



## **INMATE TELEPHONE CALLS**

### **POLICY.**

The Deschutes County Sheriff's Office – Adult Jail (AJ) will provide inmates with reasonable access to telephones, subject to the safety and security needs of the facilities.

### **PURPOSE.**

The purpose of this policy is to ensure that inmates in the AJ have reasonable access to telephone communications with legal counsel, parole and probations services, friends, relatives, and acquaintances.

### **REFERENCES:**

- ORS 40.225, Rule 503, Lawyer-Client Privilege
- ORS 165.540, Obtaining Contents of Communications
- ORS 169.076, Standards for Local Correctional Facilities

### **OREGON JAIL STANDARDS:**

- A-107 Compliance with ADA
- B-311 Access to Telephones
- D-301 Telephone Access: Personal Calls
- D-302 Telephone Access: Courts and Attorney Calls
- D-303 Long Distance Telephone Calls
- D-304 Monitoring and Recording Telephones
- D-305 Telephone Rules

### **DEFINITIONS:**

**Call Block.** Programming the inmate telephone system to prevent an inmate from calling a specific telephone number.

**Legal Call.** A telephone call between an inmate and an attorney or the attorney's representative, privileged under ORS 40.225, Rule 503.

**Video Remote Interpreting (VRI).** An on-demand video telecommunication service that uses devices such as mobile telephones or tablets to provide sign language or spoken language interpreting services in real time.

**Video Relay Services (VRS).** An on-demand telecommunication service that allows deaf, hard of hearing and speech-impaired individuals to communicate over video telephones, mobile tablets or similar technologies with hearing people in real time, via sign language.

**PROCEDURES.**

***SECTION A: ADMINISTRATION***

- A-1.** Inmates of the AJ will have the opportunity for daily access to outgoing collect telephone communications for both personal and legal telephone calls. Access limits will be in accordance with the custody level and disciplinary status of each inmate.
- A-2.** Telephone calls are a privilege for an inmate. Staff may restrict the number, length, or telephone usage hours based on an inmate's behavior. Staff may also impose a loss-of-telephone privilege as a disciplinary action. (Refer to Section D).
- A-3.** Inmate telephones do not belong to the AJ. They are provided through a contract with a private company. The party being called must accept the call and subsequent charges before the call will go through. Both local and long-distance calls are permitted. Inmates are not charged for calls to local attorneys, the public defender's office and Deschutes County Adult Parole and Probation. Call length is determined by the Corrections Captain, and is limited up to 30 minutes in length. The call will be automatically terminated after the time limit is reached.
- A-4.** Rules governing the use of inmate phones will be included in the AJ Inmate Manual which is issued to inmates upon lodging at the AJ.
- A-5.** Violations of telephone rules will be processed through the inmate discipline system and may result in:
  - a. Warnings or other informal disciplinary action
  - b. Major disciplinary actions
  - c. Criminal actions, if appropriate

***SECTION B: CALL RECORDING AND MONITORING***

- B-1. Call Recording.** Corrections staff will record all telephone calls. Staff may not monitor or record telephone calls between attorneys and inmates, unless pursuant to a warrant. An inmate's use of any telephone in the jail constitutes his or her consent to recording and monitoring.
- B-2. Call Monitoring.** Calls may be monitored for facility safety and security concerns. Monitoring may be live or recorded conversations.
  - a. Information obtained from monitoring may be used for any of the following:
    - 1) Jail safety, security and good order

- 2) Suicide prevention
  - 3) Evidence in a jail disciplinary proceeding
  - 4) Criminal investigation and prosecution
  - 5) To respond to a citizen complaint of unwanted calls from an inmate
  - 6) To verify a problem with system equipment.
- b. Only approved, trained people may access the system to monitor calls. A corrections lieutenant and the system administrator have the authority to approve a person to monitor calls.
  - c. When monitoring telephone calls using speakers, monitors should do so in a manner that prevents inmates or other unauthorized people from overhearing the content of the calls.
  - d. Monitors will notify corrections staff if they hear anything that may present jail safety, security and good order concerns.
  - e. Inmate phone calls should not be monitored at the request of law enforcement to gather information about a particular inmate without a warrant.
- B-3. Requests for Telephone Records.** Staff will not release an inmate's call information, history, or copy of a call recording to a requesting member of the public, including attorneys, without a Grand Jury Subpoena or an approved Public Records Request that a corrections lieutenant has coordinated with legal counsel. Requests must be submitted in writing on a [\*Public Records Request Form 140\*](#) and will be evaluated by the Administrative Lieutenant and Legal Counsel for authorization to release or for a court order.
- B-4. Inmate Notification of Recording and Monitoring.** All inmates will receive a monitoring notification in both English and Spanish. Staff may do oral explanations using an interpreter or by reading a translation aloud.
- a. Oral explanation on telephone recording, monitoring and use rules during inmate orientation.
  - b. Written notice in the *Inmate Manual*.
  - c. Posted signs in view of all inmate telephones. Signs must note that the recording and monitoring of calls includes calls with clergy.
  - d. An oral recorded notice at the beginning of a call that both the inmate and called party can hear. The notice must say that the recording and monitoring of calls includes calls with clergy. If a telephone device for the deaf is used, a typed notice must precede the typed call transmissions between the parties.

### ***SECTION C: TELEPHONE USE***

- C-1.** Inmates may only use the inmate telephone system to place personal and legal calls. (Calls to clergy are considered personal calls.) The system must warn the person receiving the call that the call is collect and coming from a jail or work center. An inmate may not—

- a. Make a conference or three-way call.
  - b. Do a third-number billing.
  - c. Do call forwarding.
  - d. Transfer a call.
  - e. Receive incoming calls.
- C-2.** Telephone use will begin at 0600 hours each morning and be terminated at 2300 hours each evening unless safety and security circumstances exist in the jail to restrict telephone communications.
- C-3.** Inmates must request in writing a special phone call for exigent circumstances. Local or long distance phone calls on jail phones will only be allowed with a supervisor's authorization.
- C-4.** Only verified emergency messages will be passed onto inmates.
- C-5.** Attorneys will not place a conference or three-way call for an inmate.

***SECTION D: TELEPHONE ACCESS***

- D-1.** Telephones will be located and maintained in all housing units, to include holding cells in the booking room. Inmates do not have a limit as to how many calls can be made per day or per week. Calls must be made during daily out-of-cell time. Exceptions for additional phone time for exigent circumstances may be made by deputies and will be documented in the inmate's JMS Attachments.
- D-2.** All newly admitted prisoners who are cooperative and nonviolent will be given access to the inmate telephones in booking.
- D-3.** Inmates on disciplinary detention will be denied personal telephone privileges unless authorized by a supervisor.
- D-4.** All inmates, regardless of disciplinary or segregation status, will have phone privileges permitting them to contact their attorney. Monitoring or recording phone calls between inmates and known attorneys is prohibited. If an inmate has legal counsel unknown to the AJ, the inmate must request in writing to have their attorney's number added to our listing prohibiting its recording.

***SECTION F: ADA TELEPHONE ACCESS***

- F-1.** All hearing-impaired inmates will be provided access to a mobile tablet equipped with a Video Relay Service (VRS) provided by the contracted telephone provider.
- F-2.** Communication preferences for deaf, hearing impaired and non-English speaking inmates will be established during the intake process. Inmates will use their established

communication preferences to request use of a VRS tablet on their out-of-cell time. Within a reasonable amount of time, deputies will escort the inmate to a secure location within the jail and provide the inmate with a tablet equipped with VRS for use.

- F-3.** Inmates will use their issued telephone system pin number to log into the tablet. Inmates will be connected with a VRS. Calls using the VRS are free for inmates, and the public, as set and provided by the Federal Communications Commission (FCC) via the contracted telephone provider.
- F-4.** The VRS screens individuals to ensure they are hearing impaired, and if they qualify for the service. If the interpreter determines the inmate does not qualify to use the service, the call will be ended by the VRS. The inmate may be informally or formally disciplined if the VRS or tablets are misused in any way.
- F-5.** VRS tablets are not located in housing units, but are available to all inmates upon request. Disciplinary inmates qualifying for use of the VRS tablets will have restricted telephone access for personal phone calls consistent with the rules for all other disciplinary inmates. Disciplinary inmates will have access to the VRS tablets to contact their attorney and the courts.
- F-6.** Telephone calls made via the VRS will not be recorded for personal or attorney calls.
- F-7.** VRS call length is set at 45 minutes per call to allow extra time for interpretation. Calls may be local or long distance. International calls are prohibited.
- F-8.** Inmates using the VRS tablets may utilize the tablets from 0600 hours each morning until 2300 hours each evening consistent with telephone usage times for all other inmates.
- F-9.** Inmates may utilize the tablet for up to five (5) phone calls per day on their scheduled out time. A shift supervisor may approve additional VRS calls for an inmate for exigent circumstances. A shift supervisor may reduce the number of VRS calls an inmate may make per day based on the inmate's behavior, safety and security of the facility and/or exigent circumstances consistent with all other inmates in the jail.
- F-10.** All use of the VRS tablets including regular calls, attorney calls, and additional and/or reduced calls will be documented in the inmate's JMS Attachments.

### ***SECTION G: CALL BLOCKS***

- G-1.** Public third party individuals can request to have their phone numbers blocked from inmate contact. Staff can attempt to resolve the issue by issuing a verbal/written warning to the inmate not to call the complainant. In the event the warning fails, appropriate disciplinary action against the inmate will occur and a block will be immediately granted.
  - a. Staff will enter the telephone block. The block will include the following information:

- 1) Name of the requester
- 2) Reason for the request
- 3) Name of each inmate involved, if relevant
- 4) Telephone number of the requester
- 5) The original requester may ask to remove the block.

**G-2.** Victims of the inmate or persons the inmate is restrained from contacting may call the jail and have a telephone block immediately granted.

***SECTION H: SYSTEM PROBLEMS***

**H-1.** The Sheriff's Office does not control the billing of the telephone system. Therefore, attorneys are responsible for notifying corrections staff when legal calls are not being treated as "free calls" due to a system malfunction or other error. Upon being notified of the error, the corrections staff will contact the telephone contractor and renew the request to treat calls to the number as "free calls."

**H-2.** Staff will provide members of the public with the telephone contractor's toll-free number if they have any questions or complaints on billing. Inmates who have problems with the telephone system should submit an Inmate Message form explaining the problem.

**H-3.** Staff will report equipment or technical problems to Administration staff by either e-mail or voice mail. When reporting a problem, staff must be precise in reporting the problem and location of the telephone instrument. For example, "100 phone, loose handset cord."

**FORMS USED:**

- Deschutes County Inmate Manual
- Inmate Message Form No. 103