



ADMINISTRATIVE PROCEDURES
Manual of Policies and Procedures

Title

TELEPHONE PRIVILEGES

Legal References (includes but is not limited to)	Related Policies/Procedures (includes but is not limited to)	Other References (includes but is not limited to)
IC 11-8-2-5(a)(8)	00-03-201	ACA: ACI: 3-4267, 3-4439 JTS: 5H-11 CO: 2-CO-5D-01

I. DEFINITIONS:

For the purposes of these administrative procedures, the following definitions are presented:

- A. Emergency telephone call: A telephone call reporting a critical illness, critical injury or death of an immediate family member; or, a call either to or from an offender in response to an impending or actual damage to or loss/destruction of property, outside of the facility, owned by the offender or the offender's immediate family and over which the offender has some legal control or interest.
- B. Immediate family: The immediate family of an offender is his/her father, mother, siblings, spouse, children, grandparents, grandchildren, including those with a "step," "half" or adoptive relationship, including those persons with the same relationship to the offender's spouse.
- C. Legal Representative call: A telephone call to an offender's legal representative, including the offender's attorney and any employee designated by the attorney, in writing, as working on the offender's case, such as a secretary, paralegal or investigator.
- D. Offender calling system: The telephone system(s) established in a facility for offenders to make outgoing telephone calls.

II. AVAILABILITY OF TELEPHONES:

The Facility Head shall ensure that an adequate number of telephones are available for offender use as determined by the needs of the offender population and the availability of telephone service to the facility. The number of available offender telephones shall be consistent with the smooth and efficient operation of the facility.

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The Facility Head shall ensure that these telephones are located where offenders have appropriate access at the approved times as well as allow staff to observe telephone use. A sufficient number and type of telephones shall be available to meet the needs of disabled offenders, which may include telephones with lower mounts, longer cords, volume controls, etc.

III. USE OF TELEPHONES:

The facility shall provide an offender calling system and establish the rules governing its use. The facilities shall ensure that all offenders are aware of the offender calling system and provided the opportunity to use the offender calling system without interference from other offenders or interrupting programming and the security of the facility. Facilities may limit the length of time that offenders may use the offender calling system, including the total length of time spent on calls and the time spent on individual calls. Operational procedures shall establish any limitations that are placed on the length of telephone calls.

During the admission and orientation process at a facility, an offender who wishes to use the offender calling system shall be required to complete State Form 49014, OFFENDER TELEPHONE LIST. With the exception of telephone calls to attorneys or emergency telephone calls, offenders shall be limited to calling only the telephone numbers included on this list. This list may contain up to twenty (20) telephone numbers. Additional telephone numbers may be added to this list by the Facility Head or designee upon review of an offender's specific situation (e.g. size of family). Once the offender submits the original list, it should be processed within five (5) working days.

The Facility Head or designee may deny the placement of any telephone number on an offender's telephone list, if it is determined that there is a threat to facility safety or security or to the safety of the public or upon written request of the person at a specific telephone number requested by the offender. Any decision to deny a telephone number shall be documented in writing to both the offender and to the person in whose name the telephone number is listed. The offender may file a grievance regarding any denial in accordance with Policy 00-02-301, "The Offender Grievance Process." The person whose telephone number was to be placed on the offender's telephone list may appeal a denial to the Commissioner or designee.

Offenders shall be allowed to add to or delete from their telephone list at least quarterly. The facility shall develop operational procedures that establish the frequency and manner in which offender telephone lists may be updated.

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Facilities may establish an offender calling system in conjunction with a telephone company which requires offenders to have a personal identification number (PIN) in order to place telephone calls. Those facilities choosing to operate such a system shall ensure that the offenders are made aware of the telephone system requirements. The offenders shall be required to sign a document approved by the Facility Head and the telephone company, which indicates the parameters of the calling system at the time that they are issued a PIN. Operational procedures shall specify the manner in which an offender is assigned a PIN and any other information necessary for the operation of the calling system. An offender may not give another offender his/her PIN. An offender shall report a compromised (e.g. lost, stolen or known by another offender) PIN immediately to staff. The giving of a PIN or the use of another offender's PIN shall be considered abuse of the calling system and shall result in disciplinary action in accordance with Policy 02-04-101, "Adult Disciplinary Procedures," and may include restrictions on the use of the offender calling system.

Facilities shall develop operational procedures which establishing the times that offenders may have access to the offender calling system. These procedures shall ensure that each offender is permitted reasonable telephone access. Facilities may develop a procedure, such as a sign-up sheet, to ensure that offenders are provided access to the offender calling system. The operational procedures shall account for the custody level of the offenders at the facility, the security restrictions of the facility and the offender's access to the community.

Facilities may allow certain offenders differing degrees of access to the offender calling system based upon appropriate documentation. Such access may be based upon the offender's status and/or behavior, location, classification, etc.

Offenders assigned to the Work Release Program in a Work Release Facility, may be exempt from this procedure. Facilities which do not have the capability to monitor or control the use of the offender telephone system by the system's operating program may be exempt from the requirement of developing offender telephone lists until such time as the facility's system does have this capacity.

IV. RESTRICTIONS ON THE USE OF TELEPHONES:

The use of the offender calling system is a privilege. This privilege may be restricted or denied. Access to the offender calling system and the number of calls allowed may be restricted as a result of disciplinary action, the specific

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assignment of an offender or during an emergency as declared by the Facility Head in accordance with Policy 02-03-102, "Emergency Response Operations."

Offenders shall not have access to direct-dial telephones, except as approved by the Facility Head at community-based facilities. Telephone calls made by offenders from the offender calling system shall be collect calls only.

Offenders shall not be permitted to:

- A. Make third-party calls;
- B. Use any type of calling card;
- C. Use any long distance carrier other than the carrier approved by the facility;
- D. Make a conference telephone call;
- E. Forward a call to another party;
- F. Call toll-free telephone numbers, such as area code 800, 888 or 900 telephone numbers;
- G. Use the offender telephone system for unlawful purposes;
- H. Use another offender's PIN; or,
- I. Call telephone numbers not included on the offender's OFFENDER TELEPHONE LIST.

The above restrictions do not preclude an offender's use of a distinct telephone number and PIN used with a pre-paid billing arrangement between the approved long distance carrier and the person that the offender wishes to call in accordance with the contract between the long distance carrier and the Indiana Department of Administration.

Offenders found in violation of these procedures shall be subject to disciplinary action. Offenders who use the offender telephone system for unlawful purposes may be subject to criminal prosecution.

All area code 800, 888, 900 and other similar toll-free telephone numbers shall be blocked from the offender calling system.

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A facility may block specific telephone numbers under certain circumstances prohibiting offender access. The facility shall document any requests to block an offender's ability to call specific telephone numbers in accordance with Procedure IV. Requests made by the public to restrict an offender's access to specific telephone numbers shall be considered confidential and filed with investigatory material in the offender's packet. Offenders shall be advised when a specific telephone number is restricted; however, they shall not be advised as to who made the request nor the reason for the request. Offenders who attempt to call telephone numbers that have been restricted shall be subject to disciplinary action. In those cases where an offender conspires with other offenders to call restricted telephone numbers, all involved offenders shall be subject to disciplinary action.

V. MONITORING THE OFFENDER CALLING SYSTEM:

The telephones used in the offender calling system may be connected to a telephone monitoring device. Monitoring may include indicating the offender's use of the calling system by PIN, the number called, the duration of the call and the recording of the actual telephone call. Offender telephone calls may be monitored to reduce the possibility of illegal activities and to ensure the safety and security of individuals or the facility.

Offenders shall be advised during facility orientation that telephone calls made using the offender calling system may be monitored. Signs are to be posted prominently above the telephones used in the offender calling system indicating that any telephone call may be monitored and/or recorded.

Telephone calls of specific offenders shall not be monitored routinely except in cases where there is sufficient reason to believe the telephone privilege is being abused in a manner that is in violation of the law, detrimental to the security of the facility or the safety of staff, the public or other offenders. In such cases, the reasons for these actions shall be documented and filed appropriately in the offender's packet. The Facility Head shall notify the appropriate Regional Director or the Deputy Commissioner of Juvenile Services and obtain approval prior to implementing such monitoring.

The facilities shall develop operational procedures governing the monitoring of offender telephone calls. These procedures shall include the process for recording calls made on the offender calling system if applicable. The operational procedures shall also specify the manner in which the telephone calls shall be monitored including the staff responsible for this activity. The tapes of offender telephone call recordings shall be maintained for six (6) months, unless the information on the tape is under investigation or evidence in a criminal matter in which case it shall be maintained until all legal action on the matter is concluded.

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When staff listening to recorded offender telephone calls believe that illegal activities or activities which threaten the safety and security of the facility or other persons have occurred, staff shall report this information to the facility Investigator. The facility Investigator shall report this information to the Facility Head or designee and, if appropriate, the facility Security Threat Group Coordinator. If the conversation contains information that may involve illegal activities, the Facility Head or designee shall contact the Indiana State Police liaison and retain the recording as evidence. The facility's operational procedures shall specify the manner in which information is communicated to staff and how the evidence shall be retained and stored.

VI. EMERGENCY TELEPHONE CALLS:

The staff person receiving an emergency telephone call shall ascertain the name and telephone number of the calling party and the exact nature of the emergency and to the extent possible verify this information. Offenders shall not be permitted to receive incoming emergency telephone calls. A designated staff person shall advise the appropriate offender of the call as soon as possible. Upon staff approval, the offender may make a return telephone call. Emergency telephone calls shall not be considered as one of the offender's regular telephone calls.

An approved emergency telephone call may be dialed collect by designated staff. With the approval of the Facility Head or designee, in certain cases, an offender may be authorized to make a direct dial emergency telephone call. In such cases, a staff person shall be present when the call is made and shall ensure that the offender calls the approved person and/or telephone number.

The facility operational procedures shall make provision for outgoing emergency offender telephone calls. If an offender has a need to make an emergency telephone call, the offender shall submit a request to the designated staff person in accordance with the facility operational procedures. The designated staff person shall review this request and shall either approve or deny the request in a timely manner.

VII. TELEPHONE CALLS TO LEGAL REPRESENTATIVES:

Offenders shall be permitted to make telephone calls to attorneys in accordance with Policy 00-01-102, "Offender Access to the Courts" and these procedures. Offenders shall be provided the opportunity to make calls to the legal representatives without offender calling system monitoring. Offender telephone

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calls to legal representatives shall not be considered one of the offender's regular telephone calls.

An offender's legal representative may either call or write the Facility Head to request that his/her offender client be allowed to make an unmonitored telephone call. It shall be the responsibility of the offender to advise staff when a telephone call to a legal representative is being made. Failure to so advise staff may result in the offender's telephone call being monitored.

Offender telephone calls to legal representatives shall typically be made using the offender calling system; however, facilities may approve direct dial calls under certain circumstances (e.g. when the legal representatives telephone system cuts-off the offender's call when it is transferred). The facility shall establish operational procedures for placing direct dial calls to legal representatives including designating staff to oversee these calls.

The facility shall not apply any frequency limitations, within reason, on offender telephone calls to legal representatives when the offender can demonstrate that communication by correspondence, visitation or regular telephone use is inadequate.

Each facility shall develop operational procedures to provide for unmonitored telephone conversations with legal representatives. These operational procedures shall ensure that offenders are provided with necessary information to request and place these telephone calls. Should an offender fail to follow these procedures for making an unmonitored telephone call to an attorney, the call may be monitored.

VIII. APPLICABILITY:

These administrative procedures are applicable to all department facilities housing offenders and all offenders in those facilities.

Evelyn I. Ridley-Turner
Commissioner

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OFFENDER TELEPHONE LIST

Name: _____

DOC #: _____

Facility:

Housing Unit:

I am requesting that the following names and telephone numbers be placed on my telephone list. I state that to the best of my knowledge the persons on this list are agreeable to receiving my calls and that telephone calls to those persons will be made for purposes permitted under Department of Correction policies and procedures and facility rules. I understand that I may submit no more than twenty (20) names without the approval of the Facility Head or designee.

NAME	RELATIONSHIP	ADDRESS	TELEPHONE NUMBER
------	--------------	---------	------------------

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.
- 14.
- 15.
- 16.
- 17.
- 18.
- 19.
- 20.

I understand that I will be notified by staff if any of the telephone numbers listed are not placed on my telephone list.

Signature of Offender: _____

Date: