

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

Richard Alexander Murdaugh,)	
)	
Plaintiff,)	Civil Action No. 3:22-0608-CMC
)	
v.)	
)	
D. Shane Kitchens, CJM, in his official capacity as Interim Director Alvin S. Glenn Detention Center, Richland County Government,)	AFFIDAVIT OF D. SHANE KITCHEN
)	
Defendant.)	
)	

PERSONALLY APPEARED BEFORE ME, D. SHANE KITCHEN, who first being duly sworn, deposes and states as follows:

1. I am employed by Richland County as the Interim Director of the Alvin S. Glenn Detention Center ("ASGDC") located in Columbia, South Carolina. In that position, I oversee the day-to-day operations of the detention center including all correctional and civilian staff.

2. The Plaintiff Richard Alexander Murdaugh has been and remains a pre-trial detainee confined at ASGDC.

3. Richland County has contracted with AmTel for its inmate telephone system. Upon information and belief, AmTel provides inmate telephone services to correctional facilities throughout the United States.

4. Richland County has recently entered into a contract with GTL for the same services; however, that contract has not yet commenced.

5. The system utilized at ASGDC automatically records all outgoing inmate telephone calls, except for attorney-client calls for which arrangements are made prior to the call that it is not recorded. The ASGDC staff does not actively monitor all calls as they are made, and this is not because of any staffing issues. There has never been any active monitoring of all outgoing inmate telephone calls. The Professional Standards staff within ASGDC, which is led by Lt. Robert Waters, will review random calls as well as calls on which there may be issues that arise. The telephone calls are used for law enforcement and investigative purposes, including to conduct internal investigations of potential wrongdoing and institutional violations, as needed to maintain the safety and security of ASGDC, its inmates, and staff.

6. In addition to the internal Professional Standards staff, the South Carolina Attorney General's Office also has access rights to listen to all inmate telephone calls, except for attorney-client calls for which arrangements are made prior to the call that it is not recorded. The Fifth Circuit Solicitor's Office also has access rights to listen to and record all inmate telephone calls, except for attorney-client calls for which arrangements are made prior to the call that it is not recorded. The system will log the identity of the persons who listen to each call.

7. The system will automatically record and store all inmate telephone calls. As indicated, attorney-client calls with inmates may be exempted from the recording. The process requires an attorney to register their telephone number through AmTel, and any telephone calls to that number will not be monitored or recorded. Upon information and belief, the Plaintiff's attorneys have not followed the procedure as is required by AmTel to register their telephone numbers for unrecorded calls with the Plaintiff.

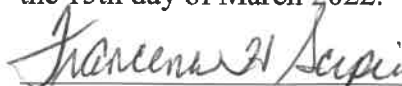
8. The ASGDC Inmate Rules Orientation, which is provided to all inmates, including the Plaintiff, states: "All calls from the housing modules are collect calls and are subject to recording and monitoring." In addition, when a telephone call is initiated, before the parties are connected, both parties receive a recorded message advising that "All calls are subject to monitoring and recording." That message is heard by both parties to the call, not just the inmate.

9. Any Freedom of Information Act (FOIA) request that is received by myself or at the ASGDC is forwarded to the Richland County Ombudsman's Office for handling. I do not personally make any decisions as to what public records in the possession of ASGDC may be subject to disclosure under FOIA or may be subject to exemptions under FOIA or whether an exemption should be exercised. The decisions about any FOIA disclosures of records within the possession of ASGDC are made by either the Ombudsman's Office, the County Attorney's Office, or both in consultation.

FURTHER AFFIANT SAYETH NOT.


D. SHANE KITCHEN

Sworn to and subscribed before me this
the 15th day of March 2022.

 (SEAL)
Notary Public for South Carolina
Commission Expires: May 17th, 2023