



INMATE TELEPHONE CALLS

POLICY.

The Deschutes County Adult Jail (DCAJ) and Work Center (WC) 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 of DCAJ and WC 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.

PROCEDURES.

SECTION A: ADMINISTRATION

- A-1.** Inmates of the DCAJ and WC 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 DCAJ and WC. 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 Parole and Probation. Each call is limited to 15 minutes in length, at which time the call will be automatically terminated.
- A-4.** Rules governing the use of inmate phones will be included in the Deschutes County Corrections Division Inmate Manual which is given to inmates upon arrival at the DCAJ and WC.
- 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, except when done 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 list 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 in written form ([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 the following 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.
- 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 supervision level, will have phone privileges permitting them to contact their attorney. Monitoring or recording phone calls between inmates and known attorneys are prohibited. If an inmate has legal counsel unknown to DCAJ, the inmate must request in writing to have their attorney's number added to our listing prohibiting its recording.
- D-5.** All hearing-impaired inmates will be provided access to a portable TTY telephone. Auxiliary aids or services are provided to reasonably ensure adequate telephone communications.

SECTION F: CALL BLOCKS

- F-1.** Public third party individuals can request to have their phone numbers blocked from inmates 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. Administration 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.

F-2. Victims of the inmate or persons the inmate is restrained from contacting may call Administration staff and have a telephone block immediately granted.

SECTION G: SYSTEM PROBLEMS

G-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."

G-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.

G-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