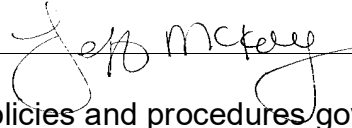
 Department of Corrections and Community Supervision DIRECTIVE	TITLE Incarcerated Individual Tablet Program		NO. 4425
			DATE 11/01/2022
SUPERSEDES DIR #4425 Dtd. 10/15/20	DISTRIBUTION A B	PAGES PAGE 1 OF 10	DATE LAST REVISED
REFERENCES (Include but are not limited to) NYS Abandoned Property Law, Section 1304; NYS Finance Law, Section 128; 7 NYCRR Part 254; Directives #2798, #4066, #4422, #4572, #4917, #4932	APPROVING AUTHORITY 		

- I. **PURPOSE:** This directive contains and describes the policies and procedures governing the tablet program available to all incarcerated individuals in general population. The utilization of a tablet assigned to an incarcerated individual and usage of kiosks must be in accordance with the policies and procedures contained in this directive.
- II. **POLICY:** The Department will provide incarcerated individuals in general population with access to tablets and kiosks for the purpose of providing educational material, for the ability to purchase approved music, videos, e-books, and other media, and for the opportunity to use a secure messaging system to communicate with family and friends as approved by the Department. These connections will be granted through an independent vendor-provided secure network and will not allow access to the internet.
- III. **DEFINITIONS**
 - A. Content: A selection of applications and materials approved by the Department for use on tablets that are provided to an incarcerated individual. There are two categories of content:
 1. Downloadable: A selection of materials that can be added to a tablet, through the kiosk, at an incarcerated individual's discretion. This type of content may have costs associated with it, which the incarcerated individual will fund through their Kiosk Media account.
 2. Preloaded: A selection of materials that may be included on the tablet upon issuance to the incarcerated individual at no cost.
 - B. E-card: An electronic greeting card image, approved by the Department and sold by the kiosk provider, that can be attached to a secure message.
 - C. Kiosk: A security-grade unit with a computer and other components that operates on an independent secure network to provide access to secure messaging, preloaded and downloadable content such as music, videos, and e-books, and other services for incarcerated individuals.
 - D. Kiosk Account Password: A unique identifier used to log in to a Kiosk account. This includes all passwords associated with a Kiosk account or tablet.
 - E. Kiosk Service Provider: The company with whom the Department has contracted to provide kiosk services.
 - F. Kiosk User Account: A user account established by the incarcerated individual in order to access kiosk services.
 - G. Kiosk Media Account: A pre-paid account established with the kiosk service provider for the purpose of funding the purchase of approved content through the kiosk. This account is funded through approved transfers from an incarcerated individual's trust account via submission of a disbursement form.

- H. Secure Message: Electronic, computer-based, written communication(s), up to 6,000 characters, that are sent or received by an incarcerated individual or a community member using applications managed by the kiosk service provider.
- I. Secure Messaging Stamp: An item required to send a secure message or attachment as outlined in Section VII.
- J. Tablet: An electronic device that will be loaned to each incarcerated individual while in general population, at no cost, that contains a variety of applications that can be used in conjunction with the kiosk to access educational material, download and use media content, and draft secure messages.
- K. Videogram: A 30-second video clip recorded by a community member and sent to an incarcerated individual as a secure message.

IV. PROCEDURES

A. Incarcerated Individual Kiosk Access

1. Employees filling out [Form #2095](#), "Daily Safety Checklist," (see Directive #4066, "Facility Safety and Environmental Services Inspections") for areas having kiosk(s) installed, will visually inspect the kiosk(s) and will note any damage or evidence of tampering with the unit, including verification that the tablet sync cable is present and intact. Any evidence of tampering will be immediately reported to the Watch Commander.
2. Kiosks will be located in areas determined and approved by the Department that will allow authorized incarcerated individuals access to the kiosks at designated times, as established by the facility.
3. To provide equitable kiosk access to all authorized incarcerated individuals, the frequency and duration of kiosk use will be limited. Each incarcerated individual will be afforded one 15-minute kiosk session per day, unless otherwise determined by the facility for operational reasons or additional accessibility.
4. Each facility will establish the times during which incarcerated individuals may access kiosks. Authorized times for kiosk use must be posted in each general population living area.
5. At least once every 30 days, the tablet must be connected to the kiosk or it will become inoperable. If the tablet becomes inoperable due to it not being connected to a kiosk, the incarcerated individual will be required to connect it to the kiosk in order to make it operable once again.

B. Incarcerated Individual Kiosk Accounts

1. All incarcerated individuals may establish a kiosk account. Incarcerated individuals may use kiosk services in general population once they have agreed to the terms and conditions established by the kiosk service provider.
2. Incarcerated individuals must only use their personal kiosk account and may not use another incarcerated individual's kiosk account. Use of another incarcerated individual's kiosk account may result in discipline.
3. All incarcerated individuals using the kiosk will establish a personal kiosk username and password to guard against theft. Incarcerated individuals are prohibited from sharing their password with other incarcerated individuals and are responsible for their password safekeeping.

4. The Department of Corrections and Community Supervision is not responsible for theft, loss, or costs related to password theft, sharing, or failure to ensure safekeeping.

C. Incarcerated Individual Kiosk Use

1. Incarcerated individuals must comply with all Department directives and facility operations manual items regarding kiosk use. Failure to do so may result in suspension of any or all kiosk services and privileges, pursuant to the procedures for implementing the standards of incarcerated individual behavior under 7 NYCRR Part 254, Directive #4932, "Chapter V, Standards Behavior & Allowances," and as set forth in subsection V-A.
2. All incarcerated individual and community member use of the kiosk services is subject to monitoring, recording, and retention, and any records or data resulting from the use of the kiosk services or associated tablet may be provided to law enforcement agencies.
3. Incarcerated individuals are prohibited from using the kiosk to communicate with other incarcerated individuals, crime victims, those who have an Order of Protection, those who have an established No Contact Order, or those who have objected in writing to such communications.
4. The kiosk secure messaging service may be used for legal correspondence; however, the communication will not be protected as legal correspondence and is subject to monitoring, recording, and retention.
5. All incarcerated individual questions regarding kiosk services must be directed to the kiosk service provider through the tools and contact methods established by the kiosk service provider.

D. Content

1. The contract between the Department and the kiosk service provider establishes what type of preloaded and downloadable content is available and is subject to change from time to time. Content may include music, movies, games, books, Department publications, etc.
2. All available content is subject to Department approval by Central Office representatives consistent with the media review process as described in Directive #4572, "Media Review." Content determined to negatively impact facility safety and security, good order, or Department mission and goals will not be approved.
3. Incarcerated individuals do not have a right to access downloadable content.

E. Tablets

1. All incarcerated individuals will be provided access to a tablet during their period of incarceration with the Department from the kiosk service provider at no cost to the incarcerated individual or the Department. Upon release from the Department, or upon transfer out of the Department's custody, the tablet shall be returned to the kiosk service provider.
2. Each tablet will come with a clear protective case, a set of earbuds, and a charger that have been reviewed and approved by the Department. Replacement sets of earbuds and a charger may be purchased through the kiosk service provider. Upon issuance, the incarcerated individual will sign for the tablet and associated accessories using [Form #4425A](#), "Receipt of Incarcerated Individual Tablet Program Materials."

3. Incarcerated individuals may only possess or use the tablet issued to them and are prohibited from lending or giving their assigned tablet to other incarcerated individuals, which includes sharing passwords and Personal Identification Numbers (PINs).
4. Tablets must only connect to kiosks and shall not be connected to any other device or computer.
5. Incarcerated individuals may only possess their tablets in their assigned general confinement housing unit, which includes Regional Medical Units, facility infirmaries, Residential Crisis Treatment Program (RCTP), Therapeutic Transitional Supervision Unit (TTSU), and Intermediate Care Programs (ICP)/Mental Health Units. General confinement tablets will not be allowed in Special Housing Units (SHU) or Residential Rehabilitation Units (RRU).
6. An incarcerated individual who intentionally damages a tablet and/or kiosk may be responsible for the repair or replacement cost.
7. The Department and the kiosk service provider, in consultation with the Department, reserve the right to deny a tablet to an incarcerated individual who has intentionally destroyed or damaged a tablet or kiosk in the past.
8. Tablets that are malfunctioning will be addressed with the kiosk service provider via communication through the kiosk to determine if the tablet needs to be repaired or replaced.
9. General confinement tablets will transfer with the incarcerated individual's property as outlined in Department Directive #4917, "Transferring Incarcerated Individual Property."
10. Upon release, the kiosk service provider will provide a mechanism at no cost to the released incarcerated individual or the Department to provide them with all purchased games and music. The content purchased is associated with the Department Identification Number (DIN) associated to the incarcerated individual at the time of the purchase and will not be available in the event the incarcerated individual is returned to the Department under a violation or a new commitment.
11. Use of a tablet is a privilege and may be suspended for abuse, misuse, or other misconduct, pursuant to the procedures for implementing the standards of incarcerated individual behavior under 7 NYCRR Part 254, Directive #4932, and as set forth in subsection V-A.
12. Incarcerated individuals will receive a tablet during processing at a Departmental Reception Center.

F. Exchanging Tablets and Paid Accessories

1. Individually packaged tablets for Return Merchandise Authorization (RMA) exchange will include the:
 - a. Tablet.
 - b. Plastic Protective Cover.
2. If the shipment includes RMA devices, the tablet bag will be clearly marked with an RMA sticker. Only use these RMA tablets to complete an RMA exchange.
3. Replacement accessories will not be included for replacement devices. The incarcerated individual should keep the accessories received with the original tablet.

4. When distributing replacement tablets, staff should collect the previously issued item from the incarcerated individual prior to delivering the replacement item. Incarcerated individuals may possess only one tablet at a time. The shipping manifest will indicate "exchange required: yes" if records indicate the incarcerated individual already possesses an active tablet.

NOTE: If the incarcerated individual claims they do not have their previously issued tablet upon exchange, a security supervisor will be notified, and an investigation will be conducted to ascertain the whereabouts of the tablet.
 5. Accessories requiring an RMA exchange will arrive individually packaged.
- G. Returning Tablets and Accessories to JPay
1. Package Room staff will only ship return tablets and/or accessories to JPay once replacement items have been delivered to the incarcerated individual.
 2. A pre-paid shipping label is automatically included in all shipments which require a tablet exchange.
 3. Once a tablet and/or accessory is exchanged, staff will place the previously issued item into a box. When the box is full, staff will affix the pre-paid shipping label provided by JPay on the box and mail the parcel to JPay. A manifest of the items included in the shipment should be included.
- H. Transferred Incarcerated Individuals and Incarcerated Individuals Temporarily Absent from the Facility
1. A tablet or accessory received for an incarcerated individual who has transferred from the facility will be forwarded by facility Package Room staff to the appropriate facility. All packages will be sent by receipted carrier and all expenses will be borne by the sending facility.
 2. A tablet or accessory received for an incarcerated individual temporarily absent from the facility (i.e., out to court, outside hospital, etc.) will be secured unopened in the facility Package Room unless it is determined the incarcerated individual will be absent in excess of 30 days. Upon approval from the facility Deputy Superintendent for Security (DSS), the item(s) will then be returned to JPay.
- I. Opting Out
1. An incarcerated individual may choose to opt out of the Incarcerated Individual Tablet Program at any time, as follows:
 - a. Log into their Kiosk account.
 - b. Select "Communications Center."
 - c. Choose "Opt Out of Incarcerated Individual Tablet Program."
 - d. Select "JPay Support Ticket."
 - e. Select "Incarcerated Individual Tablet Program."
 - f. Complete and submit the reason(s) for opting out of the Incarcerated Individual Tablet Program.
 - g. If opting out and the incarcerated individual has a tablet, they must sign and date [Form #4425B](#), "Incarcerated Individual Tablet Program Opt Out," and provide the completed form, accompanied by the tablet, the clear protective case, charging cord, and earphones to the Housing Unit Officer, who will provide it to the Package Room.

3. Secure messages and associated attachments that violate policy will be rejected by the authorized staff at a rank of Lieutenant or above and will not be delivered. Staff will enter the rationale for the rejection in the kiosk provider software. Incarcerated individuals will be notified of the rejection of outbound secure messages when they log in to the kiosk. Civilian customers will be notified in writing, to the email address on file with JPay, whenever an inbound or outbound message between them and an incarcerated individual is rejected.
4. The rejection message will be in their secure mail inbox. Stamps will not be refunded to the incarcerated individual or community member for the rejected secure message and associated attachments.
5. Staff may issue a disciplinary report for content found within a secure message that is authored by the incarcerated individual and is in violation of Departmental policy.
6. The Superintendent may terminate or suspend, for a term or indefinitely, secure messaging privileges for any community member, if the Superintendent has reasonable cause to believe that such action is necessary to maintain the safety, security, and good order of the facility.
7. The rejection of secure messages and associated attachments may be appealed in writing to the Superintendent in compliance with Directive #4422.
8. The Department is not responsible for any funds lost as a result of the suspension of accounts for actions found in violation of Department policy as outlined in Section V.

L. Videograms

1. Community members may send videograms to those who have established accounts with the kiosk service provider.
2. Videograms are screened prior to releasing to the receiving party as outlined in subsection IV-K-2. Videograms that pose a risk to public safety or that present a threat to the safety, security, or good order of the facility will not be released and the sender will be notified in writing.
3. Any videogram that contains material which, if sent to the incarcerated individual in printed personal correspondence, would violate the provisions of Directive #4422 shall be denied, will not be released, and the sender will be notified in writing.
4. The Department is not responsible for any funds lost as a result of the suspension of accounts for actions found in violation of Department policy as outlined in Section V.

M. Funding of Kiosk Media Account

1. Incarcerated individuals may add money to their Kiosk Media accounts by submitting a disbursement form in accordance with Directive #2798, "Incarcerated Individual Accounts." Incarcerated individuals are prohibited from adding money to another incarcerated individual's Kiosk Media account. Upon receipt, the business office will verify the incarcerated individual trust account balance and issue a check to the kiosk service provider. The kiosk service provider will deposit the amount of the check into the Kiosk Media account.

2. Any money deposited in the Kiosk Media account may only be spent on kiosk services and cannot be transferred to another account or refunded at any time, including at the time of release; however, unspent funds will be processed by the kiosk service provider, in accordance with Section 1304 of New York's Abandoned Property Law, Section 128 of New York's Finance Law, and New York State policies and procedures relating thereto.
3. Secure messaging stamps are purchased at the kiosk using funds in the incarcerated individual's Kiosk Media account. Community members may purchase secure messaging stamps for incarcerated individuals through the kiosk service provider and will be available to the incarcerated individual for use in the incarcerated individual's Kiosk Media account.
4. Incarcerated individuals must use the kiosk to check Kiosk Media account balances and receive notice of Kiosk Media account deposits. Any questions regarding Kiosk Media account balances and transactions must be directed to the kiosk service provider.

V. TERMINATION, SUSPENSION OF USE PRIVILEGES

- A. Suspension of Tablet Use Privileges: A Hearing Officer may impose a loss of tablet privileges for an incarcerated individual for violation of this policy or as a disciplinary sanction pursuant to the procedures for implementing the standards of incarcerated individual behavior under 7 NYCRR Part 254 and Directive #4932.
- B. Suspension of Secure Message Use Privileges for Community Members
 1. A Superintendent may suspend, for a specific period of time or indefinitely, secure messaging privileges for any community member, if the Superintendent has reasonable cause to believe that such action is necessary to maintain the safety, security, or good order of the facility.
 2. Upon imposing a term of suspension, the Superintendent shall notify the community member in writing, through email from the Superintendents shared mailbox, of the action utilizing [Form #4425C](#), "Secure Message Suspension Letter for Community Members." The notice shall contain:
 - a. The reason for the suspension.
 - b. The duration of the suspension.
 - c. The right to appeal the decision of the Superintendent and the manner in which to do so, including notification that such an appeal must be made within 60 days of receipt of the notice.
 3. The community member may submit an appeal within 60 days of receipt of the notice of suspension of secure messaging privileges as follows:
 - a. Such appeal shall be addressed to the Deputy Commissioner and Counsel and shall be in writing to: New York State Department of Corrections and Community Supervision, 1220 Washington Avenue, Albany, NY 12226. The community member may submit any written material that they wish to be considered.

- b. The Deputy Commissioner and Counsel or designee shall render a written decision within 45 days of receipt of the appeal as follows:
- (1) The decision shall affirm, reverse, or modify the determination of the Superintendent.
 - (2) The decision shall contain a statement of the evidence relied upon and a statement of the reasons, therefore.

VI. KIOSK SYSTEM MAINTENANCE: The kiosk service provider is solely responsible for maintaining and repairing the kiosks, tablets, and any associated infrastructure with the exception as outlined in subsection IV-E-6.

VII. COSTS AND FEES

A. Money Transfer

Amount	Online/Phone	
\$2.00 - \$9.99	\$1.75	
\$10.00 - \$19.99	\$2.75	
\$20.00 - \$49.99	\$3.75	
\$50.00 - \$300.00	\$4.75	

Item	Price
MoneyGram: \$0.01 - \$2,999.99*	\$4.00
Lockbox	Free

*The maximum MoneyGram transaction amount is subject to current MoneyGram regulations.

B. Music and Media

Time	Price
Per JP5S (7-inch) Tablet *	Free
Per Song	\$1.00 - \$2.50
Per Album	\$2.00 - \$46.00
Games	Free - \$7.99
Movie & Movie Rental	\$2.00 - \$25.00
eBooks/Audio Books	Free - \$19.99

*JPay will provide a tablet to each eligible incarcerated individual for the life of the contract. JPay reserves the right to deny an incarcerated individual a replacement tablet should they willfully damage a tablet. Tablets may be refurbished. The first time each incarcerated individual receives a tablet, they will receive a charger and a set of earbuds. Replacements are available at an additional cost.

C. Replacement Items

Item	Price
Earbuds	\$5.00
Charger	\$10.00

D. Secure Messaging Services (prices below are for incoming and outgoing messages)

Item	Price
Single Stamp* (per secure message)	\$0.20
10 Stamp Bundle	\$2.00
30 Stamp Bundle	\$5.75
60 Stamp Bundle	\$11.00
100 Stamp Bundle	\$15.00

*Single stamp purchases available for incarcerated individuals only. Stamps purchase up to 6,000 characters.

NOTE: Each incarcerated individual will receive four free stamps to use for secure messaging per month. The stamps are not available for use while an incarcerated individual is serving a disciplinary confinement sanction. Stamps are added to an incarcerated individual's account on the first of each month and the incarcerated individual will have the full month to utilize the stamps. The stamps do not accumulate from month to month.

E. Secure Messaging Products

Item	Price
Attachment (Picture)	1 Stamp
Attachment (Picture/Card)	2 Stamps
Videograms*	4 Stamps

*Videograms can only be sent in by a community member and the price listed is the cost to the community member to send the videogram.

F. Tablet-Based Education

Item	Price
Incarcerated Individual and Staff Use of JPay's Lantern	Free
KA Lite Video Downloads	Free