

GENERAL DISTRIBUTION

**WEST VIRGINIA
DIVISION OF CORRECTIONS
& REHABILITATION**

NUMBER: 504.01

EFFECTIVE DATE: 01 February 2023

**SUBJECT: TELEPHONE USAGE BY
INMATES**

POLICY DIRECTIVE

PURPOSE:

To ensure inmates have access to place telephone calls, establish rules regarding inmate telephone usage, and provide guidelines for the monitoring, recording, and disclosure of inmate telephone calls.

REFERENCE:

WV Code §15A-4-6.

RESPONSIBILITY:

Superintendents are responsible for enacting Operational Procedures to ensure compliance with this Policy Directive.

CANCELLATION:

Any previous written instruction on the subject including DOC Policy Directive 504.01, dated 01 July 2012.

APPLICABILITY:

All facilities within the Division of Corrections and Rehabilitation (DCR) that have custody of adult inmates. This Policy is available for general distribution and is to be made available for inmate review upon the effective date.

DEFINITIONS:

None.

POLICY:

- I. The Commissioner or his/her designee is authorized to monitor, intercept, record, and disclose telephone calls to or from adult inmates of state institutions under his/her control, in accordance with state code and the following provisions.
 - A. All inmates shall be notified in writing that their telephone conversations may be monitored, intercepted, recorded, and disclosed.
 - B. Procedures to safeguard the sanctity of the attorney-client privilege shall ensure telephone calls to or from an attorney are not monitored, intercepted, recorded, or disclosed in any matter. These procedures shall include the following:
 1. Each facility shall designate an employee to verify and enter telephone numbers into the inmate phone system as attorney numbers; and
 2. The following notice shall be prominently placed on or immediately near every inmate telephone.


“ALL TELEPHONE CONVERSATIONS, EXCEPT CALLS TO OR FROM AN ATTORNEY, MAY BE MONITORED, INTERCEPTED, RECORDED, AND DISCLOSED.”
 - C. The Superintendent, acting as the designee of the Commissioner, shall monitor inmate telephone calls. Should the Superintendent designate staff member(s) to monitor telephone calls, notification and authorization shall be in writing, and only those individuals are authorized.
 - D. Only the Commissioner, Superintendent, or those designated shall have access to recordings of inmates' telephone calls unless disclosed to an appropriate law enforcement agency, or the West Virginia Intelligence Fusion Center, when disclosure is necessary for the investigation, prevention, or prosecution of a crime or to safeguard the orderly operation of the facility. Disclosure may also be made in civil or administrative proceedings pursuant to an order of a court or administrative tribunal when the disclosure is necessary to safeguard and protect the orderly operation of the facility or to protect persons from physical harm or the threat of physical harm.
 1. Copies of all recordings of inmate telephone calls disclosed pursuant to the above shall be retained by the facility;
 2. The name of the law enforcement officer and law enforcement agency to which any such copies are provided shall be recorded; and
 3. Unless required otherwise by law, any such records shall be retained for at least three (3) years.

- E. Should an inmate be charged with a crime based, in whole or in part, on the inmate's telephone conversation supplied to law enforcement, the inmate's attorney in the criminal matter shall be entitled access to and copies of the inmate's telephone conversations in the custody of the Commissioner which are not evidence in or the subject of another criminal investigation.
- II. All inmates will have reasonable access to telephones designed for use in correctional facilities. Superintendents shall establish facility-specific procedures for inmate telephone usage that may address call scheduling, call duration and number management, provided that:
- A. All calls will be prepaid by either the inmate or friends and family.
 - B. Inmates will not receive incoming calls.
 - C. Inmates are not permitted to place three-way (call forwarding or conferencing) calls, or any other calls of this nature.
 - D. Inmates are not permitted to call any other correctional facility or inmates incarcerated in any DCR facility.
 - E. Inmates may be prohibited from calling specific numbers upon request from the person at that phone number.
 - F. Inmates shall not call any current, or former DCR employee (to include contractual employees and volunteers), unless the employee is an immediate family member and then only with the written authorization of the Superintendent of the facility in which the inmate resides.
 - F. Inmates shall not provide false, alias, or fictitious information on any person or telephone number.

ATTACHMENT(S):

None.

APPROVED SIGNATURE:



Brad Douglas, Acting Commissioner

11/17/23

Date