



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

Policy:	DOC 3.3.7 OFFENDER ACCESS TO AUDIO AND VIDEO CALLING
Chapter 3:	FACILITY/PROGRAM OPERATIONS
Section 3:	Rights and Privileges
Effective Date:	April 1, 1998 Page 1 of 4
Last Revised:	Oct 18, 2023
New Review:	Oct 18, 2024
Signature:	/s/ Brian Gootkin, Director

I. POLICY

The Department of Corrections facilities allow offenders access to public telephones, as well as audio and video calls utilizing offender issued computer tablets. This access maintains essential communication between community and legal contacts.

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.

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.

Tablet – For purposes of this policy, a specially-designed mobile device provided by the Department that allows offenders access to communication, as well as educational, entertainment and other various content. This definition does not apply to tablets that offenders may have as part of offender property.

Video Call – A form of communication utilizing offender issued tablets between an offender and approved participant.

IV. DEPARTMENT DIRECTIVES

A. General Provisions

1. The Department will use a monitoring/recording system on telephones and offender issued tablets 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.

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2. The use of telephones and tablet audio/video calls by offenders is a privilege, not a right.
3. The Department will ensure offenders have access to reasonably priced communications services and that contracts involving offender communication services:
 - a. comply with applicable state and federal regulations;
 - b. are based on rates and surcharges that are commensurate with those charged to the general public for like services, and any 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 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 and access to their issued tablet to make pre-paid audio or video calls.
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. ensure offenders do not engage in tablet audio/video calling and messaging during official and stand-up counts. Offenders who do not immediately cease tablet activity during these times will face disciplinary action.
 - d. allow only calls from a facility approved list where applicable;
 - e. establish processes to verify and handle incoming emergency calls to offenders, e.g., serious family illness or death;
 - f. provide offenders in restrictive housing and secure housing units telephone privileges consistent with their classifications; and
 - g. 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 and audio/video calling 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 calling 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 calls; the facility will not intercept, record, or monitor offender calls to attorneys or to consular officers.
2. An offender will use telephones or their issued tablet to call their 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 their 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:
 - 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 and Tablet 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 or tablets.
2. The contents of intercepted and recorded audio and video conversations 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.
3. 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.

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V. CLOSING

Questions concerning this policy should be directed to the Public Safety Division Chief.

VI. REFERENCES

- A. 4-4497, 4-4280; *ACA Standards for Adult Correctional Institutions, 5th 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