



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

Policy No. DOC 3.3.7	Subject: <b>OFFENDER ACCESS TO TELEPHONES</b>
Chapter 3: FACILITY/PROGRAM OPERATIONS	Page 1 of 4
Section 3: Rights and Privileges	Effective Date: April 1, 1998
Signature: /s/ Mike Batista, Director	Revised: 07/25/2016

## **I. POLICY**

The Department of Corrections facilities allow offenders access to public telephones to maintain essential community and legal contacts and to perform duties as outlined in their work assignments subject only to the limitations and restrictions necessary to ensure the security and order of the facility and to protect the public.

## **II. APPLICABILITY**

Secure care facilities Department-owned and contracted, as specified in contract.

## **III. DEFINITIONS**

Administrator – The official, regardless of local title (division or facility administrator, bureau chief, warden, superintendent), ultimately responsible for the division, 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 prison, correctional facility, correctional or training program under Department jurisdiction or contract.

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 Department 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.
2. The use of telephones by offenders is a privilege not a right.
3. The facility administrator, or designee, will ensure offenders have access to reasonably priced telephone services and that contracts involving offender telephone services:
  - a. comply with applicable state and federal regulations;
  - b. are based on rates and surcharges that are commensurate with those charged to the

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general public for like services, deviation from ordinary consumer rates will reflect costs associated with the provisions of services in a correctional setting; and

- c. provide the broadest range of calling options determined by the Department director to be consistent with the requirements of sound correctional management.

**B. Offender Initiated Personal Calls**

1. Offenders will have personal access to designated offender telephones located in accessible areas with collect call or pre-paid options, where available.
2. Facility staff 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. The facility administrator, or designee, will enforce the prohibition of three-way or third party phone calls as well as the ban on use of the telephone system to initiate or conduct criminal activity, in addition, the facility administrators may:
  - a. program telephones or restrict offender personal calls to reasonable time limits; and
  - b. prohibit or restrict offenders in detention and pre-hearing confinement status from making personal calls.
4. 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.
5. 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. Offenders' constitutional rights will be protected by providing for unmonitored attorney telephone calls; the facility will not intercept, record, or monitor offender calls to attorneys or to consular officers.
2. An offender will use a designated telephone to call his or her attorney(s). 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. If an offender calls his or her attorney at another telephone number the 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:

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- 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. The facility administrator, or designee, must review and approve each offender who may have access to telephones as part of his or her assigned work program.
2. Staff will monitor the telephone use of offenders who have access to telephone, 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. Youth correctional facilities will ensure youth are not allowed to use telephones they may have access to at work assignments.

**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**

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- A. 4-4497, 4-4280; *ACA Standards for Adult Correctional Institutions, 4<sup>th</sup> 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, 3<sup>rd</sup> Edition, 2007*

## VII. ATTACHMENTS

None