



**STATE OF MONTANA
DEPARTMENT OF CORRECTIONS
POLICY DIRECTIVE**

Policy No. DOC 3.3.7 Subject: **OFFENDER ACCESS TO TELEPHONES**

Chapter 3: FACILITY/PROGRAM OPERATIONS

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Section 3: Rights and Privileges

Effective Date: April 1, 1998

Signature: /s/ Mike Ferriter, Director

Revised: 12/20/01; 07/01/08

I. POLICY

The Department of Corrections facilities allow offenders access to public telephones to maintain essential community and legal contacts subject only to the limitations and restrictions necessary to ensure the security and order of the facility and to protect the public.

II. APPLICABILITY

Department and contracted secure care facilities.

III. DEFINITIONS

Administrator – The official, regardless of local title (administrator, warden, superintendent), ultimately responsible for the facility or program operation and management.

Attorney Calls – Telephone calls between an offender and his/her attorney or attorney's documented representative(s).

Facility – Refers to any Montana Department of Corrections prison or secure correctional facility, and all secure contract facilities.

Pre-paid Calls – Telephone calls placed by an offender using funds from the offender's pre-paid billing account.

IV. DEPARTMENT DIRECTIVES

A. General Provisions

1. The use of telephones by offenders is a privilege, not a right.
2. Offenders will have access to reasonably priced telephone services. The Department will ensure that:
 - a. contracts involving offender telephone services comply with all applicable state and federal regulations;
 - b. contracts are based on rates and surcharges that are commensurate with those charged to the general public for like services. Any deviation from ordinary consumer rates will reflect actual costs associated with the provisions of services in a correctional setting; and
 - c. contracts for offender telephone services provide the broadest range of calling options determined by the Department director to be consistent with the requirements of sound correctional management.

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3. Facilities will use an offender telephone monitoring/recording system to enhance facility security, increase offender and public safety, and reduce the occurrence of criminal activities or activities that could be a threat to the orderly operation of a correctional facility.
4. Offenders' constitutional rights will be protected by providing for unmonitored attorney telephone calls.

B. Offender Initiated Personal Calls

1. Offenders will have personal access to designated offender telephones, which have collect call or pre-paid options where available, and are located in accessible areas.
2. Facilities will:
 - a. advise offenders that their calls may be monitored and recorded;
 - b. establish hours of availability and limitations for offender personal calls;
 - c. allow only calls from a facility approved list where applicable;
 - d. establish procedures to verify and handle incoming emergency calls to offenders, e.g., serious family illness or death;
 - e. provide offenders in administrative segregation and special management units telephone privileges consistent with their classifications; and
 - f. prohibit unsupervised offender access to staff telephones.
3. Administrators may program telephones or otherwise restrict offender personal calls to reasonable time limits.
4. Administrators may prohibit or restrict offenders in detention and pre-hearing confinement status from making personal calls.
5. Offenders with hearing and/or speech disabilities, and offenders who wish to communicate with parties who have such disabilities, will be afforded access to a Telecommunications Device for the Deaf (TDD), or comparable equipment. Public telephones with volume control will also be available to offenders with hearing impairment.
6. Offenders will not use the telephone system to initiate or conduct criminal activity.
7. Any violations of this policy may result in the loss or suspension of telephone privileges in accordance with facility disciplinary or classification procedures.

C. Attorney Calls and Calls to Consular Officers

1. The facility will not intercept, record, or monitor offender calls to attorneys or to consular officers.
2. Offenders will use designated telephones to call their attorneys.
 - a. the call will not be recorded if the offender uses the telephone number provided to the designated facility office or unit to prevent the offender from making fraudulent calls;

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- b. this does not prohibit an offender from calling his/her attorney at another telephone number; however, that call may be recorded.
3. Offenders who are foreign nationals will have access to a diplomatic representative of their country of citizenship. Staff supervising calls to consular officers will:
 - a. verify the contact information;
 - b. place the call on a designated telephone; and
 - c. determine if the call is paid by the offender or consular officer.

D. Offender Telephone Use in Work Assignments

1. Administrators must review and approve each offender who may have access to telephones as part of his/her assigned work program.
2. Staff will monitor the telephone use of offenders who have access to telephones as part of their work program, including:
 - a. offender workers with a conviction or history of fraud or other predatory behavior, where the offender has demonstrated a process of grooming the victim through stalking or otherwise laying the groundwork for a criminal act; and
 - b. offenders with access to the names, addresses, or phone numbers of private individuals while performing their duties in an offender work program.
3. Offenders in youth correctional facilities will not have work assignments with access to telephones.

E. Telephone Monitoring

1. Administrators will designate and authorize the staff members who may intercept, record, and divulge any telephone calls from an offender using the offender telephone system.
2. Designated staff must successfully complete training, which may be provided by the offender telephone vendor, before they can engage in monitoring or recording offender telephone calls.
3. The contents of an intercepted and recorded telephone conversation will be divulged only as necessary to safeguard the orderly operation of the facility, in response to a court order, or in the prosecution or investigation of a crime.
4. Administrators will ensure that procedures address the confidentiality, access, review, release, and archive of telephone recordings. Offenders will not have access to monitored or recorded calls.

F. Blocks on Calls from Offenders

1. Victims of offenders and recipients of unsolicited, unwanted offender calls may request a facility block on calls from offenders in Department custody.
2. Facilities will establish procedures to ensure records are kept on the blocks placed on

calls from offenders in Department custody.

V. CLOSING

Questions concerning this policy should be directed to the appropriate administrator.

VI. REFERENCES

- A. 4-4497, 4-4280; *ACA Standards for Adult Correctional Institutions, 4th Edition*
- B. 4-4497-1, 4-4271; *ACA Standards Supplement, 2008*
- C. 3-JTS-5H-11; *ACA Standards for Juvenile Correctional Facilities, 2003*
- D. *Guidelines for the Development of a Security Program, 3rd Edition, 2007*

VII. ATTACHMENTS

None.