

Form #2

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: _____

Type of Rule: _____ Legislative _____ Interpretive _____ Procedural

Agency _____

Address _____

NO FINANCIAL IMPACT TO THE STATE GENERAL REVENUE FUNDS

1. Effect of Proposed Rule

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
<u>ESTIMATED TOTAL COST</u>	\$	\$	\$	\$	\$
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERNATIONS					
EQUIPMENT					
OTHER					

2. Explanation of above estimates:

3. Objectives of these rules:

Rule Title: _____

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.

C. Economic Impact on Citizens/Public at Large.

Date: _____

Signature of Agency Head or Authorized Representative

TITLE 90
LEGISLATIVE RULE
DEPARTMENT OF CORRECTIONS

SERIES 5
RECORDING OF INMATE TELEPHONE CALLS

BRIEF SUMMARY

The purpose of this Legislative Rule is to provide the necessary guidelines for the West Virginia Division of Corrections to implement W.Va. Code §25-1-17. A means of recording telephone calls placed by inmates is provided that allows for the establishment of a permanent record for potential investigative purposes, while maintaining confidentiality.

TITLE 90
LEGISLATIVE RULE
DEPARTMENT OF CORRECTIONS

SERIES 5
RECORDING OF INMATE TELEPHONE CALLS

§90- -1. General.

- 1.1 Scope - this legislative rule establishes the policy and delineates guidelines for the recording of inmate telephone calls.
- 1.2 Authority - W.Va. Code §25-1-17
- 1.3 Filing Date -
- 1.4 Effective Date -

§90- -2. Applicability.

- 2.1. All telephones on the inmate "pay phone" system shall be connected to a secure, automated, digital recording module not unlike that utilized with municipal "911 emergency systems." All inmate telephone calls will be automatically recorded, not live monitored, for record keeping purposes for potential investigations.

§90- -3. Procedure.

3.1. Notification.

- 3.1.1. All inmates shall be notified in writing that their telephone conversations may be recorded and disclosed.
- 3.1.2. A notice shall be prominently placed on, or immediately near, any telephone on which recording may take place.

3.2. Recording Method.

- 3.2.1. An automated digital recording device, similar in concept and design to those used on "911 emergency systems", shall be installed in a

secure, limited access location, and connected to the inmate telephone lines.

3.2.2. All inmate telephone calls shall be automatically recorded.

3.3. Access to Recordings.

3.3.1. Only the Commissioner of the Division of Corrections, and the Commissioner's designee(s), shall have access to recordings of inmate telephone calls.

3.3.2. Access shall be through a password secured computer terminal.

3.3.3. Individual telephone calls and the recorded conversation shall be accessed, listened to, re-recorded, or transcribed for investigative purposes only. Such an investigation must be assigned or approved by the Commissioner or the Commissioner's designee(s).

3.3.4. A log shall be kept of all such telephone call recordings that are accessed.

§90- -4. Disclosure.

4.1. The contents of a telephone conversation shall be disclosed only if the disclosure is:

4.4.1. Necessary to safeguard the orderly operation of the correctional institution;

4.4.2. Necessary for the investigation of a crime;

4.4.3. Necessary for the prevention of a crime;

4.4.4. Necessary for the prosecution of a crime; or

4.4.5. Required by an order of a court of competent jurisdiction.

§90- -5. Period of Maintenance.

5.1. All Recordings of telephone conversations, unless being disclosed in accordance with Section IV, shall be destroyed within twelve months after the recording.

§90- -6. Attorney - Inmate Telephone Calls.

- 6.1. To safeguard attorney-client privilege, a separate telephone line shall be made available. No conversation between an inmate and an attorney shall be monitored, intercepted, recorded or disclosed in any manner.