

<b>DATE:</b>	MAY 4, 2022
<b>NUMBER:</b>	P.17
<b>SUBJECT:</b>	MONITORING TELEPHONE CALLS/VISITS/MAIL
<b>RELATED SECTIONS:</b>	

**PURPOSE**

To establish guidelines for monitoring incarcerated person telephone calls, in-person social visits, video social visits, and mail in accordance with statute and case law.

**POLICY**

Mail shall be copied upon written request from a peace officer or deputy district attorney when the correspondence and/or conversation is not privileged (i.e., with the incarcerated person's attorney, doctor, or religious advisor), and pursuant to the following procedure. All telephone calls made by incarcerated persons will be recorded unless the call is made to a number that has been verified by the Detention Investigations Unit (DIU) as registered to an attorney, physician or religious advisor; and entered into the "Do Not Record" database of telephone numbers. All in-person and video social visits, with the exception of contact visits, will be recorded using the incarcerated person telephone system. Incarcerated person telephone calls, social visits, emails, and U.S. mail will be provided to law enforcement personnel upon request.

**PROCEDURE**

- I. An incarcerated person's mail can be copied, and their telephone calls or social visits may be recorded for use by law enforcement. Notice must be made to the incarcerated person that their social visits and telephone conversations may be recorded. This notice may take the form of an announcement on the telephone before the call is put through to the outside party, or it may be in the form of a warning sign in the area of the phones, social visit area or on the telephone. There is no requirement to notify the incarcerated person their mail is being copied.
  - A. A sworn staff member of a law enforcement agency must provide a written request to DIU before an incarcerated person's recorded telephone calls and social visits will be provided, and before mail can be monitored. Personnel listed in section IV of this policy have access to the phone system and therefore do not need to produce a written request for phone call and/or social visit recordings to be downloaded. The DIU sergeant or DIU detective will review the request to determine if the request can be complied with, and if so, will initiate procedures for providing any subsequent conversations and copying any incoming or outgoing mail.
  - B. All requests for incarcerated person mail to be copied will be made on the DIU's Monitoring Request Form and submitted to the DIU. The request form shall include the following criteria to determine the necessity and reasonableness of the monitoring:

1. Requestor information
  - a. Name
  - b. Agency
  - c. Contact information
  
2. Incarcerated person information
  - a. Name
  - b. Booking number
  - c. Investigative goal – The requestor will provide justification for the request, giving cause that a reasonable and specific investigative goal will be met by the monitoring. No requests will be granted without an investigative goal given (i.e., no “fishing expeditions”).
  
3. Completed request forms shall include:
  - a. Name of the detective who reviewed and/or entered the information into the Jail Information Management System (JIMS) or other tracking system
  - b. The date entered
  - c. The JIMS entry number
  
4. Expiration
  - a. Normal requests will expire after 90 days
  - b. Special requests can be made for an extension of monitoring and will be determined on a case-by-case basis.

## II. Social Visit Recording

All social visits, with the exception of contact visits, are recorded by the incarcerated person telephone system. When the request from an outside agency is made to receive the recording(s) of a social visit, the request must also meet the criteria in I(B)(2)(c) above. If the request is approved, DIU personnel will provide the recordings.

## III. Mail Holds

When an outside agency or division of the department requests the copying an incarcerated person's incoming and outgoing mail, such request must also meet the criteria in I(B)(2)(c) above. If the request is approved, the DIU investigator will have the mail hold request entered in JIMS to alert staff at the facility where the incarcerated person is housed.

- A. Mail Processing Center (MPC) deputies will be responsible for incoming mail hold processing. Housing unit deputies will be responsible for outgoing mail hold processing. Both will use a similar process as described below. Incarcerated persons with an active mail hold can be identified by running the Incident Query Report (select incident type "MH-Mail Hold") on the JIMS Web.

- B. Deputies will ensure the mail (including the envelope) is copied. Each piece of correspondence that is copied will be marked with the following information:
  - 1. Incarcerated person's name and booking number
  - 2. Date and time the mail was copied
  - 3. Name and ARJIS of the deputy who made the copy
- C. Deputies will scan the copied mail (including the envelope and contents in its entirety) and forward the scanned copies to the DIU mailbox by e-mail.
  - 1. When e-mailing the files, the name and booking number of the incarcerated person being monitored will be entered in the "Subject" line of the e-mail.
  - 2. Each individual piece of correspondence that is scanned will be forwarded as a separate e-mail.
  - 3. If scanning is not available or is unreadable, the MPC deputy shall photocopy the mail as an alternative to scanning. The deputy shall forward the photocopies to DIU via interoffice mail (MS O-48).
- D. Emails sent to incarcerated persons with an active mail hold in JIMS will automatically be delivered to the DIU email inbox.

#### IV. Telephone Recordings

- A. All telephone calls will automatically be recorded unless the call is made to a number that has been verified by DIU as registered to an attorney, physician, or religious advisor, and entered into the "Do Not Record" database of telephone numbers. DIU detectives will provide recorded calls as requested when in accordance with section I(B)(2)(c) above. DIU detectives will be the administrators of the system for the Sheriff's Department.
- B. Other investigators/ authorized personnel
  - 1. Sheriff's Department personnel, District Attorney personnel, and other County agencies as directed shall be granted access to the phone system in an on-going manner.
  - 2. DIU personnel will maintain and issue user access to the system.
  - 3. DIU will revoke and/or cancel access to the system if misuse or unauthorized access is obtained.
  - 4. DIU detectives will provide training to authorized persons and act as a point of contact for minimal technical support of the system.

V. Distribution of Mail

DIU personnel will forward the e-mails from the DIU mailbox with scanned documents to the requesting parties by e-mail. They may be printed and forwarded as a photocopy if not able to be forwarded electronically.