


NH DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE DIRECTIVE Pursuant to RSA21-H:8 (III) Internal Practices and Procedures		CHAPTER	Resident Case Mgt & Prog
		STATEMENT NUMBER	684.00
SUBJECT: TRANSITIONAL HOUSING UNIT (THU) RESIDENT CELLULAR TELEPHONE USE POLICY		EFFECTIVE DATE	7/1/2022
		REVIEW DATE	7/1/2024
PROPONENT:	<u>Director of Community Corrections</u> <i>Position/Title</i>	SUPERSEDES PPD#	NA
	<u>(603)271-0078</u> <i>Office Phone #</i>	DATED	7/1/2022
ISSUING OFFICER:		DIRECTOR'S INITIALS	
 <i>Helen E. Hanks, Commissioner</i>		DATE	_____
		APPENDIX ATTACHED:	YES NO
REFERENCE NO: See reference section on last page of PPD.			

- (a) PURPOSE:
To establish procedures to appropriately regulate the use of cellular telephone (cell phone) use by New Hampshire Department of Corrections (NHDOC) residents housed in Transitional Housing Unit facilities (THU).
- (b) APPLICABILITY:
All Staff and Residents of NHDOC Transitional Housing facilities.
- (c) POLICY:
It is the policy of the NHDOC to regulate cell phone use by residents in Transitional Housing in such a way as to promote a positive and successful transition back into the community, while still ensuring the safety and security of the facility, residents, staff, and the community.
- (d) PROCEDURE:
 1. Issuance of Cellular Telephone
 - (1) As part of participation in a Transitional Housing Unit (THU), residents who are approved work release may be issued a specially configured cell phone.
 - a. THU residents may only possess a THU-program issued cell phone, or, under limited exceptions, an employer-provided cell phone with Director approval.

- (2) Possession of a cell phone by a resident is a privilege that may be forfeited by any resident who fails to abide by the terms of this policy, or otherwise engages in misuse of this privilege. Failure to follow this policy may result in disciplinary action, in accordance with *PPD 390 Standards for Resident Behavior*.
- (3) Residents will be charged a fee for the use of the cellular telephone, which will be put on their weekly budget sheet.
- (4) Applications on the cellular telephone
 - a. Every program-issued cell phone will be required to have installed a tracking application, through a contractor specified by the NHDOC, which controls the cell phone.
 - b. Only applications that are approved and come pre-loaded on the phone are authorized.

2. Purpose of Cellular Telephone

- a. The cell phones are being issued to Transitional Housing residents for the following uses:
 - 1. For residents to call the Transitional Housing Facility to complete check-ins and tracking of residents.
 - 2. Residents to communicate with employers (current or potential);
 - 3. Residents to participate in treatment and educational services; and,
 - 4. To participate in pro-social activities and services as approved by the Transitional Housing Unit Program Coordinator or higher authority.
- b. Residents are not authorized to use their cell phone for any other reasons without the expressed written permission from the Program Coordinator or higher authority.

3. Resident Cellular Telephone use expectations

- a. Residents are required to log in to any tracking applications on the program-issued cellular telephone and will not log out for any reason unless directed to do so, in writing, by a DOC staff member.
- b. The resident is responsible for the program-issued phone at all times and shall carry the phone with them at all times. (exceptions may be granted in writing by the program coordinator).
- c. Residents will ensure the phone is charged adequately every time they leave the Transitional Housing Unit (THU).
- d. Residents are responsible for notifying the housing unit if they are going to be out of cell phone or WiFi range for more than 15 minutes.
- e. Residents will not attempt to manipulate, reset, hack, or modify the program-issued smartphone in any way. This includes removing the SIM card and/or the battery. Smartphones have multiple systems in place to detect manipulation, and attempts will be reported to NHDOC.
- f. If the program-issued phone is lost, damaged, stolen, or otherwise not available to a

resident, they must contact their housing unit officer in charge (OIC) immediately.

- g. Residents must immediately respond to any notifications requesting check-ins or phone calls from the NHDOC.
- h. Residents may not allow anyone else to use their phones. Residents are responsible for all calls made to and from their phone.
- i. Residents must use their phone appropriately at all times. Residents are prohibited from using a cell phone in any way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed, or intimidated.
- j. Behaviors such as contacting victims, engaging in illegal activity, etc. will not be tolerated, and could result in disciplinary action under PPD 390 and/or an upgrade in classification status, and being moved to a more secure housing location.
- k. Residents may not transmit material that is threatening, obscene, disruptive, or sexually explicit, or that can be construed as harassment or disparagement of others based upon their race, national origin, sex, sexual orientation, age, disability, religion, or political beliefs; and
- l. Residents may not send, share, view, or possess pictures, text messages, e-mails, or other materials of a sexual nature in electronic or any other form.
- m. Residents are prohibited from using a cell phone to capture and/or transmit information in a manner constituting fraud or theft. Likewise, residents are prohibited from using their cell phones to receive any information related to such activities.
- n. Resident's cell phone use within the THU may be limited to designated hours or locations by the Program Coordinator or higher authority to ensure the overall efficiency and operation of the THU.
- o. A resident's cell phone must be used in "vibrate" or "silent mode" with the ringer turned off while in the THU, in order to minimize distraction, disruption, or otherwise interfere with the security, order, or effective management of the institution. (Individual exceptions may be made at the discretion of the Program Coordinator or designee).
- p. Residents are prohibited from using devices to capture, record, or transmit the words (i.e., audio) and/or images (i.e., pictures/video) of any resident, staff member, or other person in the THU, or while attending an approved activity, without the express prior notice and explicit, written consent for the capture, recording, or transmission of such words or images.
 - 1. A Resident's use of a cell phone to take or transmit audio and/or pictures/video of an individual without his/her consent is considered an invasion of privacy and in some instances against state and/or federal law and is not permitted.
- q. No expectation of privacy exists with regards to a resident's possession or use of cellular phones. Resident's phones are subject to search by NHDOC at any time. Phones can be confiscated at any time in order to collect or preserve evidence.
- r. Any violation of this policy by a Resident shall subject him/her to disciplinary action including confiscation of phone and removal from the transitional housing unit. All searches will be conducted in accordance with policy, administrative rule and or applicable laws. Director of Community Corrections or Investigations will also refer

any matter to law enforcement if the violation involves an illegal activity (e.g., child pornography).

4. Lost or Damaged Cell phones.

- a. Residents are responsible for lost, damaged or stolen phones and will be required to pay for any replacement or repair costs.
- b. Residents are personally and solely responsible for the care and security of the cell phone issued to them.
- c. The Department and/or contract provider assumes no responsibility for theft, loss, damage, or vandalism to resident cell phones or the unauthorized use of such devices.
- d. If the program-issued phone is lost, damaged, stolen, or otherwise not available to a resident, they must contact the THU office immediately and will fill out a *Statement form* as soon as they return to the unit indicating what happened.
- e. When a resident is terminated or released from the Transitional Housing program, their program issued smartphone shall be turned into the Program Coordinator or designee.
 - 1. Residents being released into the Community may purchase their cell phone if an option exists for them to do so.
- f. If a Resident is terminated from the Program, they will not be authorized to purchase their phone and it will be returned to the Program Coordinator.

Resident Agreement:

Resident Name: _____ ID# _____ Date: _____

As part of my participation in a Transitional Housing Unit (THU), I am being issued a specially configured Cellular telephone. I have read the above policy and understand and agree to abide by this policy.

Phone ID# _____

Resident Signature: _____ Date: _____

Staff witness Signature: _____ Printed name: _____ Date: _____

REFERENCES:

Other - PPD 390

DUFFY/lm