RHODE ISLAND DEPARTMENT OF CORRECTIONS
POLICY AND PROCEDURE

	POLICY NUMBER: 24.02-1 DOC	EFFECTIVE DATE: 08/14/00	PAGE 1 OF 7
	REPEALS: 24.02 DOC	DIRECTOR:	

SECTION: SECURITY AND CONTROL	SUBJECT: MONITORING INMATE TELEPHONE CONVERSATIONS

AUTHORITY: Rhode Island General Laws (RIGL) § 42-56-10(v), 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: American Correctional Association Standards for Adult Correctional Institutions 3-4259, -4260, and -4439 (tel. priv./access -- gen. pop., admin. Seg., prot. cust., disc. detention) and for Adult Local Detention Facilities 3-ALDF-3D-21, -22, -23, and 3-ALDF-5D-09 (tel. priv./access -- gen. pop., admin. seg., prot. Cust., disc. detention); RIDOC policy # 11.03 DOC, Def. of Temp. Loss of Spec. Priv. w/in Inmate Classification, Not to Exceed 30 Days, Commonly Known as LOAP; Morris v. Travisono, 499 F. Supp. 149 (1980)

INMATE ACCESS THROUGH LAW LIBRARY? X YES

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.

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

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

   a. Awaiting Trial Facilities. Wardens of awaiting trial facilities ensure:

      (1) telephones are available in the committing areas which do not require the use of PINs for bail purposes only.

2. Inmate calls are limited [See III.A.1.b.(6) below] to:

   a. Up to ten (10) social numbers;

   b. Up to five (5) attorney numbers.

      (1) Only attorneys whose names and business telephone numbers appear in the State of Rhode Island and Providence Plantations, Rhode Island Judicial Systems and Sciences Attorney Index will be recognized for this privilege, unless authorization is given by the Warden or designee. An example of such authorization is: The Systems Administrator verifies an out-of-state attorney's status and telephone number. The Warden or designee authorizes the call.

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

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)

4. Outgoing inmate telephone calls utilize "collect call only" telephones.

a. Exceptions (which are subject to monitoring by staff):

(1) Work Release Job Search calls;

(2) Calls dialed by staff designated by Warden of facility.

D. All inmate telephone conversations, except those between inmates and attorneys and RISP Intelligence and Narcotics Units 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 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

(1) inmate's personal identification number (PIN)

(2) statement that calls are 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. 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. Call recipient hears a recorded message informing him/her the collect call is from a RIDOC inmate and subject to monitoring and/or recording. Recipient is given an opportunity to accept or refuse the call.

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

B. Changes to Inmate Telephone Number Lists

1. Inmates may request changes to their telephone lists:

a. Social number changes - The system administrator provided by the vendor of the monitoring system is responsible for entering updated information once every three months. NOTE: Not all facilities will necessarily be on the same schedule.

b. Attorney number changes - The systems administrator provided by the vendor of the monitoring system is responsible for entering updated information as it is submitted.

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

(1) family emergency;

(2) call recipient's telephone number changes;

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

(4) as determined by the RIDOC.

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

C. 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 is responsible for monitoring inmate telephone calls. All other persons requesting access to the telephone monitoring area will need written authorization from the Director.

a. Random - monitoring conversations as they occur (i.e., "live");

(1) SIU Investigators randomly monitor live inmate telephone conversations.

(2) Incident reports are filed for each monitoring session indicating:

(a) Investigator's name/signature

(b) date

(c) time
(d) inmate's name

(e) facility

(f) unusual incident(s) noted during the monitoring

(g) These reports are maintained in the telephone monitoring room.

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

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

2. Conversations to be used as evidence shall be copied to cassettes, normally one conversation per side, and provided to the agency involved. Such duplicate cassette tape(s) shall be marked as evidence, issued an evidence control number and fully tracked and receipted for as appropriate. Master tapes shall not normally be removed from the tape library unless subpoenaed.

3. The system administrator may periodically monitor calls for maintenance or quality control purposes. Such monitoring is done in the presence of an SIU member.

E. Equipment/Devices

1. Tape Library. Tapes are stored in the telephone monitoring area, in a secure fashion to be determined by the SIU Chief.

a. Investigators clearly label tapes with:

(1) tape number;

(2) date of coverage;

(3) Investigator's initials.

b. Tapes which are to be used for evidence are clearly marked with evidence labels and filed in sequential order.

(1) Evidence tapes are not reused.

c. As a rule, tapes are maintained for a minimum of one (1) year before being reused (taped over). Exceptions are at the SIU Chief's discretion.

2. No tapes are turned over to outside law enforcement agencies without proper court orders.

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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, will be recorded and/or monitored.

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