STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

PRISON/WORK RELEASE
OFFENDER MANUAL

REVISION DATE 10/1/09
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PRIORITY

TITLE AUDIO MONITORING

REVIEW/REVISION HISTORY:

Effective: 7/1/96
Revised: 11/6/00
Reviewed: 5/23/06
Revised: 9/5/07
Reviewed: 10/15/08
Revised: 10/1/09

SUMMARY OF REVISION/REVIEW:

Removed information regarding telephone monitoring acknowledgement and IPIN receipt covered in DOC 450.200 Telephone Use by Offenders
II.B. - Added that the appropriate Deputy Director/Regional Administrator will be briefed when the use of electronic device for conversation monitoring is approved

APPROVED:

Signature on file

ELDON VAIL, Secretary
Department of Corrections

8/26/09 Date Signed
REFERENCES:

DOC 100.100 is hereby incorporated into this policy; RCW 5.60.060(3); RCW 9.73.095; DOC 450.200 Telephone Use by Offenders

POLICY:

I. There is no expectation of privacy within Department facilities. The Department may listen to and/or record non-telephonic conversations at Department facilities to:

   A. Enhance facility security,
   B. Enhance staff, offender, and public safety, and
   C. Reduce the occurrence of criminal activities or activities that could be a threat to the orderly operation of the facility.

II. To protect offenders’ constitutional rights, confidential and privileged attorney-client conversations and confessional conversations with members of the clergy will not be monitored or recorded.

DIRECTIVE:

I. Notification

   A. Notice of Sound Monitoring (Attachment 1) will be posted at the entrance of the facility and at other conspicuous locations to give visitors and staff reasonable notification that their conversations may be monitored and recorded.

II. Monitoring Operations

   A. All staff will remain alert and aware of activities and conversations occurring in their proximity and/or area of control and responsibility.

   B. Staff operating control points equipped with a state installed and authorized intercom system(s) may use this equipment to monitor any conversations in offender living units, cells, rooms, dormitories, and common spaces. Audio monitoring using any electronic device requires written approval by the Superintendent/Field Administrator approval. If approved, the Superintendent/Field Administrator will brief the assigned Deputy Director/Regional Administrator.

   C. Confidential or privileged attorney-client conversations between an attorney or attorney’s employee (e.g., paralegal, expert witness, investigator) and an offender will not be monitored or recorded under any circumstance.
D. Confidential and privileged conversations between a member of the clergy and an offender, the content of which is protected by the discipline of the religion, will not be monitored or recorded. The clergy will ensure conversations occur in non-monitored areas or make arrangements through the Superintendent/Community Corrections Supervisor or designee for appropriate scheduling of non-monitored conversations.

III. Recording Operations

A. Recordings of non-telephonic conversations made with state installed and authorized intercoms or other recording equipment require written approval by the Superintendent/Field Administrator, unless the recording is:

1. Required by law (e.g., court hearing),
2. Otherwise authorized by policy (e.g., disciplinary hearing, administrative hearing), or
3. Authorized by consent of all parties involved (e.g., administrative interviews, media interviews).

B. Only the Superintendent/Field Administrator or designee will have access to recordings.

C. The content of any audio or master/dubbed recordings will be confidential and only divulged as necessary to safeguard the orderly operation of the facility, in response to a court order, or in the prosecution or investigation of criminal activity per RCW 9.73.095.

D. All recordings will be kept for one year after the recording, unless being held pursuant to a court order or for use in an ongoing investigation, prosecution of a crime, or civil commitment proceedings, or as necessary to ensure the orderly operation of the facility.

DEFINITIONS:

Words/terms appearing in this policy may be defined in the glossary section of the Policy Manual.

ATTACHMENTS:

Notice of Sound Monitoring (Attachment 1)

DOC FORMS:

None