

# WEBER COUNTY CORRECTIONAL FACILITY

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Volume

## INMATE COMMUNICATION

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Chapter

### JE 03 - TELEPHONE ACCESS

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JE 03/01.00 **GENERAL**

JE 03/01.01 **Purpose**

The purpose of this Policy is to provide the WCCF Policy and Procedure for providing standard telephone access.

JE 03/01.02 **Cross Reference**

JE 04 - Communication: Courts and Counsel

JE 03/01.03 **Definitions**

<b>call branding</b>	a set of instructions given during the origination of all calls and heard by the caller and the called party
<b>collect</b>	a billing process which allows a call to be billed to the receiver of a call
<b>called party</b>	the party receiving a call from an inmate
<b>Call Blocking</b>	a computerized telephone system feature which enables staff and called parties to prohibit specific phone numbers from being called by an inmate
<b>Debit</b>	an accounting system where the inmate uses funds from his Inmate Trust Account to pay for calls made using the inmate telephone system
<b>IDHO</b>	Inmate Disciplinary Hearing Officer
<b>Money Transfer Form</b>	form used to release funds from an inmate's account to another person or facility or entity
<b>Pre-Paid</b>	an accounting system where the called party establishes an account with the telephone system provider to pay for calls received by inmates
<b>privilege</b>	approved legal calls made to courts, attorneys, and other approved counsel
<b>System Administrator</b>	designated WCCF staff member who has knowledge of, access to, and responsibility for managing inmate telephone system software and hardware.
<b>TID</b>	Telephone Identification Number

<b>third-party billing</b>	billing a call to number other than the calling or receiving number
<b>Telephone System Liaison</b>	WCCF staff member designated as a point of contact between the WCCF and the telephone contract service provider. The Liaison is also the “clearinghouse” for Inmate Telephone System and Maintenance Requests forwarded by staff, inmates and the public.
<b>WCCF</b>	Weber County Correctional Facility

JE 03/02.00 **TELEPHONE ACCESS**

JE 03/02.01 **Policy**

It is the Policy of the Weber County Correctional Facility that:

- A. inmates shall be provided access to telephones in a manner consistent with the WCCF legitimate interests of safety, security, management, control, and discipline, and shall comply strictly with the requirements of Policy and Procedure with exception to Policy and Procedure only when authorized by competent authority;
- B. the cost of calls made by inmates shall be the responsibility of the person who receives the call or the inmates making the calls;
- C. inmates may telephone out, but may not receive incoming calls;
- D. telephone access may be suspended for disciplinary punishment or operational necessity;
- E. special procedures shall be provided for inmate telephone calls when appropriate;
- F. legal privileged calls between inmates and their attorneys shall be granted privilege;
- G. inmate access to telephones shall end at the scheduled lock down, lights-out time for inmates in that housing unit;
- H. when inmates use the phones, proper demeanor, conduct, and manner shall be required;
- I. inmates shall not use phones to harass, threaten, or intimidate others;
- J. violation of procedures and rules may result in disciplinary action and suspension of telephone access and/or other sanctions; and
- K. frequency and length of phone calls will be limited.

JE 03/02.02 **Rationale**

- A. Inmate telephone access is not an unrestrained right. Telephone access is considered a privilege. Inmates who fail to comply with or attempt to beat the system, present sufficient risk to the WCCF and to safety of the public to suspend or limit use.

- B. The potential for inmates using the phone system to compromise security or engage in criminal activity requires strict compliance with procedures.
- C. Practical and sometimes legal consideration requires that there are alternatives to standard procedure to facilitate other billing options or to facilitate legal access between the inmate and his attorney.
- D. Exceptions may be made for limited categories of calls. The standard telephone system is the most efficient means of providing phone access to inmates. Departures are to occur when substantial need exists.
- E. Inmates are entitled to make legal privileged phone calls to attorneys from a phone which will not be monitored (JE 04).
- F. Inmates are allowed to communicate with people in the Free World. This is not to be unrestricted access, and can be regulated to further legitimate interests of the WCCF.
- G. Weber County taxpayers are under no obligation to provide cost-free personal telephone services to inmates.
- H. This procedure will provide a means to allow indigent inmates to make calls when exigent circumstances exist.
- I. Access to telephones assists inmates to maintain family and community ties.
- J. Restricting telephone access as a disciplinary punishment is an option the WCCF reserves. Telephone access is generally important to inmates, so potential loss of telephone access can be an effective incentive for inmates to follow facility rules.
- K. The "English Only" requirement is intended to prevent inmates from defeating or making the facilities ability to monitor calls difficult. To balance facility needs with those of the inmates, alternatives are available when legitimate need exists for an exception to policy.
- L. Handling incoming calls to inmates is a staff-intensive process and has great potential for disrupting the security, safety and good management of the WCCF. Therefore the facility will only consider facilitating this service to inmates for exigent circumstances.

JE 03/02.03 **Procedure: Telephone Identification Number**

- A. Inmates shall be issued a personal telephone identification (TID) number for use in accessing the inmate telephone system. The TID number is generated by the computerized jail management system at the time of intake.

- B. Authorized use of the TID number is the responsibility of the inmate and shall be consistent with WCCF policies.
  - 1. Inmates should safeguard their TID number and shall not provide the numbers to other inmates.
  - 2. Inmates shall not use the TID number of other inmates to access the telephone system. Doing so may result in the restriction of telephone privileges and disciplinary action.

JE 03/02.04 **Procedure: Basic Telephone Access and Regulations**

A. Telephone System

- 1. The primary calling system for the facility for both long distance and local calls shall be a collect system.
- 2. The person receiving the call from the inmate must agree to accept charges before the call will be completed.
- 3. The cost of calls is subject to change by the telephone service provider.
- 4. The collect call system for long-distance calls may be supplemented with time-and-charge calls and third-party billings with approval of the Duty Sergeant/OIC. The event shall be thoroughly documented by the approving supervisor.
- 5. Three-way calling, call forwarding and call waiting are prohibited. Inmates attempting to access these options may have called numbers blocked and be subject to disciplinary action.

B. Local Calls

- 1. Local calls shall be placed by the inmate from the collect telephone located in the day room of the inmates housing unit.
- 2. Assistance by staff is not ordinarily required for the inmate to complete a collect call.

C. Long-Distance Calls

Routine long-distance calls shall be placed by inmates from the collect telephone located in the day room of the housing unit. Routine long distance calls are made in essentially the same manner as local collect calls.

D. Cost of Telephone Calls

1. The WCCF shall provide access to telephones, but will not bear the costs of inmate calls.
2. The cost of long-distance and local telephone calls will be the responsibility of the inmate and/or the person receiving the call from the inmate. Calls shall be made collect. In exigent circumstances they should be time-and-charge and billed to the inmate or billed to the number of a third-party.
3. Exceptions will be made to this policy when:
  - a. an exigent circumstance exists which justifies or requires an inmate to make a call;
  - b. a collect or third-party billing call cannot be made;
  - c. the inmate does not have sufficient money in his inmate account to cover the cost of a time-and-charge call; and
  - d. the Jail Commander/designee approves the call.

E. Origination of Inmate Telephone Calls

1. Inmates shall be provided an opportunity to use telephones while in the WCCF.
2. The manner of access shall be controlled and restricted to further the legitimate interests of the WCCF.
3. Inmate telephone calls must be initiated by inmates. Calls must be made from the inmate to the receiver.
4. Calls will not be accepted from persons outside the Facility.
5. Inmate phones are located in ALL housing areas, and unless otherwise provided for in WCCF policy, all calls should be made from these phones.
6. Exceptions may be approved:
  - a. for calls to the Courts which cannot be accomplished using the pay phone system or the mail (JE 04);
  - b. for calls to the inmate's attorney in exigent circumstances (JE

04);

- c. for time-and-charge calls; or
- d. in the event of exigent circumstances which justify allowing the call from an area other than the Housing Unit telephone.

JE 03/02.05 **Procedure: Supervision of Calls**

A. **Staff Responsibility**

- 1. Staff members shall make a reasonable effort to supervise the use of telephones to ensure compliance with procedures and regulations.
- 2. Telephone calls in progress may be terminated without notice if violations are observed.
- 3. Telephone privileges may be suspended:
  - a. for legitimate management reasons, for all or some inmates when the need arises, or for a time-limited period; and/or
  - b. as disciplinary punishment for a major violation of facility rules.

B. **Hours of Access**

- 1. Day room telephones should be accessible to inmates during the hours that they are out of their cells with access to the day rooms.
- 2. The hours of access may be further limited when required by operational necessity.
- 3. If an inmate needs to make a call at a time that telephones are not ordinarily available, he should submit the request on an Inmate Request Form for consideration by the Duty Sergeant.

C. **Duration and Frequency**

- 1. Telephone access must be shared by all inmates on the housing unit who wish to make calls.
- 2. Inmates may make more than one call each day; however, after one call has been completed, the telephone shall be relinquished until all other inmates who wish to make a call have had an opportunity.
- 3. Telephone calls may be limited. This limit applies to both local and



long-distance calls.

4. If any inmate has a legitimate need to extend the call for a period longer than currently permitted, the extension must be pre-approved.
5. Staff members shall enforce telephone access regulations.

D. Care of Telephone Equipment

1. Destruction of, vandalism of, or damage to telephone equipment shall subject the inmates to:
  - a. major disciplinary action;
  - b. criminal prosecution; and
  - c. either restitution or civil action to recover the cost of damages.
2. If an inmate is found guilty of the administrative violation of damaging telephone equipment the IDHO shall access restitution.
3. If an inmate is convicted in criminal court, the County Attorney shall be asked to request restitution as a part of the criminal sentence.
4. Damage to telephone equipment shall be aggressively investigated and prosecuted.

JE 03/02.06 **Procedure: Telephone Conduct**

A. General

1. Inmates shall not:
  - a. engage in disruptive, obscene, profane, excessively loud, or threatening behavior during telephone calls;
  - b. utter any speech or engage in other conduct which violates the laws of the United States, the State of Utah, or Weber County; or
  - c. utter any speech or engage in other conduct which:
    - 1) violates the policies, procedures, rules, or regulations of the WCCF; or
    - 2) endangers the safety, security, order, or other legitimate

interests of the facility.

2. Violation of this sub-section shall subject inmates to disciplinary action, and, if appropriate, criminal prosecution.

B. Telephone Harassment

1. Inmates shall not use facility telephones to threaten, intimidate, or otherwise harass victims, witnesses, or other persons.
2. Violation of this section shall subject the inmate to disciplinary action, and if convicted, an extended suspension of telephone privileges, and may result in criminal prosecution.

C. English Required

1. Calls shall be made in English.
2. If an inmate or the person to whom the inmate intends to place the call does not speak or understand English, the inmate shall notify facility staff to request an exception to the English-only requirement.
3. Staff members are authorized to approve the speaking of a language other than English if the inmate or other person does not speak or understand English.
4. Staff members may also summon a person who speaks the second language to monitor the call if circumstances are such that such action is necessary to further the legitimate interests of the facility.

JE 03/02.07 **Procedure: Privacy and Monitoring**

- A. Inmates have no expectation of privacy in their personal telephone calls.
- B. Inmates do have an expectation of privacy when speaking on the telephone with attorneys. **Approved attorney telephone calls are privileged and shall not be monitored.** (JE 04)
- C. All calls made using the inmate telephone system may be monitored and recorded with the exception of approved legal privileged calls.
- D. The use of phones designated for inmate use constitutes consent to monitoring and recording of personal calls with the exception of approved legal privileged calls.

- E. Calls are subject to termination or disconnection if staff perceive a threat to the order, security or discipline of the facility or if facility rules are being violated.

JE 03/02.08 **Procedure: Exigent Circumstances**

- A. In an extreme emergency, the Shift Sergeant may authorize an incoming call if:
  - 1. it is impossible or impractical to terminate the incoming call and to have the inmate return the call; and
  - 2. the Shift Sergeant approves the incoming call.
- B. The standard procedures for billing, time of calls, origination of calls, location of phone from which the inmate may telephone, and other factors may be modified in the event of exigent circumstances.
- C. Exceptions to telephone procedures require the approval of the Duty Sergeant. If the Duty Sergeant is unsure of the need for the exception, the Lieutenant or Jail Commander should be contacted for approval.

JE 03/02.09 **Procedure: Call Blocking**

- A. General
  - 1. The inmate telephone system allows called numbers to be “blocked” so that inmates cannot call specific numbers. This is a computerized telephone system feature.
  - 2. The WCCF can, for cause, utilize call blocking for disciplinary and management reasons when deemed appropriate and authorized by competent authority or when ordered as a disciplinary sanction by the disciplinary hearing officer.
  - 3. Members of the public or others outside of the WCCF may request to have phone numbers blocked to prohibit inmates calling specific numbers.
  - 4. The called party may also initiate a block of their number by following the directions given by the telephone system during the call branding when the call originates.
  - 5. Requests from the public or others outside of the WCCF can be taken by WCCF staff and should be routed through Telephone System Liaison office.
- B. Staff Responsibilities

1. Requests for call blocking can be taken by any staff and should be documented on an Inmate Telephone System and Maintenance Request Form which should include:
  - a. the party requesting the block;
  - b. the number being blocked;
  - c. the date;
  - d. the reason for initiating the block;
  - e. the name of the staff member receiving the request.
2. The completed form should then be forwarded to the Telephone System Liaison office and a copy to the Jail Commander.
3. The Telephone System Liaison shall forward the form to the appropriate Telephone System Administrator for action.
4. The appropriate Telephone System Administrator shall provide the Jail Commander with a weekly report of blocked numbers.

C. Releasing Blocks

1. WCCF Telephone System Administrators should be responsible for releasing call blocking initiated by the WCCF for management reasons.
2. The telephone system provider should be responsible for releasing call blocking upon request of the called party who initiated the block.

JE 03/02.10 **Procedure: Time-and-Charge Calls**

- A. If the inmate has money on his books and the need exists to pay for his call rather than billing it collect or to a third party, a time-and-charge call can be requested.
- B. Inmates who need to make time-and-charge calls shall initiate the call by submitting an Inmate Request Form to the Duty Sergeant requesting the procedure.
- C. Before giving approval for the call, the Duty Sergeant shall verify with the Inmate Accounting Office that the inmate has funds available to pay for the call and shall determine the amount of funds on account.
- D. If approval is given:

1. the inmate shall complete a money transfer form authorizing the transfer of funds from his account to WCCF to pay for the call;
  2. the inmate shall be taken to the admission area pay telephone;
  3. the officer shall dial "0" and notify the operator:
    - a. a time-and-charge call is needed;
    - b. an inmate is making the call;
    - c. the amount of money the inmate has available to pay for the call and that the charges must not exceed that amount; and
    - d. the officer is to be provided the amount of the charges after the call has been completed.
  4. after the operator rings the party being called, the inmate will be permitted to complete the call.
- E. When the telephone call has terminated:
1. the operator will notify the officer of the cost of the call;
  2. the officer will fill in the amount of the charges on the Money Transfer Form;
  3. the inmate will sign the form; and
  4. the Money Transfer Form will be forwarded to the Inmate Accounting Office.

JE 03/02.11 **Third-Party Billings**

- A. An inmate wishing to make a call charged to a third number, shall initiate the call in the same manner as a routine call, except that third party-billings cannot be made from the inmate pay phones. The inmate must be escorted to a telephone from which such calls can be made.
- B. When the operator comes on the line, the request for a third-party billing will be made to the operator. All arrangements and approvals will be between the inmate and the operator.

JE 03/02.12 **Procedure: Pre-Paid and Debit Calls**

- A. Pre-Paid

1. A telephone account must be established by the called party in order to receive calls from an inmate.
2. To establish a telephone account, the called party must call the telephone service provider for authorization to receive calls from an inmate.
3. The called party may be required to forward funds to the telephone service provider in advance to pay for calls received by an inmate.
4. The telephone service provider shall be responsible for accounting functions and members of the public shall be referred to the telephone service provider for questions and complaints concerning their individual pre-paid accounts.

B. Debit

1. Inmates may use funds from their Inmate Trust Account to pay for calls.
2. In order to use funds from the Inmate Trust Account to pay for calls, the inmate shall complete an Inmate Telephone Account/ Money Transfer Form identifying the amount to be used for calls. The form shall be signed by the inmate and witnessed by a WCCF staff member.
3. Upon receipt of the Money Transfer Form, WCCF accounting staff shall ensure that the identified amount is transferred to a separate account and used to pay for calls made by the inmate.
3. Members of the public may deposit funds into the Inmate Trust Account on behalf of an inmate for telephone use, however, Inmate Trust Account funds are available for use by the inmate for commissary purchases, etc., It is incumbent on the inmate to initiate a transfer of funds specifically for telephone use.

JE 03/02.13 **Procedure: Maintenance Requests**

1. WCCF staff, inmates or the public can report problems concerning inmate telephone system functions or equipment.
2. Inmates reporting telephone system problems should complete an Inmate Request Form and forward the request to the Telephone System Liaison office.
2. Staff receiving requests from the public or others outside of the WCCF regarding the telephone system should document the request on an Inmate Telephone System and Maintenance Request Form. The completed form

should be forwarded to the Telephone System Liaison office.

3. The Telephone System Liaison shall screen requests and forward the requests to the appropriate personnel for action, ie., maintenance, system administrator, contract service provider, etc.

JE 03/03.00 **LEARNING OBJECTIVES**

Staff shall demonstrate an understanding of the following:

- A. where inmates may access the telephone system;
- B. inmates' responsibilities and required conduct while accessing the telephone system;
- C. staff responsibilities for supervising inmate telephone use;
- D. who may authorize exceptions to telephone access policies and procedures.