Minnesota Department of Corrections

Division Directive:	**302.022**	**Title: Offender/Resident Kiosk Services**
Issue Date:	**12/6/16**	
Effective Date:	**12/20/16**	

AUTHORITY: Minn. Stat. §241.01, subd. 3a and 3b

PURPOSE: Kiosk services are designed to provide offenders with improved visiting access, enhanced communication with family and friends, and entertainment activities consistent with department security and rehabilitation goals. Kiosk services also provide community members an alternative means of communication with offenders/residents in addition to traditional visiting, mail, and phone calls. All kiosk services are paid for by offenders/residents or community members registered as customers of the kiosk service provider. This directive exists to establish the policy and procedures for the operation and use of the kiosk system and services.

APPLICABILITY: Minnesota Department of Corrections (DOC), adult offenders and juvenile residents

DIRECTIVE: Offenders/Residents must not be able to access the internet, e-mail, or any form of unmonitored communication through facility kiosks. Facilities, offenders/residents, and community members must follow the procedures outlined in this directive regarding the operation and use of the kiosks. All kiosks will be accessible to persons with mobility restrictions or aids. Any proceeds from offender kiosk services are used for the welfare of all offenders.

Facilities must provide procedures to implement this directive including:

- Hours for kiosk use and facility-specific rules in addition to those included in this directive,
- Offender/Resident kiosk privilege suspension and appeal procedures, and
- Rules regarding possession of media players.

DEFINITIONS:

E-card – an electronic greeting card image, approved by the department and sold by the kiosk service provider, that can be attached to an o-mail

Kiosk – a security-grade unit with a computer and other components that operates on an independent network to provide o-mail, downloadable content, video visiting, and other services for offenders/residents

Kiosk Account – a user account established by the offender/resident in order to access kiosk services

Kiosk Account Passwords – includes all passwords associated with kiosk accounts or media players

Kiosk Service Provider – the company with whom the department has contracted to provide kiosk services

Kiosk Suspension Appeal Authority – a supervisor at each facility designated to decide offender/resident appeals of kiosk privilege suspensions

Kiosk User Account Liaison– a facility staff person designated to process changes to staff user accounts for access to the kiosk service provider's web-hosted application(s)

Media Player – an electronic device with a variety of applications that can be used in conjunction with kiosks to download and use media content and draft o-mails, purchased by adult offenders from the kiosk service provider. Juvenile residents cannot purchase or possess media players

O-mail – electronic, computer-based, written communication(s) sent or received by an offender or a community member using applications managed by the kiosk service provider

O-mail stamp – an amount of money, set by the department contract with the kiosk service provider, required to send an o-mail or attachment

Offender/Resident Kiosk Liaisons – at least two designated staff at each facility who are authorized to perform offender/resident kiosk privilege suspensions

Videogram – a 30-second video clip recorded by a community member and sent to an offender.

Written correspondence - traditional mail sent or received via the U.S. Postal Service (USPS)

PROCEDURES:

A. Offender/Resident kiosk access

1. Kiosks must be located in areas accessible to authorized offenders/residents at times designated by the facility. A facility supervisor may temporarily suspend offender/resident access to the kiosks for security reasons, such as facility incidents, lock-ups, etc.

2. Offender/Resident kiosk use is a privilege and may be suspended for abuse, misuse, or other misconduct.

3. To provide equitable kiosk access for all authorized offenders/residents, the frequency and duration of kiosk use is limited. Unless otherwise determined by the facility for operational reasons, each offender/resident is limited to two 15-minute kiosk sessions per day per kiosk, not including video visit sessions.

4. Each facility determines the times during which offenders may access kiosks. Authorized times for kiosk use must be posted in each general population living unit.

B. Offender/Resident kiosk accounts

1. All offenders/residents may establish a kiosk account. Offenders/Residents may use kiosk services once they have agreed to the program conditions and have activated their user accounts. An offender/resident who does not wish to participate in kiosk services or does not agree to be bound by the program conditions cannot create a kiosk account.

2. Offenders/Residents must establish personal kiosk account passwords and are encouraged to change them frequently to guard against theft. Neither the kiosk service provider nor the facility is responsible for theft, loss, or costs related to an offender/resident lending his/her kiosk account password or failing to provide for its safekeeping.

3. Offenders/Residents must use only their own personal kiosk accounts, must not use another offender/resident's kiosk account, and must protect their passwords from use by another offender/resident. Offender/residents must not lend, borrow, or steal another offender/resident's kiosk account password.

C. Offender/Resident kiosk use

1. Offenders and residents must comply with all department and facility directives and rules concerning kiosk use. Failure to do so may result in suspension of any or all kiosk service privileges, informal discipline, and/or formal discipline.

2. Offenders/Residents may only use the kiosks during designated times as determined by the facility.

3. All offender/resident and community member use of kiosk services is subject to recording, monitoring, and retention.

4. Offenders/Residents must not use kiosk services to communicate with a person in violation of a Direct Order to Cease Communication issued according to DOC Division Directive 302.210, "Offender Telephone Use."

5. All offender/resident questions or concerns regarding kiosk services must be directed to the kiosk service provider through tools and contact methods established by the kiosk service provider.

D. Video visitation

1. Offender eligibility – all offenders are eligible for video visiting unless:
   a) They have one or more of the following visiting restrictions:
      (1) Close supervision with minors,
      (2) Non-contact with minors,
      (3) Non-contact with minors with exceptions,
      (4) No visiting with minors, or
      (5) No visiting with a specific individual (e.g., victim).

   b) Their in-person visiting privileges have been suspended, or

   c) Their phone privileges have been suspended.

2. Visitors
   a) Only persons on an offender's approved visitors list may participate in video visits. Banned visitors cannot participate in video visits. Additional people must not participate or be viewable during the visit.

   b) Up to four visitors on the approved visiting list may visit during a video visiting session. Minors must be accompanied by a parent, guardian, or other designated and authorized person.

   c) For new visitors, the existing in-person visitor application process must be used to apply for video visiting privileges. See Division Directive 302.100, "Visiting," Attachment 302.100A or the DOC's public website for the visiting application.

   d) Approved visitors must establish an account with the vendor of the video visiting system in order to participate in video visits.

   e) Visitors are responsible for their own equipment and technology to access the video visiting system.

3. Scheduling

a) The corrections program director or captain responsible for the facility visiting program must monitor offender/resident participation in video visiting and make or review decisions regarding kiosk number and location, scheduling, and offender/resident access to ensure program goals are achieved.

b) Each facility must determine its own video visit schedule based on operational and security considerations such as offender activity schedules, staffing levels for offender supervision and video visit monitoring, offender/resident needs, etc.

c) To ensure equitable access for eligible offenders, each offender in general population may receive no more than two video visits per week.

d) Video visits are scheduled for 30 minutes and do not count towards the total number of visiting hours allowed per month.

e) The offender/resident is responsible for notifying visitors what days and times he or she may access video visiting so that the visitor can schedule accordingly.

f) Approved visitors must pre-schedule video visits two days in advance using the vendor's web-based application. Offenders/residents and facility staff cannot schedule video visits.

g) If a visitor schedules a visit during a time the offender/resident is not authorized to use the kiosk, the offender/resident must miss the visit and the visitor will receive a credit from the vendor and may reschedule the visit to occur during the offender/resident's authorized access time.

h) Scheduled video visits may be cancelled due to facility security needs, such as lockdowns, switch-ins, etc. Visitors are responsible for rescheduling cancelled visits or requesting a refund from the vendor.

4. Video visit attire and conduct

a) Regulations regarding offender/resident and visitor conduct are summarized in the Video Visit Violation Grids (attached).

b) Offenders must wear attire as required in their living unit.

c) Visitors must adhere to the in-person visiting attire rules (see Division Directive 302.100, "Visiting," Attachment 302.100K, "Statewide Visiting Room Rules," or the DOC's public website).

d) Visitors and the offender/resident must be visually identifiable and faces cannot be covered or obscured. Religious headgear must not interfere with the verification of a person's identity.

e) All conduct rules regarding in-person visits apply to offenders and visitors during video visits. (See Division Directive 302.100, "Visiting," Attachment 302.100K, "Statewide Visiting Room Rules," or the DOC's public website).

5. Video Visit Violations and Suspensions

a) Staff may immediately terminate video visits for potential rule violations or inappropriate behaviors. The terminating staff must write an incident report detailing the violation and the action taken.

b) Staff reviewing recorded video visits must write an incident report to document violations that are discovered during review.

c) Staff who document a video visiting violation must ensure the facility visiting lieutenant or designee receives a completed Offender/Resident Kiosk Suspension form (attached) along with the incident report documenting the violation.

d) The facility visiting lieutenant or designee must review the documentation and recording (if needed) to determine the outcome of the violation. Violations of video visiting rules are subject to informal or formal discipline and suspension of video visiting privileges according to the Video Visit Violation Grids.

e) If an offender/resident is suspended from video visiting privileges, the facility visiting lieutenant or designee must enter the suspension in the kiosk service provider software and the COMS visiting software in the comments section, and send a Video Visiting Suspension Letter to Offender/Resident (attached) to the offender/resident.

f) If a visitor is suspended from video visiting privileges, the facility visiting lieutenant or designee must communicate the suspension to the kiosk service provider by phone or e-mail and enter into the COMS visiting software in the comments section, and send a Video Visiting Suspension Letter to Visitor (attached) to the visitor .

g) To appeal a video visiting suspension, offenders and visitors must follow the procedures in Division Directive 302.100, "Offender Visiting." Offenders cannot file a formal grievance under Policy 303.100, "Grievances," regarding the disposition of a video visiting violation.

6. Video Visit Monitoring

a) Video visits may be live-monitored or reviewed from recorded files by designated staff.

b) Video visits cannot be audio or video recorded or archived in any form by anyone, except for the vendor's recording and archiving system.

E. <u>Downloadable content</u>

1. A contract between the department and the kiosk service provider establishes what types of downloadable content are available to offenders and residents. Content may include music, movies, games, books, department publications, etc.

2. All content is subject to department approval. Content determined to negatively impact facility order, security, or safety; department rehabilitation goals; or public safety must not be approved.

3. Offenders and residents do not have a right to access downloadable content. Offender/resident programs (e.g. Challenge Incarceration Program (CIP), juvenile programs) may restrict access to downloadable content. Offenders housed in segregation units generally do not have access to downloadable content. If feasible and consistent with security concerns, facilities may provide offenders on administrative segregation status with access to downloadable content.

F. Media players

1. Adult offenders may purchase a media player from the kiosk service provider. However, juvenile residents and CIP participants cannot purchase or possess media players. Community members may also purchase a media player for adult offenders. Upon purchase, the media player is shipped to the offender's facility and delivered in accordance with facility property procedures.

2. Media players, USB cables, and chargers are considered electronic items governed by DOC Division Directive 302.250, "Offender Property" and are subject to all property rules. An offender may only own or possess one media player, one USB cable, and one charger.

3. The media player and related content are subject to the same regulations affecting all offender belongings including search, confiscation and disposition. Offenders must provide their current media player password when directed by staff for purposes of an investigation or authorized search.

4. Offenders must only connect their media players to a kiosk and must not connect them to any other device or computer. Offenders must only use the connecting cable and charger to charge the media player.

5. Offenders may only possess their media players at times and in areas allowed by the facility.

6. To determine if a media player is in working order, staff must only turn on the device and confirm that the offender's name and OID display properly.

G. <u>O-mail</u>

1. Adult offenders and juvenile residents may only send and receive electronic messages to and from community members who have established an account with the kiosk service provider. Offenders/residents housed in segregation units cannot send o-mails and incoming o-mail must be printed and delivered with regular mail.

2. O-mail must not be used for any purpose that would jeopardize the safety, security, or orderly operation of the facility, or protection of the public and staff. Messages violating this or any other department policy may result in informal or formal discipline and/or suspension of o-mail privileges.

3. Offenders, residents and community members using o-mail must adhere to all department policies regarding mail, contraband, and offender communication.

4. Offenders/residents must not use o-mail to communicate with other offenders or residents, with patients of Minnesota Forensic Services (including such examples as the Minnesota State Hospital and the Forensic Nursing Home), clients of the Minnesota Sex Offender

Program, or individuals in the custody of detention or correctional facilities. O-mail must not be used for third party communications.

5. Each o-mail and each attachment costs one o-mail stamp. Offenders/residents purchase stamps at the kiosk using funds in their media account. Community members purchase o-mail stamps through the kiosk service provider. Community members may purchase stamps for offenders.

6. Community members may attach up to three photos and/or e-cards to offender o-mails. Contents of the message and attachments are subject to the restrictions in Policy 301.030, "Contraband" and Division Directive 302.020, "Mail." Offenders/residents may attach e-cards to outgoing o-mail for an additional o-mail stamp.

7. O-mail screening and monitoring
   a) All o-mail is subject to screening for contraband content by authorized staff. O-mail may also be monitored by the Office of Special Investigations (OSI) in accordance with Division Directive 302.020, "Mail." Screening and monitoring o-mail may delay delivery, but staff performing this task must endeavor to process o-mail as soon as practical.

   b) O-mail and attachments that violate department policy must be rejected by the authorized staff and must not be delivered. The staff must enter the reason for rejection in the kiosk provider software. The sender (either the offender/resident or community member) must be electronically notified by the kiosk service provider of an o-mail's rejection and the general rationale, unless doing so would hinder an active investigation.

   c) The rejection of o-mail and attachments cannot be appealed. Senders have the option of sending the same content through written correspondence and, if it is rejected again, may appeal using the procedures outlined in DOC Division Directive 302.020, "Mail."

   d) Staff who discover an o-mail violation that may warrant response in addition to rejecting the o-mail must write an incident report and notify the appropriate supervisor, in accordance with Policy 300.300, "Incident Reports."

8. Offenders/residents may block o-mail senders from the kiosk. Neither facility staff nor the vendor may block senders at the offender/resident's request.

9. Designated facility staff may suspend o-mail privileges for offenders, residents and community members for violation of o-mail rules or facility security/public safety reasons. The facility provider must notify the suspended individual of the length of the suspension and the reasons, electronically or in writing, unless such notice would hinder an active investigation.

10. Printing o-mail and attachments
    a) Mailroom staff do not print incoming o-mail or attachments for offenders who have access to a kiosk. Facility mailroom staff must print incoming o-mail and e-cards for offenders/residents who are housed in living units that do not have kiosks or where the kiosks are restricted from o-mail use, e.g., segregation units or designated programs. All printing is black and white.

b) Mailroom staff must not print incoming o-mail for offenders/residents whose o-mail or kiosk privileges have been suspended due to a violation.

H. Videograms

1. Community members may send videograms to adult offenders housed at facilities that offer this service

2. Videograms are paid for by the sending community member and are screened for contraband by the kiosk service provider.

3. Videograms that contain any of the following are not delivered and the cost is not refunded to the customer/community member or to the offender:
   a) Descriptions, information or images concerning any illegal acts or violation of facility rules including such examples as illegal drugs, weapons, escape, martial arts, etc.;
   b) Anything sexual in nature, including nudity, or sexual gestures/movement;
   c) Behavior, attire, gestures indicating security threat group affiliation;
   d) Information advocating that any ethnic, racial, or religious group is inferior or that make such groups an object of ridicule and scorn;
   e) Anything requesting, providing, or including any information that describes the manufacture of weapons, bombs, explosives, alcohol and drugs, drug paraphernalia, or escape materials;
   f) Anything of a threatening nature;
   g) Any coercion, threats, or fraud to obtain money, favors, or anything of value; or
   h) Information related to the crime or identity of another offender.

4. Anyone sending or receiving videograms that violate any policy may lose their privileges to use this service.

I. Funding the kiosk media account

1. Offender/residents may add money to their kiosk media accounts through the canteen. Media account balances and purchase records are maintained by the kiosk service provider. Media account funds are normally available for spending within two business days.

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. Unused funds in the offender/resident's media account cannot be refunded to the offender's/resident's facility account balance on the offender's/resident's release or transfer to a non-department facility. Offenders must contact the kiosk service provider for a refund.

3. Community members may add money to an offender's/resident's media account through the kiosk service provider's website. Community members must address any media account concerns directly to the kiosk service provider.

4. Offender/Resident violation of media account rules or DOC Policy 300.100, "Offender/Resident Accounts," may result in the suspension of any or all kiosk service privileges and/or the ability to add media account funds through the canteen.

5. Community member violation of media account rules or DOC Policy 300.100, "Offender/Resident Accounts," may result in the suspension of any or all kiosk service privileges and/or the ability to add media account funds through the facility kiosk provider.

6. Offenders/residents must use the kiosk to check media account balances and receive notice of media account deposits. Any questions concerning media account balances and transactions must be directed to the kiosk service provider.

J. Offender/Resident suspension of kiosk use privileges through informal sanction

1. Offenders and residents are expected to take care not to damage the equipment when using the kiosks. They must not interfere with another offender's kiosk use and must respect users' privacy at the kiosk. No eating or drinking is allowed around the kiosks.

2. Facilities may establish additional rules for offender and resident access to and use of kiosks. These rules must be posted in general population living units.

3. Staff must document kiosk use violations using the facility's informal sanction procedures according to Division Directive 303.015, "Informal Sanctions." Violation penalties are subject to the following progression:

First violation	Verbal warning to cease violation, providing the offender has no similar violations within the past 90 days.
Second violation within 90 days	Suspension of kiosk use privileges for seven days.
Third violation within 90 days	Suspension of kiosk use privileges for up to one month.
Fourth violation within 90 days	Formal discipline and suspension of kiosk use privileges for a minimum of three months up to indefinite suspension, depending on the nature of the violation

4. Staff may deviate from the violation progression and/or submit the violation for formal discipline when deemed appropriate.

K. Offender/Resident kiosk use or kiosk services suspension process

1. An associate warden at each facility must designate a staff person and a back-up to function as offender/resident kiosk liaisons to process offender/resident suspensions.
2. Staff who document a kiosk use or kiosk service violation must ensure the offender/resident kiosk liaison receives a completed Offender/Resident Kiosk Suspension form (attached) along with documentation of the violation (e.g., an incident report or informal sanction notice).
3. Offender/Resident kiosk services privilege suspensions must be reviewed and approved by a designated facility supervisor.
4. The offender/resident kiosk liaison must notify the kiosk service provider of the suspension in accordance with the service provider's suspension process and retain a copy of the suspension form.
5. Offender/Resident suspension appeals
   a) Offenders/Residents cannot file a formal grievance about kiosk use or kiosk services suspensions.
   b) Offender/Residents may appeal kiosk services privilege suspensions within five working days of receiving notice of the suspension by writing a kite to the facility kiosk suspension appeal authority.

c) The kiosk suspension appeal authority must review and decide the appeal outcome within five working days and notify the offender in writing of the outcome.

d) The offender/resident kiosk liaison must retain copies of suspension appeals and responses.

L. Community member suspension of kiosk service privileges

1. Community members do not have a right to use kiosk services to communicate with offenders. Kiosk services are provided as a convenient alternative to traditional visits, mail, and phone calls.

2. Community members must comply with all department and facility directives and rules concerning kiosk use. Failure to do so may result in suspension of any or all kiosk service privileges.

3. Community members may appeal kiosk privilege suspensions within five working days of receiving notice of the suspension by writing a letter to the facility warden/superintendent.

4. The warden/superintendent or designee must review and decide the appeal outcome within five working days and notify the community member in writing of the outcome. Copies of the appeals and responses are retained by the warden's/superintendent's assistant.

M. Communication of kiosk-related information

1. Offenders and residents must be provided information about kiosk services at intake orientation.

2. Facility offender/resident handbooks must contain information regarding kiosk services and progressive informal sanctions for minor kiosk use violations.

3. Authorized times and rules for kiosk use must be posted in each unit where kiosks are located, except segregation.

4. The department public website and facility visiting lobbies must contain information regarding kiosk services.

N. Staff use of the offender/resident kiosk service web-hosted application

1. Only authorized staff may access the kiosk service provider's web-hosted applications. All staff who have been approved to use the kiosk service applications are given appropriate role-based access necessary for them to perform their job responsibilities. User identifications (IDs) and passwords regulate access to the applications. Sharing of user IDs and/or passwords is strictly forbidden. Unless a user ID is specifically designated for a defined group's use, user IDs and passwords are assigned to an individual. User ID and password use is restricted to that individual and must be kept secure. Violators of user ID and password security may be subject to disciplinary action.

2. To be assigned a kiosk application user ID, a staff or the staff's supervisor must complete a Kiosk Web User Access Request form (attached). The request must be reviewed and approved by the staff person's supervisor and division head. The completed form is then sent to the facility kiosk user account liaison.

3. Supervisors are responsible for ensuring that user rights for the kiosk service provider's web-hosted applications are changed appropriately according to the staff person's duties or employment status.

4. Each facility must have a staff person and a back-up to function as the kiosk user account liaison for the facility. This staff person has the following duties:
   a) To communicate with the kiosk service provider regarding staff user account activations/deactivations and application user privileges;
   b) To ensure user access requests have the appropriate approvals before forwarding to the kiosk service provider; and
   c) To retain documentation relating to staff user rights for one year after the staff person's access rights have been removed.

O. Kiosk system maintenance – the kiosk service provider is solely responsible for maintaining and repairing the kiosks and any associated infrastructure.

P. Internal controls

1. Documentation of an offender/resident's kiosk suspension(s) that arises out of the informal sanctions process is retained in the offender/resident's unit file or software application for a minimum of three years or until the offender/resident is released, whichever is shorter.

2. Documentation of an offender/resident's kiosk suspension(s) imposed outside of the informal sanctions process is retained by the offender/resident kiosk liaison for a minimum of three years or until the offender/resident is released, whichever is shorter.

3. Documentation relating to an offender/resident's appeal of kiosk suspension(s) is maintained in written or electronic form by the offender/resident kiosk liaison for a minimum of three years or until the offender/resident is released, whichever is shorter.

REVIEW: Annually

REFERENCES:
Division Directive 302.100, "Visiting"
Policy 301.030, "Contraband"
Policy 300.100, "Offender/Resident Accounts"
Division Directive 302.250, "Offender Property"
Division Directive 302.020, "Mail"
Division Directive 302.210, "Offender Telephone Use"
Division Directive 303.015, "Informal Sanctions"
Policy 300.300, "Incident Reports"
Division Directive 301.110, "Security Threat Groups"

SUPERSESSION: Division Directive 302.021, "Offender Messaging (O-Mail)," 8/19/14
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: NOTE: All forms labeled SAMPLE below can be accessed on the Kiosk iShare site
JPay/Kiosk User Rights Request form – SAMPLE (302.022A)
Offender/Resident Kiosk Suspension form – SAMPLE (302.022B)
Video Visit Violation Grids (302.022C)

Video Visiting Suspension Letter Template to Offender – SAMPLE (302.022D)
Video Visiting Suspension Letter Template to Visitor – SAMPLE (302.022E)

/s/
Assistant Commissioner, Facility Services