POLICY TITLE: PRISONER TELEPHONE SYSTEM POLICY NUMBER: 21.3 CHAPTER 21: PRISONER COMMUNICATION		PAGE 1 of 8
STATE of MAINE DEPARTMENT OF CORRECTIONS Approved by Commissioner:		PROFESSIONAL STANDARDS: See Section VII
EFFECTIVE DATE: May 14, 2002	LATEST REVISION: May 20, 2013	CHECK ONLY IF APA [ ]

I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A., Section 1403.

II. APPLICABILITY

All Departmental Adult Facilities

III. POLICY

It is the policy of the Department of Corrections to permit prisoners reasonable access to telephones as a means to maintain ties with the community.

Contracts involving telephone services for prisoners shall comply with all applicable state and federal regulations and shall be based on rates and surcharges that are commensurate with those charged to the general public for like services, with any deviation reflecting actual costs in the provision of services, including any necessary security measures, and the purpose of generating funds for deposit into the facilities' prisoner benefit accounts.

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VI. PROCEDURES

Procedure A: Prisoner Telephone System, General Guidelines

1. Each facility shall implement procedures to provide prisoners with reasonable access to the prisoner telephone system, in accordance with Departmental policy and procedures and facility practices.

2. All prisoner telephone calls shall be placed through the prisoner telephone system, unless otherwise authorized by the Chief Administrative Officer, or designee.

3. Prisoners shall not be permitted to use credit or debit cards, calling cards, call forwarding, three way calling, or conference calling. Prisoners shall not be permitted to make calls to toll free numbers. Prisoners shall not be permitted to make calls on mobile or cell phones.

4. Each facility shall make available specialized services or equipment for providing telephone access to any prisoner in need of a reasonable accommodation due to a physical disability. Specialized services or equipment may include, but are not limited to, TTY and translations.

5. In the event of an emergency involving the family of a prisoner, if staff verifies the emergency exists by contacting the appropriate agency (e.g., law enforcement, fire, rescue, hospital, nursing home, school, funeral home, etc.), the prisoner's Correctional Caseworker/Correctional Care and Treatment Worker, or other designated staff, shall notify the prisoner and may allow a special phone call, unless one of the circumstances set out in Procedure B.4. is known to exist. The appropriate staff shall be notified in order to monitor the prisoner and complete any necessary follow up with the prisoner.

6. Each facility shall develop a telephone schedule. All telephone calls placed through the prisoner telephone system shall be made during the authorized times. Except for a prisoner on emergency observation status, administrative segregation status, or disciplinary segregation status, the number of phone calls or the duration of telephone calls shall not be limited, unless staff determines it is necessary to allow other prisoners reasonable access to the prisoner telephone system. If limiting the duration of phone calls is determined necessary to allow other prisoners reasonable access to the prisoner telephone system, the facility may establish an automatic cut-off time.

7. The facility shall not be responsible for costs associated with calls made through the prisoner telephone system, regardless of whether a call is successfully completed or not. A prisoner who experiences a problem completing a phone call may submit a trouble report form to designated staff.

8. Prisoners shall be provided information concerning the facility's telephone schedule and rules during initial orientation. Prisoners shall also be informed that the calls placed through the prisoner telephone system are automatically made on the Debit CPS calling system or on a collect call basis and shall be provided information about sample collect call rates.

9. Each facility shall inform all prisoners that all telephone calls, except legal phone calls, are subject to being monitored. The prisoners shall be so informed during initial orientation, via the prisoner handbook, by signs posted adjacent to all prisoner telephones, and by playing a recorded warning before the recipient accepts the call.

10. During initial orientation, each prisoner shall be asked whether he or she wishes to designate a language preference for the recorded warning that all telephone calls, other than legal calls, are subject to being monitored, using Attachment A, Prisoner Telephone System Language Preference form. A prisoner may request at any time that a name and number be added to or deleted from the language preference list by submitting a new form.

11. All funds generated from the prisoner telephone system shall be deposited in the facility prisoner benefit account.

12. The Chief Administrative Officer, or designee, shall determine telephone privileges for all prisoners who are housed outside the facility, e.g., in hospitals, nursing homes, half way houses, etc.

Procedure B: Legal Phone Calls

1. During initial orientation, each prisoner shall be asked to designate, in writing, those attorneys and legal advocacy organizations and numbers to which the prisoner wishes to make legal telephone calls. A prisoner may designate up to ten (10) legal call numbers, using Attachment B, Prisoner Telephone System Legal Call Number List.

2. A legal phone call is a call concerning a legal matter involving a prisoner between that prisoner and an attorney or a legal advocacy organization including, but not limited to: the American Civil Liberties Union, Maine Equal Justice Partners, Maine Civil Liberties Union, Disability Rights Center, NAACP Legal Defense Fund, and the National Lawyer's Guild.

3. Prior to a prisoner's legal phone call number(s) being added to CORIS, designated facility staff shall verify each attorney name and number on the list by using the Maine Bar Directory. If there is no listing in the Maine Bar Directory for the attorney, the staff shall contact the relevant state's attorney licensing board for verification. For a legal advocacy organization, the staff shall use an appropriate verification method. As necessary, the staff shall contact the Department's legal representative in the Attorney General's office for assistance with the verification process. A prisoner who intentionally designates as a legal call number a number that does not belong to an attorney or a legal advocacy organization as defined above may be subject to suspension or restriction of telephone privileges, discipline, or other appropriate action.

4. A prisoner may request at any time that a name and number be added to or deleted from the prisoner's legal call number list by submitting a new form. If a requested addition would cause the list to exceed the limit, the prisoner must request a deletion to bring the request within the limit.

5. An attorney or legal advocacy organization who is on a prisoner's legal call number list may submit a written request to be removed from the list and the number may be blocked as necessary. An attorney or legal advocacy organization may be reinstated to the prisoner's list upon written request by the prisoner and the attorney or organization previously on the list.

6. Legal phone calls are confidential. Under no circumstances may staff intentionally listen to the conversation.

7. The length of legal phone calls shall not be limited unless staff determines it is necessary to allow other prisoners reasonable access to the prisoner telephone system. All other rules governing prisoner phone calls shall apply.

Procedure C: Blocking of Numbers, Termination of Calls, and Suspension of Telephone Privileges

1. If a written request is received from an adult or guardian of an adult that a prisoner not be allowed to make phone calls to that adult, the Chief Administrative Officer, or designee, shall ensure the adult's specific phone number(s) are blocked.

2. If a written request is received from a parent/guardian of a minor that a prisoner not be allowed to make phone calls to that minor, the Chief Administrative Officer, or designee, shall ensure the minor's specific phone number(s) are blocked.

3. Designated facility staff shall block specific number(s) as necessary when any of

the following circumstances are known to exist:

a. A prisoner who is convicted of or otherwise known to have committed a sex offense or child abuse against a minor shall not be allowed to make a phone call to the victim without the prior approval of the Commissioner, or designee.

b. A prisoner who is convicted of or otherwise known to have committed a domestic violence offense against a person shall not be allowed to make a phone call to the victim without the prior approval of the Commissioner, or designee.

c. When contact between a prisoner and another person is prohibited by court order (e.g., custody order, protection order), the prisoner shall not be allowed to make a phone call to that person.

d. When a prisoner's parental rights have been terminated, the prisoner shall not be allowed to make a phone call to the child while the child is still a minor.

e. When contact between a prisoner and another person is prohibited by a condition of probation of either person, the prisoner shall not be allowed to make a phone call to that person. This includes any condition of probation that is currently in effect, is to become effective at a later date, or is no longer in effect as the result of a current probation revocation.

f. A prisoner may be prohibited by the Chief Administrative Officer, or designee, from making a phone call to any other person when there is reasonable suspicion that allowing a call between them would facilitate criminal activity or violation of facility rules or would create a risk to the safety of persons, security, or orderly management of the facility. A prisoner may be prohibited from making phone call to any other person by the Chief Administrative Officer, or designee, when there is reasonable suspicion that the prisoner or other person has violated or will violate the telephone procedures. Existence of a criminal record shall not, in and of itself, constitute a barrier to phone calls.

4. Designated staff may terminate a phone call at any time for reasons of safety, security, or good orderly management of the facility. The staff shall complete appropriate documentation and submit it to the Chief Administrative Officer, or designee, via the appropriate chain of command.

5. The Chief Administrative Officer, or designee, shall determine whether to impose a suspension or restriction of telephone privileges due to the conduct of the prisoner that caused the termination of the phone call. The Chief Administrative

Officer, or designee, may impose a suspension or restriction of telephone privileges for any other reason of safety, security, or orderly management.

6. The suspension or restriction may be imposed for either a definite or indefinite period of time. An indefinite suspension may only be imposed by the Chief Administrative Officer. The prisoner shall be notified in writing of a suspension or restriction of telephone privileges.

Procedure D: Monitoring of Prisoner Telephone Calls

1. All prisoner telephone calls, except legal phone calls, may be recorded.

2. With written authorization from the Chief Administrative Officer, or designee, (Attachment C) prisoner telephone calls, except legal phone calls, may be monitored by a Correctional Investigative Officer, or an employee acting at the direction of a Correctional Investigative Officer, if the Correctional Investigative Officer is conducting an investigation of a crime or juvenile crime relating to the security or orderly management of the facility or the Correctional Investigative Officer is cooperating with an investigation being conducted by another criminal justice agency. Only those prisoner telephone calls reasonably suspected to be related to the investigation may be monitored.

3. Recordings of any conversations related to the investigation shall be maintained in accordance with Departmental policy and procedures on preservation of evidence. Investigations shall be coordinated with appropriate criminal justice agencies in accordance with Departmental policy and procedures.

4. In every case in which the Chief Administrative Officer, or designee, authorizes the Correctional Investigative Officer to monitor a prisoner's telephone calls, the Correctional Investigative Officer, or employee acting at the direction of the Chief Investigative Officer, shall document the following:

    a. The name and MDOC number of the prisoner;

    b. The date and time of each phone call monitored;

    c. A description of each phone call monitored, including the number called, the other party(s) if known, and the subject matter of the call;

    d. A description of any other action taken and the grounds justifying such action; and

    e. The name of the Correctional Investigative Officer, or employee acting at the direction of the Chief Investigative Officer.

5. The Chief Investigative Officer shall attach to the Phone Call Monitoring Record

(Attachment D) the copy of the written authorization from the Chief Administrative Officer, or designee, to monitor the prisoner's phone calls, including the reasonable suspicion justifying the monitoring.

6. The forms shall be forwarded to the Chief Administrative Officer. The prisoner shall not be notified of the monitoring without the approval of the prosecuting attorney.

VII. PROFESSIONAL STANDARDS

ACA:

ACI - 4-4271 **Written policy, procedure, and practice provide that inmates in administrative segregation and protective custody are allowed telephone privileges.**

ACI - 4-4272 **Written policy, procedure, and practice provide that, unless authorized by the warden/superintendent or designee, inmates in disciplinary detention are allowed limited telephone privileges except for calls related specifically to access to the attorney of the record.**

ACI - 4-4275 **Written policy, procedure, and practice ensure and facilitate inmate access to counsel and assist inmates in making confidential contact with attorneys and their authorized representatives; such contact includes, but is not limited to, telephone communications, uncensored correspondence, and visits.**

ACI - 4-4497 **Written policy, procedure, and practice provide for inmate access to public telephones. Inmates with hearing and/or speech disabilities, and inmates who wish to communicate with parties, who have such disabilities, are afforded access to a Telecommunications Device for the Deaf (TDD), or comparable equipment. Public telephones with volume control are also made available to inmates with a hearing impairment.**

ACI - 4-4497-1 **Written policy, procedure, and practice ensure that offenders have access to reasonably priced telephone services. Correctional agencies ensure that:**

- **Contracts involving telephone services for offenders comply with all applicable state and federal regulations.**
- **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 reflects actual costs associated with the provision of services in a correctional setting.**
- **Contracts for offender telephone services provide the broadest range of calling options determined by the agency administrator to be consistent with the requirements of sound correctional management.**

4-ACRS-5A-19 **There are telephone facilities on the premises which provide for inmate access to public telephones. Inmates with hearing and/or speech disabilities, and inmates who wish to communicate with parties who have such disabilities, shall be afforded access to a Telecommunications Device for the Deaf (TDD), or comparable equipment. Public telephones with volume control also shall be made available to inmates with hearing impairments.**

4-ACRS-5A-19-1 **Offenders have access to reasonably priced telephone services. Correctional agencies ensure that:**

- **Contracts involving telephone services for offenders comply with all applicable state and federal regulations.**
- **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 reflects actual costs associated with the provision of services in a correctional setting.**
- **Contracts for offender telephone services provide the broadest range of calling options determined by the agency administrator to be consistent with the requirements of sound correctional management.**