



## Ohio Administrative Code Rule 5120-9-37 Inmate group activities.

Effective: April 1, 2005

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(A) No inmate shall be permitted to become an active member in any group within an institution until that group has been approved pursuant to this rule. An "unauthorized group" is defined as:

(1) An association of two or more persons with common characteristics (e.g., sharing a common interest, activity or purpose; acting in concert on an ongoing or recurrent basis; having a highly organized or loosely structured internal organization; recognizing themselves as a distinct group) which serves to distinguish that association from other inmates or groups, and;

(2) Has not been approved by the department pursuant to this rule or any departmental directive.

(B) An inmate shall not knowingly or intentionally engage in, whether individually or in concert with others:

(1) Forming, organizing, promoting, encouraging, recruiting for, or participating in, etc., an unauthorized group;

(2) Possessing, creating, reproducing, using or circulating, etc., any material related to an unauthorized group;

(3) Communicating support of, association with, or involvement in any unauthorized group. The form of communication may be verbal (written or spoken) as through codes, jargon, etc., or non-verbal (conduct as through hand signs, symbols, displays, drawings, graffiti, distinctive clothing, hairstyles, colors, ornaments, etc.);

(4) Participating in criminal activities, or disruptive activities such as disturbances, riots, fostering racial or religious hatred, or union activities; and,

(5) Violating institutional rules or directives or state or federal laws.



(C) When inmates engage in group activities when that group has not been authorized pursuant to this rule, or a group has received authorization pursuant to this rule, but engages in activities inconsistent with or beyond those authorized, such inmate and or group shall be deemed to be engaged in unauthorized group activities and subject to discipline consistent with rules 5120-9-06, 5120-9-07 and 5120-9-08 of the Administrative Code.

(D) When an inmate is charged with unauthorized group activity the conduct report shall indicate that the charge is brought under this rule, describe with specificity the alleged conduct forming the basis of the charge, and cite the pertinent identified sub-section of this rule that describes the unauthorized group activity prohibited.

(E) Inmates who wish to form an authorized group shall first file with the warden or designee a request for authorization to collect information to form the group. The request for authorization shall allow the inmates wishing to form a group to associate and communicate with other inmates for the sole purpose of gathering information to prepare the documents required to support a formal request to form a group. The request for authorization to associate and communicate shall state the nature and purpose of the proposed group. The warden or designee shall either grant or deny the request for authorization to associate and communicate within thirty days of receipt of the request. A denial shall state the reasons therefore. Inmates who wish to participate in religious group activities shall contact the institution's chaplain to ascertain the specific requirements for processing such a request.

(F) Inmates who are granted authorization to associate and communicate may confer with and recruit other inmates to participate in the proposed group. This authorization is limited to the extent necessary to gather the information to prepare documents required for the formal request to form a group. The limited authorization to associate and communicate shall expire within thirty days from the date it was granted.

(G) Within the thirty-day period following the authorization to associate and communicate, an inmate may file with the warden or designee a formal request to form a group. The formal request shall include the following:

(1) The name of the group;



- (2) Any affiliation, directly or indirectly, with any other group within or outside the institution;
  - (3) The names of the person(s) interested in forming the group;
  - (4) The group's charter, constitution, or bylaws; or all three documents if appropriate;
  - (5) The group's objectives and proposed activities;
  - (6) The institutional services and resources, such as staff time or meeting rooms, needed for the group's activities;
  - (7) The anticipated length and frequency of group meetings or activities;
  - (8) Financial support desired from the institution, if any, including how long the group expects to need such support;
  - (9) Group methods, including recruiting new members;
  - (10) The need for the group and why no other existing group within the institution or the department can meet the needs of the applicant(s).
- (H) Within thirty days of the receipt of the formal request to form a group to engage in group activities, the warden or designee, shall submit the formal request, along with the warden's recommendations, to the director or designee.
- (I) Within thirty days of the receipt of the formal request to form a group to engage in group activities, the director or designee shall, in writing, approve or deny, in whole or in part, the formal request. A denial shall state the reasons therefore.
- (J) No group shall be recognized, or an active membership permitted, in any group which the warden has reason to believe constitutes a risk to the security of the institution or personnel, is detrimental to the best interests of the inmates, or would work in opposition to the orderly function and operation of



the institution.

(K) Each inmate group shall submit an annual report to the warden which shall include the name of the group, its purpose, the number of inmate members, its accomplishments during the previous year, its general effect on the inmate population, and the benefits, if any, derived by its members. A review of the conduct of the members during the preceding year shall also be conducted. Each warden shall then submit an annual report to the director or designee describing all active inmate groups and their activities.

(L) Each inmate group shall have a group advisor who shall be assigned by the warden from the institutional staff. Such group advisor shall attend all meetings of the inmate group. The group advisor shall review the conduct records of the members on an annual basis, and shall submit a written summary of such review at the time of the group's annual report.

(M) The director or designee may revoke a group's authority to continue to function as a group and to engage in organized group activities. In that event, the director or his designee shall notify the group in writing of the revocation and reason(s) therefore.