DEPARTMENT OF CORRECTIONS

Policy Number:	**302.210**
Title:	**Offender Telephone Use**
Effective Date:	**7/21/20**

PURPOSE: To outline procedures to provide for offender access to telephones.

APPLICABILITY: All adult correctional facilities

DEFINITIONS:

Attorney calls – offender calls to verified attorneys as outlined in Procedure B.4.

Forwarded call – call forwarded to a number not initially called; includes calls set up through a forwarding system.

Immediate family member – an offender's legal spouse, child (birth, step, and adopted), parent, sibling (birth, step, adopted, and half), grandparent, or grandchild. For the purposes of this policy, if facility staff can confirm and document that a special relationship existed between the offender and an extended family member, the facility may allow a special phone call. (E.g., an aunt or uncle who may have been a surrogate parent to the offender, or a niece or nephew for whom the offender may have been a surrogate parent might qualify as an allowed exception.)

Telephone monitoring – the electronic tracking of, recording of, and listening to offender telephone calls and conversations.

Third party calls – calls involving an additional party at a different number.

PROCEDURES:

A. General access to telephones

1. At intake, offenders are provided with written notification of communication monitoring. Facilities must also have notification posted by each offender telephone.

2. Offenders are assigned a personal identification number (PIN).

   a) The security of the PIN is the responsibility of the offender to whom it is issued.

   b) The facility is not responsible for theft, loss, or costs related to an offender lending their PIN or failing to provide for its safekeeping.

   c) The facility does not provide offenders with call lists regarding their phone call records or recordings of calls.

   d) PINs may be changed and a new PIN issued at the offender's expense.

   e) Only the offender whose PIN has been used to place the phone call is allowed to participate in that call.

3. Rules governing telephone usage (call duration, sign-up procedures, hours, and special unit regulations) are made available to offenders. Access to telephones may vary from unit to unit according to programming.

4. Offenders may purchase telephone time through the canteen. Telephone account balances and phone time charges are maintained by the department's telephone contract vendor. Any unused telephone time is refunded upon the offender's release or transfer to a non-department facility. Financial transactions from the purchase or refunding of phone time must be retained in the offender accounting system.

5. Offender PIN numbers and any money on the offender's phone account transfers with the offender to other department facilities.

6. Offender telephone calls are a maximum of 15 minutes in duration for each connection. Calls utilizing TTY/TTD machines may be extended to 30 minutes.

B. Special access to telephones

1. Offender telephone lines
Even in emergencies, offenders are to use recorded/monitored offender telephone lines in all situations other than verified legal calls (see section B.4, below). Staff must approve any variance from this monitoring requirement, and write an incident report regarding the allowed variance.

2. Emergency
Emergency messages must be verified prior to offender notification. Special telephone calls by the offender may be approved following authorization by designated staff. All special telephone calls should be made on a recorded/monitored offender telephone line whenever possible. Staff making an exception to the use of a recorded/monitored line must document the exception, and reasons for it, on an incident report.

3. Telephone calls to offenders in other facilities
Offenders may request permission to make calls to immediate family members incarcerated in other facilities if warranted by special circumstances (e.g., a verifiable family emergency involving the hospitalization, serious injury, or death of an immediate family member).
   a) The offender's caseworker or on-duty supervisor arranges and monitors these calls;

   b) Prior approval is required from the facility warden or designee;

   c) The warden or designee may allow a special call to an extended family member when staff have confirmed and documented that a special relationship existed between the offender and that extended family member (see definition, above).

   d) The staff person arranging the call must write an incident report, detailing circumstances and the family relationship between the offenders participating in the call.

4. Legal calls
Attorneys must communicate with clients through legal mail. However, when legal deadlines require expedited communication, staff may provide access to legal counsel by telephone. If necessary, an in-person visit may be arranged.

a) Attorney calls are limited to current active cases.

b) Attorneys must contact the designated facility staff to schedule a call at a mutually-agreeable date and time. Telephones for approved attorney calls are not subject to any monitoring activity and the facility does not charge offenders for approved attorney calls.

c) Attorney calls are limited to 30 minutes in length.

d) Calls to/from the clerk of court or law enforcement are not considered legal calls.

5. TTY or TTD calls
Offenders who are Deaf or have hearing/speech impairments, or offenders calling individuals who are Deaf or have hearing/speech impairments, may use the TTY/TTD machines provided by the facility or use the facility's designated number for Minnesota Relay. Phones with volume control are also available to offenders. Offenders are charged for TTY/TTD assisted telephone calls at the same rate as non-TTY/TTD telephones. Staff must provide assistance with placing such calls as needed. Staff may monitor TTY/TTD calls. Approved legal calls are not monitored.

5. Telephone calls for hospitalized offenders
Offenders who are hospitalized for 10 or more consecutive days may request a telephone call to an immediate family member or emergency contact person. See Policy 301.096, "Medical Transportation," for the complete procedures.

C. Telephone conduct

1. Telephones must not be used for harassing, threatening, obscene calls, criminal activity, or in violation of facility rules or department policy.

2. Abuse of telephone privileges may result in informal sanctions, formal discipline, and/or indefinite suspension of offender telephone use.

3. Offenders are prohibited from contacting by phone any staff, volunteers, interns, or vendors under contract with the department.

4. An offender may contact a volunteer who has been identified to assist with the offender's transition into the community. The warden or designee must authorize this communication.

5. Offenders are prohibited from making third party calls, conference calls, or forwarded calls through any technology or medium. (There is one exception to call forwarding: an offender may call the Law Library Services to Prisoners and ask a librarian to forward the call to the proper court entity when it is impossible to reach that court entity directly through the facility's phone system.) The telephone system detects for three-way calls when there is a similar electronic condition to a three-way call on the line. Office of special investigations (OSI) staff may block a number if an investigation leads OSI to believe the number was contacted to make a third party or forwarded call.

6. Offenders must only use the PIN assigned to them.

7. Offenders may not place phone calls that are in violation of a direct order issued on the written request of a person, or parent/guardian of a minor or legally incompetent person, stating they dos not want to receive communication from the offender. Staff must document the direct order using the Direct Order to Cease Communication form (attached), and in the no-contact tab in the correctional operations management system (COMS), and provide a copy to the offender.

8. Upon suspension of an offender's telephone use, staff also need to notify the designated offender/resident kiosk liaison, and send the liaison a completed copy of the Offender Telephone Use Indefinite Suspension form (attached).

D. Telephone violations

1. Staff must document telephone use violations utilizing the facility's informal or formal sanction procedures.

First violation	Verbal warning to cease violations.
Second violation	Suspension of phone privileges for up to seven days, providing the offender has no similar violations within the past 90 days.
Third violation	Suspension of phone privileges for up to 30 days, providing the offender has no similar violations within the past 90 days.
Fourth violation	Formal discipline and suspension of telephone privileges for 90 days (minimum), up-to indefinite suspension (maximum) depending on the violation type.

2. Staff may use their discretion to deviate from the violation progression when deemed appropriate.

3. When staff determine that an indefinite suspension of an offender's telephone privileges is warranted, the staff must complete the Offender Telephone Use Indefinite Suspension form (attached) and submit it to the associate warden of operations or designee, along with any supporting documentation, for approval.

4. Upon associate warden of operations or designee approval of an indefinite suspension, the form and supporting documentation must be forwarded to financial services for distribution. A copy of the form is retained in the offender's electronic file.

5. Upon suspension of an offender's telephone use that lasts longer than seven days, any money in a telephone account is returned to the offender's spending account, in the offender accounting system. The withdrawal documentation is retained according to the finance retention schedule.

6. OSI staff may block a number during the first violation of third party calls or making forwarded calls. OSI staff must give written notification of the number being blocked to the offender via the Offender Telephone Use Blocked Number form (attached). OSI also informs the facility warden/designee of the ban. Telephone violations for three-way calling and call forwarding do not expire. A copy of the blocked number form must be retained in the offender's electronic file.

E. Appeals of phone suspensions and blocked numbers

1. Offenders wishing to appeal phone suspensions must contact the associate warden of operations or designee in writing for a determination.

2. The associate warden of operations or designee reviews offender appeals or staff recommendations regarding phone suspensions to determine if the offender's phone privileges may be reinstated.

3. An offender wishing to appeal their blocked number(s) must contact the OSI investigator in writing. The OSI investigator must forward the appeal, along with documentation explaining the reason for the block, to the associate warden of operations for determination.

4. Appeals of formal discipline must follow the discipline appeal process outlined in Policy 303.010, "Offender Discipline."

INTERNAL CONTROLS

A. Direct orders to cease communication are documented in COMS.

B. Suspension forms and blocked number forms are retained in the offender's electronic file.

C. Financial transactions from the purchase or funding of phone time are retained in the offender accounting system.

ACA STANDARDS: ACA Standards 4-4497, 4-4271, 4-4272, 4-4274, 4-4275, 1-ABC-5D-11, 1-ABC-3D-01, 1-ABC-3D-02, 3-JTS-5H-11, and 2-CO-5D-01

REFERENCES: Policy 301.096, "Medical Transportation"
Division Directive 303.040, "Use of Electronic Equipment by Offenders/Residents"
Policy 303.010, "Offender Discipline"

REPLACES: Division Directive 203.210, "Offender Telephone Use," 3/6/18.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: Offender Telephone Use Indefinite Suspension Form (302.210A)
Offender Telephone Use Blocked Number Form (302.210B)
Direct Order to Cease Communication Form (302.210C)

APPROVED BY:
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