



## COMMUNITY CORRECTIONS FACILITIES AND PROGRAMS BUREAU FACILITY OPERATIONAL REQUIREMENT

Requirement:	<b>FPB 6.2.428 TELEPHONE USE IN CONTRACT FACILITIES</b>
Effective Date:	11/04/2020 <span style="float: right;">Page 1 of 2</span>
Revision Date(s):	08/11/2021; 10/04/2021; 04/24/2026
Signature/Title:	/s/ Scott Eychner, Rehabilitative and Enterprise Division Chief

**This requirement is referenced as *ACCD 3.3.700 Telephone* in Section 3.K.6 Offender Management; Offender Rights; Telephone, in the following contracts: Alternatives, Inc., Butte Prerelease, Gallatin County Reentry Program, Helena Prerelease, Passages, Elkhorn, Nexus, and START.**

**This requirement is referenced as *ACCD 3.3.700 Telephone* in Section 2.2.10 Services; Offender Management; Offender Rights in the Connections Corrections Program (CCP) and WATCH Contract.**

### I. PURPOSE

Community Corrections Facilities and Programs Bureau (FPB) contract facilities will follow established requirements when allowing offenders access to public telephones. Prerelease centers will establish and follow policy and/or procedure for the possession and use of cell phones by residents. These requirements allow offenders to maintain essential community and legal contacts and provide the limitations and restrictions necessary to ensure the security and order of the facility and to protect the public.

### II. DEFINITIONS (see Glossary)

### III. REQUIREMENTS

#### A. PUBLIC PHONE USE

1. FPB contract facilities may contract with a telephone service provider to provide telephone service specifically for the offender population.
  - a. Each facility must submit the telephone service contract to the FPB Contract Manager for review and approval prior to the facility's acceptance of the contract.

#### B. CELL PHONE USE IN PRERELEASE CENTERS

1. General Provisions
  - a. Cell phone use by offenders is a privilege and not a right. Cell phones may be used as a tool to aid offenders' reentry back into the community and for communicating with family, employers, and support personnel.
  - b. Prerelease centers (PRCs) will develop cell phone use policy and/or procedure that consider usage requirements. The PRC will require a resident to sign a cell phone agreement that includes usage requirements and a statement from the offender allowing PRC staff to monitor and review phone use.
    - 1) Residents meeting eligibility requirements must gain authorization by the PRC facility administrator or designee to use or possess a cell phone. Resident will sign the cell phone agreement upon authorization.
  - c. The cell phone is not to be used for unauthorized communication, gaming, or any type of unlawful behavior.
  - d. Cell phone use may be determined as an incentive or intervention for a resident meeting or not meeting program requirements.
  - e. Upon discovery of content on a resident's cell phone that may be criminal, the cell phone will be seized, and the Contract Manager contacted as soon as possible. If the cell phone contains criminal content, the law enforcement agency of jurisdiction will be contacted regarding guidance on the phone.

2. Offender Eligibility Requirements:
  - a. A PRC resident is eligible for a cell phone if the court judgment does not prohibit the resident from possessing phones and/or computers.
  - b. If not prohibited, the resident must meet the following criteria to be eligible for the possession and use of a personal cell phone:
    - 1) must be making regular payments towards any debt and is not delinquent on any restitution, fines or fees, or outside bills;
    - 2) gainfully employed and/or have adequate finances so that having a cell phone does not become a financial hardship for the resident;
    - 3) free of excessive rule violations as determined by the PRC;
    - 4) meeting programming and treatment requirements; and
    - 5) if the cell phone is to be provided by another person(s), that person(s) must be provided this facility operating requirement and the facility's cell phone use policy and/or procedure and agree to all provisions given.
  - c. The center may determine on a case-by-case basis whether to terminate cell phone privileges if the circumstances of the resident change.
  - d. Inmate workers may use or possess a cell phone dependent upon the PRC's policy and/or procedure; however, usage requirements must not conflict with this facility operating requirement.
3. Considerations for Usage Requirements: The following should be considered when developing policy and/or procedure and agreements for cell phone use and be addressed as applicable to the PRC.
  - a. residents entering into long term contracts;
  - b. PRC access to resident account through the cell phone company;
  - c. providing resident cell phone number to the PRC, and changing the number without PRC permission;
  - d. collection of monthly cell phone bills, including a detailed list of all calls and texts completed;
  - e. locking of cell phones;
  - f. contact by residents to other offenders in FPB facilities or under supervision by Probation and Parole;
  - g. random searches by PRC staff;
  - h. confiscation of phone and possible criminal prosecution for pictures and texts of a sexual nature;
  - i. gang-related symbols or pictures;
  - j. volume settings of cell phone when in the PRC or after curfew;
  - k. taking pictures of staff or other residents;
  - l. addressing concerns with a resident's cell phone usage and/or sites being frequented; and
  - m. consequences for violation of usage requirements.

#### **IV. CLOSING**

Questions about this facility operating requirement should be directed to the Community Corrections Facilities and Programs Bureau.

#### **V. REFERENCES**

- A. 53-1-203, MCA