RHODE ISLAND DEPARTMENT OF CORRECTIONS
POLICY AND PROCEDURE

	POLICY NUMBER: 24.02-3 DOC	EFFECTIVE DATE: 03/17/2008	PAGE 1 OF 7
	SUPERCEDES: 24.02-2 DOC	DIRECTOR: Ashbel T. Wall II	
SECTION: SECURITY AND CONTROL		SUBJECT: INMATE TELEPHONE PRIVILEGES/MONITORING	

AUTHORITY: Rhode Island General Laws (RIGL) § 42-56-1022), Powers of the director; Title III of the Omnibus Crime Control and Safe Streets Act, 18 U.S.C.A. § 2510 et seq (prison monitoring and recording of inmate telephone calls); RIGL § 12-5.1, Interception of Wire and Oral Communications; RIGL § 11-35-21, Unauthorized interception, disclosure or use of wire or oral communication

REFERENCES: ACA Standards 4-4271, -4272, and -4497 (telephone privileges); 3-ALDF-3D-21, -22, -23, and 3-ALDF-5D-09 (tel. priv./access -- gen. pop., admin. seg., prot. Cust., disc. detention); RIDOC policy #11.01-4 DOC, Code of Inmate Discipline; RIGL §42-56-38.1, Prisoner Telephone Use

INMATE/PUBLIC ACCESS?	X	YES
AVAILABLE IN SPANISH?	X	NO

I. **PURPOSE:**

To specify the Rhode Island Department of Corrections' (RIDOC's) policy and procedures regarding the monitoring and recording of Adult Correctional Institutions (ACI) inmates' telephone conversations.

II. **POLICY:**

A. Inmate access to/use of telephones is a privilege.

B. Inmates are encouraged to remain in close contact with family and friends.

C. RIDOC affords inmates reasonable access to telephones, consistent with their status, housing unit regulations, and the guidelines contained in this policy.

Public Notice: 01/13/08 Public Hearing: 02/14/08

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1. All Wardens ensure inmates have reasonable access to telephones within their respective facilities.

   NOTE: Wardens of awaiting trial facilities ensure telephones are available in the committing areas which do not require the use of personal identification numbers (PINs) for bail purposes only.

2. Inmate calls are limited [See III.B6] to:

   a. Up to ten (10) social numbers;

   b. Up to five (5) attorney numbers.

      Only attorneys whose names and business telephone numbers in the State of Rhode Island and Providence Plantations, Supreme Court ACS Attorney Registration will be recognized for this privilege, unless authorization is given by the Warden or designee. An example of such authorization is: The Systems Administrator provided by the vendor of the monitoring system verifies an out-of-state attorney's status and telephone number. The Warden or designee authorizes the call.

   NOTE: Inmates are allowed to make calls to people not on their lists, under the supervision of a Counselor or Discharge Planner, in order to seek employment, housing, social services, etc. Such calls are recorded, to include date and purpose, in a phone log by staff.

3. In addition to the five (5) attorneys mentioned above, all RIDOC inmates may place calls to:

   a. RIDOC Special Investigations Unit (SIU)
      462-2282

   b. RIDOC Inspectors' Office
      462-2551

   c. On-grounds Rhode Island State Police (RISP)
      462-2650

   d. Licensed Bail Bondsmen (telephone numbers to be entered by system administrator)

e. Any law enforcement agency

f. Calls that will **not** be recorded:

RIDOC SIU
RIDOC Inspectors' Office
Law Enforcement Agencies
Rhode Island Public Defender's Office
458-3050 (District and Family Courts)
222-3492 (Superior Court)
222-1313 (Violations)
822-2195 (Kent County Superior, District and Family)
782-4180 (Washington County Superior, District and Family)
841-8320 (Newport County Superior, District and Family)
Attorney calls

4. Outgoing inmate telephone calls utilize either debit or collect call systems.

Exceptions (which are subject to monitoring by staff):

a. Work Release Job Search calls;

b. Calls dialed by staff designated by Warden of facility.

D. All inmate telephone conversations, except those between inmates and the individuals listed in II.C.3.f. are subject to monitoring and/or recording.

E. Prior to the connections of all attempted calls, inmate callers and call recipients are given advance notice that their telephone conversations will be recorded and are subject to monitoring via an automated message. Call recipients must accept these conditions before connections are completed.

III. PROCEDURES:

A. Notification

1. Inmates. Wardens or designated Deputy Wardens ensure inmates receive advance notice of monitoring and/or recording of their telephone conversations via:

a. memorandum (for inmates incarcerated at the time of initial implementation)

b. Inmate Telephone System Number Request Form – statement that calls are subject to monitoring and/or recording

c. signs posted (or stenciled) in English and Spanish above or near facility telephones designated for inmate use (sample at Attachment 1)

d. recorded message before call is accepted

2. Other means of inmate notification which Wardens may choose to utilize include:

a. facility bulletin board notices

b. facility inmate handbooks

c. orientation sessions

3. If applicable, call recipient hears a recorded message informing him/her the collect call is from a RIDOC inmate and subject to monitoring and/or recording.

a. Recipient is given an opportunity to accept or refuse the call.

b. The message includes language that by accepting the call, the recipient consents to the monitoring and/or recording.

B. Inmate Telephone System Number Request Form – information required on said form is as follows:

1. inmate's personal identification number (PIN)

2. statement that call is subject to monitoring and/or recording

3. date

4. inmate's printed name

5. inmate's signature (OR staff's signature indicating inmate's refusal to sign)

6. list of telephone number(s) inmate wishes to call

   a. Up to ten (10) "social"

   b. Up to five (5) attorneys

C. Changes to Inmate Telephone Number Lists

Inmates may request changes to their telephone lists:

1. Social number changes - The System Administrator provided by the vendor of the monitoring system is responsible for entering updated information as submitted.

2. Attorney number changes - The System Administrator provided by the vendor of the monitoring system is responsible for entering updated information as it is submitted.

3. Change requests may also be considered (on a case-by-case basis) for the following reasons:

   a. family emergency;

   b. call recipient's telephone number changes;

   c. newly acquired telephone number for inmate's mother, father, spouse, and/or child(ren);

   d. as determined by the RIDOC.

4. Revised Inmate Telephone System Number Request Forms serve as change requests.

D. General Rules

1. The Warden of each facility determines the hours of telephone availability and ensures said hours are posted in all housing units.

2. Telephone calls (excluding attorney calls) are restricted to twenty (20) minutes per call.

E. Monitoring/Recording

1. Monitoring/recording of inmate telephone conversations occurs for the purposes of:

   a. preserving institutional order and security; and/or

   b. enhancing/conducting investigative operations.

2. SIU staff are responsible for monitoring inmate telephone calls. All other persons requesting access to the telephone monitoring area need written authorization from the Director.

   a. Random - monitoring conversations as they occur (i.e., "live") – SIU Investigators randomly monitor live inmate telephone conversations.

   b. Targeted - monitoring specific inmates' conversations based on information received by SIU related to possible activity that may jeopardize institutional or community security and safety.

3. No unauthorized personnel are allowed access to the telephone monitoring room/equipment.

4. SIU staff record the names of all authorized personnel entering the telephone monitoring room in a log book established solely for that purpose.

F. Information Sharing

1. Law enforcement authorities who are not assigned to the Rhode Island Department of Corrections are not allowed access to recordings without judicially authorized and properly executed court orders, which are logged and maintained by SIU staff.

2. The Chief Investigator handles administrative requests on a case-by-case basis.

3. Random or general access to monitored telephone conversations is PROHIBITED.

4. SIU staff copy conversations to be used as evidence to CD-R's, and provide said copies to the agency involved.

a. Such duplicate CD-R's are marked as evidence and fully tracked and receipted for as appropriate.

b. Master CD-R's are not normally removed from the library unless subpoenaed.

c. SIU staff maintains a log of all CD-R's released to law enforcement agencies.

5. The System Administrator may periodically monitor calls for maintenance or quality control purposes. Such monitoring is done in the presence of an SIU member.

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Sample Notification Sign to be Posted Near All Inmate Telephones

All inmate telephone calls, except those to pre-approved attorney numbers, ***RIDOC SIU Staff, RIDOC Office of Inspection Staff, Rhode Island State Police*** will be recorded and/or monitored.

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