

safety and security of an institution, or on specific information received and verified that the prisoner plans to engage in acts during the next visit that will be a threat to the safety or security of the institution. Prior to any determination, the prisoner must be provided with written notification of the specific charges and the names and statements of the charging parties and be afforded an opportunity to respond. The name of an informant may be withheld if necessary to protect his or her safety.

(d) Any determination to deny, revoke or limit a prisoner's visiting rights pursuant to subdivisions (b) and (c) of this Section shall be in writing and shall state the specific facts and reasons underlying such determination. A copy of this determination, including the appeal procedure, shall be sent to the Board and to any person affected by the determination within 24 hours of the determination.

(e) Any person affected by a determination made pursuant to subdivisions (b) and (c) of this Section may appeal such determination to the Board.

(i) The person affected by the determination shall give notice in writing to the Board and to the Department of his or her intent to appeal the determination.

(ii) The Department and any person affected by the determination may submit to the Board for its consideration any relevant material in addition to the written determination.

(iii) The Board or its designate shall issue a written decision upon the appeal within five business days after it has received notice of the requested review.

Section 10.9 *Effective Date*

This Part shall take effect May 1, 1978.

PART 11—TELEPHONE CALLS

Section

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Section 11.1 *Policy*

Prisoners are entitled to make periodic telephone calls. A sufficient number of telephones to meet the requirements of this Part shall be installed in the housing areas of each institution.

Section 11.2 *Initial Telephone Call*

Upon admission to an institution, each detainee shall be permitted to make one completed local telephone call at Department expense. Requests to make additional telephone calls upon admission shall be decided by the institution. Long distance telephone calls shall be made collect, although arrangements may be made to permit the prisoner to bear the cost of such calls.

Section 11.3 *Detainee Telephone Calls*

Detainees shall be permitted to make a minimum of one telephone call each day. Three calls each week shall be provided to indigent detainees at Department expense if made within New York City. Long distance telephone calls shall be made collect or at the expense of the detainee.

Section 11.4 *Sentenced Prisoner Telephone Calls*

Sentenced prisoners shall be permitted to make a minimum of two telephone calls each week. These calls shall be provided to indigent sentenced prisoners at Department expense if made within New York City. Long distance telephone calls shall be made collect or at the expense of the sentenced prisoner.

Section 11.5 *Duration of Telephone Calls*

By September 1, 1978, all telephone calls may be at least six minutes in duration.

Section 11.6 *Scheduling of Telephone Calls*

In meeting the requirements of Sections 11.3 and 11.4, telephone calls shall be permitted during all lock-out periods. Telephone calls of an emergency nature may be made at any reasonable time.

Section 11.7 *Incoming Telephone Calls*

(a) A prisoner shall be permitted to receive incoming telephone calls of an emergency nature or a message shall be taken and the prisoner permitted to return the call as soon as possible.

(b) A prisoner shall be permitted to receive incoming telephone calls from his or her attorney of record in a pending civil or criminal proceeding or a message shall be taken and the prisoner permitted to return the call as soon as possible. Such calls must pertain to the pending proceeding.

Section 11.8 *Supervision of Telephone Calls*

Prisoner telephone calls shall not be listened to or monitored except as to time and cost, unless a lawful warrant is obtained.