Purpose

The use of recorded two party consent telephone calls by inmates incarcerated at the Cecil County Correctional Facility can produce real evidence and intelligence information when properly retrieved from the inmate telecommunication system computer software program designed and dedicated for this purpose. Such evidence and intelligence can be accessed and used by authorized Cecil County Sheriff's Office personnel when conducting active on-going investigative operations. Permission for allied law enforcement investigators to have access may be granted upon written request to the Chief Deputy from a command staff level representative from their respective agency and will include an official governmental email address for any investigator. The Cecil County Sheriff's Office must be notified immediately if an allied investigator with permission leaves employment. Any downloading of calls will be conducted by a Cecil County Sheriff's Office employee and include a Certification of a Business Record.

Policy

It is the policy of the Cecil County Sheriff's Office to establish procedures to ensure that the monitoring and/or downloading of two party consent inmate telephone conversations are conducted by Cecil County Sheriff's Office personnel in accordance with on-going investigative operations, established evidence collection procedures, and established court guidelines of criminal procedure.

Procedures

    A.   Approval of Downloading and Monitoring Recorded Inmate Telephone Conversations

        1. Only authorized personnel shall have approval to access the inmate telecommunication system computer software system for the purpose of the monitoring recorded Cecil County Correctional Facility inmate telephone conversations.

        2. Authorized Cecil County agency personnel are limited to criminal investigators assigned to the Cecil County Sheriff's Office Criminal Investigation Division and command staff.

        3. Cecil County Correctional Facility inmate telephone conversations shall only be downloaded by authorized personnel of the Cecil County Sheriff's Office and during the process of active on-going investigative operations. Monitoring and/or downloading is also authorized when reasonable articulated circumstances exist to indicate intelligence information may be obtained i.e. gangs, contraband or other criminal enterprises.

4. Random or general access of Cecil County Correctional Facility inmate telephone conversations in general, and by persons outside of the agency authorized personnel shall be prohibited.

5. If at any time during the monitoring and or downloading of a Cecil County Correctional Facility inmate telephone conversation, it is discovered that criminal activity has taken or will take place or the Facility's security has been or/is about to be compromised, the criminal investigator will notify without delay the CCSO Criminal Investigation Supervisor and the Operations Division Commander of the Cecil County Correctional Facility. Such instances shall include, but are not limited to the following:

    a) Escape plans.
    b) Introduction of contraband by any person.
    c) Plans to incite a disturbance or threaten the security and orderly operation of the facility.
    d) Threat of violence or physical harm to any person.
    e) Solicitation.
    f) Any attempt to defraud, coerce, defame, blackmail, extort, intimidate, harass or bribe another individual.
    g) Criminal activity or the commission of any crime.

6. In the event that exculpatory/incriminating information is obtained for evidentiary purposes from recorded inmate telephone conversations, the criminal investigator will obtain subpoena authorization from the Office of the State's Attorney for Cecil County for a downloaded copy.

7. Any and all retrieved evidence obtained from Cecil County Correctional Facility inmate telephone conversations shall be deemed classified and confidential and will not be disseminated to unauthorized persons or agencies and will be stored according to Cecil County Sheriff's Office Policy and Procedures and allied agencies respective evidence policies.

8. Requests to monitor and/or record Cecil County Correctional Facility inmate telephone conversations from allied law enforcement agencies from within or outside of the state will be referred to the Chief Deputy and the Administrative Division of the Cecil County Correctional Facility for approval and collection procedures.

B.   Equipment and Records

1. Authorized personnel will be issued a designated user name and password from the Cecil County Detention Center Administrative Commander who oversees the Inmate Telecommunication System computer software program.

2. The Inmate Telecommunication System computer software program will be accessed from the approved and authorized agency personnel's desktop computer for downloading of the inmate telephone interceptions.

3. If a Circuit Court of Maryland subpoena is issued for any on-going investigative operations, a copy of the subpoena will be forwarded to the Cecil County Correctional Facility for the appropriate entry to their log.

4. The Cecil County Detention Center Administrative Commander will use the Inmate Telecommunication System computer software program to download the evidence obtained in targeted conversations for storage on CD or flash drive media to include a working copies for the investigator, State's Attorney's Office, and for Central Records.

5. The CD media will be labeled by the investigator with appropriate case information for inclusion in the master case file in Central Records and note in a supplemental report.

6. The Criminal Investigation Division Supervisor will maintain a list of all authorized agency personnel granted access to the Inmate Telecommunication System computer software program and ensure accuracy of the list in the event users are removed from program access.

7. The Criminal Investigation Division Supervisor shall be responsible for all procedures of monitoring and/or downloading of recorded Cecil County Correctional Facility inmate telephone conversations using the Inmate Telecommunication System computer software program.