

**Vermont Department of Corrections**  
**Final Adopted APA Rule #13-043**  
**DOC Policy#325**  
*Telephone Use*  
**Effective: December 31, 2013**

**1. AUTHORITY**

28 V.S.A. § 1(b)(c), 102(b)(2), 804

**2. PURPOSE**

To provide guidelines for the development of procedures within the correctional system regulating inmates' use of the telephone.

**3. APPLICABILITY/ACCESSIBILITY**

This rule is applicable to all individuals and groups affected by the operations of the Vermont Department of Corrections. Anyone may have access to this file.

**4. DEFINITIONS**

Privileged Communication- Communication made for the purpose of facilitating the rendition of professional legal services to the inmate between the inmate and his/her attorney or his/her attorney's representative.

**5. INTRODUCTION**

The telephone can provide inmates with a valuable means of communicating with family and friends as well as attorneys, courts and other social agencies. Inmates should be afforded regular opportunities to communicate by telephone with persons in the community. However, inmates' access to the telephone should be provided in a manner which takes into the account the security needs of correctional facilities and protection of victims of crime and the public.

**6. POLICY**

Inmates should be allowed access to a telephone on a regular basis to place calls with family, friends, attorneys, courts and public officials. Telephone lines should be available for inmates to receive privileged communication calls.

Each inmate will be provided with an individual account which will be required for making telephone calls. Ordinarily the Department will not pay for telephone calls. However, in emergency situations the Superintendent of a facility may, in exercise of his/her discretion, authorize a call by an inmate at the facility's expense if the inmate cannot arrange to pay for it.

Procedures for telephone use should take into account the overall security, order and management requirements of the facility, specific programs and individual inmates. Procedures should also consider facility constraints such as: population, staff, number of telephones, etc.

A. Monitoring of Inmate Telephone Conversations

Inmate telephone conversations, with the exception of privileged communications, shall be recorded and may be monitored. Each facility shall ensure that inmates receive advance notice of recording and/or monitoring of their telephone calls through:

1. A recorded message at the beginning of each phone call that advises both the inmate and the other party to the call that the call is subject to recording and/or monitoring;
2. The Inmate Telephone System Number Request Form – A statement that the acceptance of an account and use of inmate telephones is deemed as consent to recording and/or monitoring of inmate telephone calls.

B. Monitoring of or Access to Recorded Inmate Telephone Conversations

The contents of a recorded/monitored inmate telephone call shall only be disclosed in accordance with 28 V.S.A. § 601(10). However, the department may provide copies of recorded phone calls to the Human Resources Investigation's Unit in response to investigations into employee misconduct.

**7. IMPLEMENTATION**

The Department of Corrections Central Office shall develop a procedure for regulating the inmate's use of the telephone in accordance with this policy.