. May review Green messages before forwarding them to the recipient.
 - b. Will review Yellow coded messages before forwarding/rejecting

- c. Will forward Red coded messages to investigations for forwarding or rejecting. E-mails forwarded to investigations shall be saved as evidence until a decision is made by Investigations to reject it or send it on to the receiver.
 - d. Will reject e-mails received by or sent by inmates excluded from sending or receiving e-mails.
2. Information obtained from review of such e-mail will not be divulged, except as deemed necessary in notifying security/investigations staff or conducting an investigation, judicial or quasi-judicial proceeding.
 3. Community persons must consent to staff monitoring e-mails and that consent is implied when a community person chooses to correspond electronically with an inmate.
 4. Incoming or outgoing inmate e-mail that meets any of the following criteria will be rejected and/or forwarded to investigations for review:
 - a. Descriptions or depictions of procedures for the construction or use of weapons, ammunition, bombs, incendiary devices, or other items that might constitute a security hazard.
 - b. Materials that depict, encourage, or describe methods of escape from correctional facilities, or contain blueprints, drawings or similar descriptions of locking devices of penal institutions, and other materials that might assist escape.
 - c. Descriptions or depictions of procedures for brewing alcoholic beverages, or the use, procurement, and/or manufacture of drugs and drug contraband.
 - d. Any material that violates postal regulations, make unlawful threats, or attempts at blackmail or extortion.
 - e. Any material that contains contraband as defined by this policy or other regulations.
 - f. Any material pertaining to gambling or a lottery.
 - g. Documents written in code.
 - h. Descriptions or depictions that encourage activities which may lead to the use of physical violence or group disruption.
 - i. Materials that encourage or instruct in the commission of criminal activities or are in violation of the rules of conduct for prisoners.
 - j. Unauthorized solicitation of gifts or goods from a person other than the inmate's family.
 - k. Prison unions.
 - l. Correspondence constituting or contributing to the conduct or operation of a business, except correspondence necessary to protect the property or funds of the inmate during confinement.
 - m. Contents that would, if transmitted, create a clear and present danger of violence and physical harm to persons or property, or severe psychiatric or emotional disturbance to an inmate.
 - n. Obscene material as determined and defined by the LRC, the Commissioner, or a court of law.
 - o. Inmate to inmate mail.
 - p. Sexually explicit material or material that would be detrimental to the treatment of inmates or that would encourage or educate inmates in deviant or unlawful sexual practices will be not permitted. Suspected detrimental material shall be reviewed by the sex offender treatment clinical staff member to confirm the decision to reject.
 - q. Security threat group correspondence or materials.
 5. Correspondence that does not violate this policy may not be rejected solely because its

content is religious, philosophical, political, social, unpopular or repugnant.

C. Rejected Mail

1. When e-mail is rejected for any reason, the originator will be notified electronically by the designated staff. The intended recipient will not be notified.
2. The NH DOC will not reimburse the cost of any rejected e-mail.

D. Restrictions

1. Inmates may be temporarily or permanently excluded from electronic messaging when it is determined that their use may threaten public safety or the safety, security, or orderly operation of the institution.
2. Inmates excluded from electronic messaging will be notified by the warden/director of the specific reason(s) by a written explanation of the decision, unless processing such information would threaten the safety of the inmate, or for other penological interest.
3. An inmate's exclusion must be based on their individual history of behavior. For example, inmates with a personal history of, or prior conviction for, soliciting minors for sexual activity, or possession/distribution of child pornography through the internet or other means, may be excluded based on their history. Likewise, an inmate with a personal history or special skills or knowledge of using computers/e-mail/Internet or other communications methods as a conduit for committing illegal activities may also be excluded.
4. Staff requiring that an inmate be excluded from electronic messaging may make their request to the warden/director/designee.
5. Loss of electronics for disciplinary reasons is not considered excluded from participation.
6. Those excluded from electronic messaging may petition the warden/director for reconsideration annually.
7. The warden/directors' decision is final.

E. Pending Investigation or Disciplinary Action for Possible Messaging Abuse or Misuse

1. If an inmate is pending investigation or disciplinary action for possible abuse or misuse of the email messaging services, the digital media player may be seized and secured as authorized by the warden/designee.
2. Inmates pleading guilty or being found guilty of violating this e-mail policy may lose the privilege of possessing a digital media player.
3. Inmate to inmate electronic messaging is prohibited. Third-party persons complicit in inmate to inmate correspondence may be banned from electronic messaging with New Hampshire inmates.

F. Law Enforcement Requests for Electronic Messages

1. Upon written request from a law enforcement agency, NH DOC Chiefs of Security or Investigation staff is authorized to release both transactional data (e.g., date, time electronic message address, recipient, sender, and length of message) and copies of the electronic message.

REFERENCES:

KENCH/clr