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EFFECTIVE: June 1, 1997
 REVISED: August 11, 2008
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SUMMARY of REVISION/REVIEW

Procedure I.C. – Removed victims and witnesses from prohibited phone calls. Procedure III.A.9. – Time changed from 48 hours to 3 Business Days. Procedure III.F. – Updated call blocking instructions. Procedure IV. – Added language about tablets and removed PC and ISDP from section referring to RH inmates. Added a new Procedure V. Titles updated and minor word changes throughout.

APPROVED:



 Scott R. Frakes, Director
 Nebraska Department of Correctional Services

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PURPOSE

The purpose of this Policy is to provide guidance for the operation of a Staff-assisted Confidential Telephone Call System and the Inmate Calling System (ICS) throughout the Nebraska Department of Correctional Services (NDCS). It is the policy of NDCS to permit inmates reasonable and equitable access to reasonably priced telephone services for the purpose of maintaining family and community contacts and to supplement other forms of communications with their attorneys and the courts. Telephone usage by inmates is a privilege that may be restricted or withheld to protect the public, to ensure the safety, security, or good order of the Department, and to enforce NDCS rules and State statutes.

GENERAL

Facility-specific Procedures shall be developed to ensure that the use of telephones by inmates is controlled and supervised. Protection of the public, institutional safety and security, crime prevention/detection/ prosecution, and inmate access are the order of priorities. Procedures shall be consistent to the extent practical among all NDCS facilities. All institution and appropriate Central Office personnel shall be required to read and enforce the provisions in this policy. This policy is applicable to all NDCS facilities. Inmates and offenders shall have access to this policy and are required to comply with its provisions. All recommendations for changes to the ICS will be submitted in writing to the Director through the appropriate Deputy Director for approval prior to implementation.

DEFINITIONS

Inmate Calling System (ICS): the name given to the specialized program and equipment which governs inmate telephone access.

Site System Coordinator (SSC): a manager designated at each NDCS institution charged with the responsibility for the oversight and control of ICS at the facility level.


Site System Operator (SSO): a staff member authorized limited access to the ICS data base to perform data entry, generate reports and activate restrictions at the facility level.

Central System Administrator (CSA): the person designated at NDCS Central Office who is trained and equipped to perform all functions related to day-to-day ICS operations including, but not limited to: coordination of ICS operations, technical assistance, training, data collection, data input, system maintenance, report generation.

Agency Intelligence Administrator: The Agency Intelligence Administrator, under the supervision of the Deputy Director – Prisons, shall be responsible for administrating the Inmate Calling System, reviewing and commenting on recommended system changes. The Agency Intelligence Administrator shall serve as the liaison between NDCS facilities, external agencies, and the contract telephone service vendor(s).

Emergency Telephone Call: a telephone call authorized due to serious illness, death or impending disaster affecting an inmate's immediate family.

Personal Identification Number (PIN): a unique, nine-digit number assigned to an inmate's ICS account that allows the inmate access to the telephone system. The PIN is comprised of the inmate's five-digit prison identification number and a confidential randomly-generated four-digit number.

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Speed-Dial Number: a number which corresponds to actual telephone number(s) provided by the Department and programmed into the ICS. The Speed-Dial Number may be made available for use by an inmate when making a telephone call.

ICS Standard Registration Form: a form used by an inmate to request participation in the Inmate Calling System and to acknowledge acceptance of the telephone regulations. This form is used to submit/change telephone numbers, names, and physical addresses of people the inmate requests to place on their authorized social call list.

ICS Special Registration Form: a form used exclusively to add/delete/change telephone numbers, names, and physical business addresses of attorneys, and the Ombudsman's Office.

Social Calls: telephone calls between an inmate and family, friends or acquaintances which are intended to promote personal relationships and are not eligible for confidential status.

Confidential Call Status: attorney/client calls and calls to the Ombudsman are eligible for confidential status and are not recorded by ICS equipment or monitored by staff.

Attorneys/Client Calls: telephone calls between an inmate and an attorney that are eligible for confidential status. To qualify for confidential status, an attorney must be admitted to practice law. Confidential status includes staff, paralegals, and law clerks supervised by the attorney.

Ombudsman Calls: telephone calls between an inmate and the Office of Public Counsel/Ombudsman.

Automated Operator System (AOS): a computerized alternative to a live operator that provides an interface between the inmate and the ICS. The AOS can provide instructions and announcements on a selective, bilingual basis.

Call Recording: electronic interception and storage of all sounds and conversations between an inmate and one or more parties through a specialized system connected to the ICS.


Call Monitoring: live electronic interception and listening by staff to a telephone conversation between an inmate and one or more parties through a specialized system connected to the ICS.

Call Branding: a caller-selectable, multi-lingual, pre-recorded automated announcement generated by the AOS.

Confidential Information: information related to institutional security or individual privacy which must be protected from dissemination to anyone who does not have authorized access, based on the need-to-know, or the right-to-know, in accordance with NDCS rules or state statutes.

Access: authorization granted to a specific person to allow direct physical contact, and/or knowledge of, possession of, or use of confidential equipment and/or information. Access is generally used in conjunction with right-to-know or need-to-know.

Right-to-Know: the individual is an employee/contractor of NDCS, or an employee of a law enforcement agency who has been designated by NDCS or their agency as a person authorized to access confidential information/equipment in the course of his/her official duties and responsibilities.

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Need-to-Know: the individual has demonstrated that a need exists to obtain access to confidential information when the access is pertinent and necessary in initiating, furthering or completing an assigned duty, intelligence operation, or investigation in conjunction with the right-to-know.

Emergency Dissemination of Confidential Information: where the Director, Warden or person acting in his/her absence determines it is necessary to disseminate confidential information to anyone who does not meet the right-to-know or need-to-know criteria in verified circumstances where there is an imminent danger of harm to a person or property.

PROCEDURE


Inmate access to the ICS is a privilege granted to all inmates who demonstrate a willingness to obey NDCS regulations. Inmates are permitted to make limited local, intra/interstate and international calls.

I. USE OF TELEPHONES BY INMATES

- A. The Director, or appropriate Deputy Director or Warden or person acting in his/her absence, may limit or suspend inmate calling operations for the protection of the public, or the safety, security, and good order of a facility, staff, or inmates.
- B. Abusing telephone equipment is prohibited. Committing violations of law or the conspiracy to commit violations of law in association with the use of the ICS shall be considered a violation of this policy. Disciplinary sanctions may be imposed for violations of telephone regulations. Telephone privileges may be restricted by a Disciplinary Committee/Disposition Treatment Team for violations of Code of Offenses or NDCS policies.
- C. Inmates are prohibited from making telephone calls to NDCS staff, Board of Parole members or staff, other inmates, contract personnel, or volunteers. Staff, contract personnel, and volunteers are prohibited from accepting telephone calls from inmates. Only telephone calls to NDCS staff in conjunction with community release check-in procedures are permitted. No telephone communication is allowed between volunteers and inmates at NDCS facilities. (The only exceptions are the Community Corrections Center – Omaha and Community Corrections Center - Lincoln, only if necessary. Approval is granted on a case-by-case basis by the Warden.)
- D. No pager numbers, 411, 600, 700, 800, 900 or 911 numbers are allowed to be added to the allowed number list. Inmates are permitted to call approved cellular telephone numbers.
- E. Inmate-to-inmate calls are prohibited.


II. STAFF-ASSISTED CONFIDENTIAL TELEPHONE CALL PROCEDURES

Telephonic judicial hearings will be conducted over the facility staff telephone system on an “as needed” basis. Telephonic judicial hearings are not subject to recording or monitoring but shall be directly supervised by staff. Telephone calls for this purpose do not count toward the inmate’s allotted time block.

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III. INMATE CALLING SYSTEM PROCEDURES

- A. To participate in the Inmate Calling System (ICS), an inmate must complete a Standard ICS Registration Form (Attachment B) for social calls and/or an ICS Special Registration Form (Attachment C) for confidential calls.
1. Each inmate may submit up to 30 telephone numbers representing social, and attorney/client calls. Telephone numbers entered into a particular inmate's account are strictly limited to the exclusive use by that inmate. Inmates are prohibited from submitting telephone numbers for use by another inmate.
 - a. A telephone number submitted for social calling purposes may be entered on multiple inmate accounts only where a verified immediate family relationship exists and on just one other non-family member inmate account as a friend. No telephone number used for social calling purposes may be entered on more than one inmate account when the relationships are friends only. The inmate will be notified in writing when entry of a telephone number on his/her ICS Registration Form is denied.
 - b. Inmates who have not registered with the ICS must do so in order to be assigned a PIN and input the desired number. Inmates are required to sign the ICS Special Registration form in order to use the ICS to call attorneys.
 - c. Inmates are not required to submit a registration form to make calls to the Office of Public Counsel/Ombudsman. Speed-dial 01# is provided to allow an inmate to call the Ombudsman free of charge. Calls to the Ombudsman have the same duration limits and confidential status as attorney/client calls.
 2. Attorney telephone numbers will be clearly identified on the ICS Special Registration form. Unit staff will verify attorney telephone numbers prior to submitting the ICS Special Registration form to the CSA.
 3. Designated unit staff will review and sign the original registration form prior to forwarding it to the CSA.
 4. Completed registration forms must contain the called party's first and last name, physical address where they reside, or in the case of Special Registration Form, the physical address of the business. All information shall be accurate and is subject to verification prior to or after entry into the ICS database. Submission of false information may result in disciplinary action and/or restriction of telephone privileges.
 5. Newly committed inmates/safe keepers may submit two phone sheets within the first 90 days of arrival at the DEC/NCCW/NCYF. Changes (additions/deletions) to an inmate's social call list shall be submitted using the Standard ICS Registration Form. Changes are allowed for social calls once every 90 days, except for emergencies as defined by this policy. This 90 day time period is computed as 90 days from the date the inmate signed the most recent ICS Registration Form. Additions, deletions and changes related to calls to attorneys

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may be made at any time by submitting a special registration form and shall be entered and confirmation returned to the inmate within 48 hours of the time a staff member receives a written request.

6. For verified emergency cases; during normal business hours, an attorney phone number can be added to an inmate's approved calling list, most often the same business day by submitting an ICS Special Registration form to staff.
 7. The Warden or designee may authorize emergency changes to the social call list on a case-by-case basis. Extraordinary circumstances may include verified family emergencies or the change in a family member's telephone number.
 8. Call list information will be programmed into the ICS database within 3 business days upon receipt by the CSA. Delays to this time frame may be ordered by the Warden or designee upon just cause. The CSA will make two copies of the original ICS Registration Form. The original ICS Registration Form will be sent by the CSA to the facility records manager for storage in the inmate's institutional file. One copy will be retained by the CSA and one copy will be returned to the inmate with his/her assigned PIN. Changes made for attorneys shall be made within 48 hours of the receipt of a properly completed ICS Special Registration form by NDCS staff. Staff members will send an email to the Central System Administrator with the ICS Special Registration form attached. Between the hours of 5:00 PM Friday to 8:00 AM Monday and on State-recognized holidays, facility staff will conduct data entry related to the submission of the ICS Special Registration form.
- B. The CSA will generate each inmate's confidential four-digit Personal Identification Number. Inmates are not permitted to use or possess another inmate's PIN or use another inmate's ICS account for any reason. An inmate is not permitted to divulge to another inmate his/her assigned PIN or call list information. PIN changes may be made on a case-by-case basis upon approval by the Warden or designee after review of the circumstances requiring the change.
 - C. Inmates are not permitted to use the telephone to conduct business enterprise or to make purchases of any kind. Inmates may use the ICS to communicate with their employers or with prospective employers in association with work release participation or other release preparation.
 - D. All inmate telephone calls placed through the ICS may be processed as collect, debit, or prepay. Calls placed over the institution telephone system shall be reimbursed to the state by the inmate at the state contract rate. An indigent status inmate may be permitted emergency calls when collect calls will not be accepted, provided the inmate signs an institutional check authorizing reimbursement to the state once sufficient funds are available on his/her trust account. Each month an indigent inmate will be given a choice of five stamps or \$2.50 debit calling time; however the total accumulation on the ICS will not be allowed to exceed \$10. The inmate must identify his/her choice at the time that the indigent request is made. Inmates are not permitted to make third-party billing or credit card calls. Indigent status inmates will be allowed to use select telephones at community corrections facilities.


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- E. Inmates may participate in three-way calls, call forwarding or conference-calling telephone services regarding access to courts only if an attorney requests they do so. Inmates are not permitted to participate in three-way calls, call forwarding or conference calling telephone services for social calls.
- F. The ICS is programmed to allow the called party to block all future calls from inmates and all future calls from all institutions. The called party is prompted to press the 2 key at which time they are prompted to enter a four digit PIN. If they choose to remove the block they will need to call Global Tel*Link Corporation (GTL) Customer Service and provide the four digit PIN to unblock calls.
- G. Any person may have his/her telephone number blocked by providing a written request. Reinstatement of blocked numbers is allowed only one time upon receipt of a written request. Victim/Witness telephone numbers shall be blocked utilizing information provided by the Central Records Administrator.

IV. CALL SCHEDULING

Inmates in the General Population will be issued tablets for the purpose of making phone calls. As each inmate has a tablet there is no scheduling need to make phone calls and inmates are allowed to make up to 60 minutes of phone calls per day. The tablets are property of NDCS and will be issued and collected whenever the inmate transfers into or out of the institution. The tablets are not intended to be used outside of the Housing Units. The 60 minute limit only applies to the tablets, the wall phones will still be in place but inmates will only have 15 minutes on a wall phone. An inmate call schedule roster may be utilized to permit reasonable and equitable access to all inmates. The use of rosters can prevent scheduling conflicts and domination by an individual or group of inmates. Sign-up is on a first-come, first-serve basis. Telephone schedules for Inmates Sentenced to the Death Penalty and Protective Custody status inmates will provide access seven days per week. Inmates in the general population may schedule no more than one time block daily for personal calls and no more than two time blocks daily for attorney/client and Ombudsman calls. Call duration will be set by the appropriate Deputy Director. Each institution will publish call duration information in the corresponding Procedure. An inmate may make an unlimited number of call attempts to any combination of the telephone numbers on his/her authorized call list during the allotted time period. Based on time periods available and day-to-day demand, there is no guarantee an inmate will be able to schedule a call every day or at the desired time. When there is an open time slot on any given day an inmate may request to be placed in that slot in order to make an attorney/client and Ombudsman call. Attorney/client and Ombudsman calls will be limited to 60 minutes per week. Inmates may be restricted to the use of a specific telephone in a specific location. No telephone calls shall be placed during count times and times of emergency or be permitted to interfere with security operations. Specific telephone access times shall be included in facility Procedure. Staff are responsible for enforcing telephone regulations and ensuring that an inmate does not exceed authorized time block periods.


- A. Restrictive Housing Inmates: Telephone schedules for Immediate Segregation (IS) and Longer Term Restrictive Housing (LTRH) status inmates will provide access only four days per week. Restrictive Housing telephone calls are further limited as follows:
 - 1. IS: Inmates will be permitted one 15 minute time block per week.
 - 2. LTRH: Inmates will be permitted one 15 minute time block per week.

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- B. Emergency Telephone Calls: Outgoing emergency calls that cannot be made as either a collect or debit call (i.e. community hospital) will be made on an institutional staff telephone at the inmate's expense. Incoming emergency telephone calls will be routed to the appropriate unit staff or shift supervisor who will record and verify the information, and arrange a return call by the inmate if deemed appropriate.

V. RECORDING/MONITORING/BRANDING

- A. All inmate telephone calls utilizing the ICS and not eligible for confidential status shall be electronically recorded and may be monitored by authorized NDCS staff. At the discretion of the Director or the person acting in his/her absence, telephone recording and monitoring may be suspended.
- B. Use of the ICS by the inmate and acceptance of the call by the called party-constitutes consent to record and monitor social call conversations by NDCS staff. Written notice shall be posted at each telephone location advising the inmate of the policy on recording and monitoring. Posted signs shall be printed in English and Spanish. Inmates will receive written notice printed on each Standard ICS Registration Form. The inmate shall be required to sign the Standard ICS Registration Form acknowledging acceptance of the conditions for use of the telephone for making calls. The inmate shall receive a copy of the completed form. Refusal to sign the standard or special ICS Registration form shall result in telephone privileges being withheld for all calls.
- C. All telephone calls through the ICS shall be electronically branded with a pre-recorded automated announcement utilizing the AOS. The inmate will be electronically blocked from hearing or communicating with the called party until the call is accepted. Electronic security measures will be utilized to prevent an inmate from interfering with or altering the announcement. Branded announcements will be made available in English, Spanish and other languages as required. At a minimum, the announcement will provide the following information:
1. The call is collect or prepaid;
 2. The first and last name (committed) of the inmate caller;
 3. The name and location (city and state) of the facility;
 4. The status of recording and monitoring;
 5. Call acceptance instructions;
 6. Call blocking instructions;
 7. Advisement of the prohibition and termination of calls in association with the use of 3-way, call forward or conference call services; and
 8. Instructions on how to skip portions of the message only after hearing Items 1, 2, 3, 4 and 5 in this section.

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VI. TRAINING

All inmates and designated staff shall receive sufficient training to ensure successful usage of ICS telephones by the inmate population. Training for trainers will be provided to NDCS staff by the contract inmate telephone vendor so staff can, in turn, teach inmates how to use the system. Printed handouts detailing calling instructions may be made available to supplement training. (See Attachment A) Comprehensive specialized training will be provided to the Site System Coordinator, Site System Operator, Agency Intelligence Administrator and designated investigators, to promote a thorough understanding of ICS security features and the use of those features. Training will be conducted on an as-needed basis to train additional staff or to update staff on system changes. Select staff shall receive sufficient training to assume the duties of the contract Central System Administrator should NDCS choose to exercise this option.

VII. CONFIDENTIALITY

All information related to ICS hardware, design configuration, software, programming, passwords, recordings, call detail records, personal identification numbers (PINs are to be disseminated only to the inmates to whom they are assigned), completed inmate registration forms, proprietary vendor information, system reports, investigations, intelligence information, operational security procedures and investigative analysis techniques shall be considered confidential. These shall be protected from dissemination to the public, inmates or unauthorized personnel.

- A. Inmate access to ICS equipment and information is strictly limited to the use of designated telephones and this policy.
- B. Authorized persons may be granted access to confidential aspects of the ICS on a need-to-know, right-to-know basis only. A staff member who has been trained and deemed to have the need-to-know and right-to-know may be granted authorization to access confidential ICS equipment/information. Letters of authorization shall specify the level of access granted and contain the signature of the Special Services Administrator and the signature of either the Director of NDCS or the Warden of the facility, or by the person(s) acting in his/her absence.
- C. The misuse of confidential equipment or unauthorized dissemination of confidential information related to the ICS may result in disciplinary action or civil/criminal prosecution. Only typed transcripts of relevant portions of recorded conversations containing suspected references to unauthorized activity will be disseminated in any proceeding. Strict confidentiality shall be maintained at all times to preserve security and individual privacy.
- D. Law enforcement personnel acting in their capacity may be granted access on a need-to-know basis to confidential aspects of the ICS in conjunction with an official investigation or intelligence-gathering assignment. Dissemination of confidential information shall be thoroughly documented. Disseminated records shall at a minimum contain the following information: requester – (printed) name, agency, badge number, business address, telephone number, reason for the request and signature and the releasing official – (printed) name, facility, date/time, description of information released, and signature.

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VIII. INMATES WITH DISABILITIES

Inmates with disabilities shall have equal access to the ICS as other inmates without a disability. In accordance with the Americans with Disabilities Act and NDCS Policy 004.01, NDCS makes every effort to provide for effective communication for inmates with known disabilities. Inmates who require reasonable accommodations, including specialized telephone equipment, for access to the ICS should contact the NDCS ADA Coordinator via Inmate Interview Request, or notify any NDCS employee of this need, who will then bring the matter to the attention of the ADA Coordinator.


IX. ICS CONTRACTS AND CONTRACT PERSONNEL

Contracts involving inmate telephone services shall be in compliance with all applicable state and federal regulations and will provide the broadest range of calling options as determined by the Director. This shall be consistent with the requirements of sound correctional management. The vendor contract should also be based on rates and surcharges that are commensurate with those charged to the general public for like services. Any form of deviation from ordinary consumer rates will reflect the actual costs associated with the provision of services in a correctional setting. See Procedure XII. and XIII. below.

- A. All contract personnel directly associated with ICS installation, operation or maintenance shall pass an identification and criminal history background check.
- B. Contract personnel are prohibited from forming personal relationships or “fraternizing” with inmates or their friends or families. Any pre-existing relationships shall be divulged prior to acceptance by NDCS.
- C. Contract employees agree to perform the assigned duties and to abide by the confidentiality provisions contained in this policy.
- D. NDCS shall have final decision authority regarding the acceptability of individual contract personnel.
- E. All contract personnel and their equipment are subject to search.
- F. Permanent contract personnel shall be issued NDCS picture identification cards.
- G. ICS staff may listen to recorded calls for troubleshooting purposes. Contract personnel are prohibited from conducting an investigation, live monitoring or recording playback.
- H. ICS service technicians are authorized to enter facilities with necessary equipment, parts, tools, pagers and cellular telephones (the device must be approved, in advance, in accordance with Policy 104.06, *Computer Equipment, Telephone Usage & Information Systems*) in order to make repairs. Special security considerations may require deviation from this policy when circumstances dictate additional restriction.

X. EQUIPMENT LOCATIONS, QUANTITIES, AND REPLACEMENT

Inmate telephones shall be located in housing units only. The minimum number of telephones necessary to ensure that inmates have reasonable access to ICS will be provided at each location. Inmates will not be allowed to congregate near the telephone area. Only one inmate

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will be allowed at a telephone at a time. Requests for new locations and additions to the number of inmate telephones shall be submitted in writing to the appropriate Deputy Director. Portable telephones will be used whenever appropriate in hospital and restrictive housing units to eliminate the need to allow inmates out of their cells to make telephone calls. All portable telephones shall be interfaced with the ICS and will provide identical call control as found on permanently affixed inmate telephones. ICS network administrative terminals shall be installed at Central Office and each facility in a secure area where designated personnel have direct 24 hour access to perform service, data input, data collection and investigative duties.

Appropriate physical and password security shall be instituted to guard against unauthorized access to confidential information and equipment. Passwords will be assigned by the Special Services Administrator and changed periodically to provide access security.

Inmates who damage or destroy a GTL issued tablet may be issued a misconduct report and charged restitution if found guilty of recklessly or intentionally damaging or destroying the devise. Inmates found guilty of willfully damaging or destroying a GTL issued tablet will not be issued another/replacement GTL tablet.

XI. DATA ENTRY/REPAIR SERVICE/ACCOUNT MANAGEMENT

The Site System Coordinator, Site System Operator or Shift Supervisor are authorized to make requests for data entry issues to the Central System Administrator during the normal business hours of 8:00 a.m. to 4:30 p.m., Monday through Friday. The contact number for repair services on a 24 hour basis is available in each facility's Central Control. The contract vendor is responsible for the expense and labor associated with the installation and maintenance of the ICS, including wiring.

XII. COMMISSIONS

In the interest of making inmate calling as affordable as possible while acquiring necessary security enhancements, the State of Nebraska has waived its right to receive commissions in association with ICS revenues.


XIII. RATES AND SURCHARGES

Call type, along with applicable surcharges, determine the cost of a call. Calls are billed in one minute increments. Rates are approved by the Public Service Commission and rates are not established by NDCS. For information regarding call rates, the public may contact Public Communications Services, Inc/GTL at 1-866-230-7761 or refer to Attachment E. In order to receive accurate rate information, the caller must provide the name of the institution from which the inmate is calling and the destination telephone number.

REFERENCE

I. POLICIES

- A. Policy 004.01, *ADA Policy*
- B. Policy 104.06, *Computer Equipment, Telephone Usage & Information Systems*

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II. ATTACHMENTS

- A. Public Communication Services, Inc. Call Instructions
- B. ICS Registration Form
- C. ICS Special Registration Form
- D. Staff Assisted Confidential Telephone Log
- E. Rate Information Sheet

III. AMERICAN CORRECTIONAL ASSOCIATION (ACA) STANDARDS

- A. Standards for Adult Correctional Institutions (ACI) (4th edition): 4-4271, 4-4272, 4-4275, 4-4497, 4-4497-1, and 4-4497-2.
- B. Performance Based Standards for Adult Community Residential Services (ACRS) (4th edition): 4-ACRS-6A-01, 4-ACRS-5A-19.