DEPARTMENT OF CORRECTIONS
STATE OF NE W HAMPSHIRE
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INTRA-DEPARTMENT MEMORANDUM
Office of the Commissioner

FROM: Helen E. Hanks
Commissioner

DATE: March23, 2020

SUB.JECT: Attorney Client Communications During COVID-19

OFFICE: Commissioner's Office
Phone: 271-5603

TO: All Staff and Residents

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As you are aware, all contact visits with attorneys have been temporarily suspended, so as to control the possible virus spread. Recognizing, however, the importance of continued communications and ease of access between our residents and their attorneys please note the following:

1) NHDOC has worked with GTL, who understands the challenging times we are all facing. As a result, starting Monday, March 23rd, GTL agrees to make all calls placed to attorney numbers free to residents for a **30 day** period. This means, in addition to the two 5-minute free calls per week to any number, all calls to attorneys will be free of charge.

   (a) Residents will still need to have the attorney's number in their list of numbers authorized for calling.
   (b) If the attorney is working remotely and needs to provide a new number to the resident, the resident will request to place that new number on their list of authorized numbers.
   (c) Attorneys in the New Hampshire Criminal Bar, and the Public Defenders offices, have been instructed to provide any new number to the client, along with a letter to DOC, which confirms the number is a valid number authorized for attorney/client communications.
   (d) To the extent a resident attempts to manipulate the privilege by falsifying a new number not associated with their attorney, disciplinary action may be taken including violations such as, but not limited to 57A, 76A, or 68B.

2) If an attorney needs to communicate in an unprivileged manner (e.g. to get a quick message to the client asking the client to call), the attorney may sign up through https://web.connectnetwork.com/ to access a resident who has a messaging account. (Please recognize messages using this method are subject to monitoring, and thus not privileged communications).

3) If an attorney cannot reach a resident, either through the mail as it is time-sensitive, and the above two methods have proven unsuccessful, the attorney may contact the case counselor/ case manager who can get a message to the resident to call the attorney. If the attorney does not know who their client's case counselor is, then assistance can be obtained through the warden's secretary at each facility to learn the name of the case counselor.

4) Attorneys are also still able to communicate through the mail process, which maintains the confidential/privileged communication.

5) If the attorney has an emergent need, the facility's warden may be contacted for decision-making specific to the case needs.