

STATE OF OHIO



DEPARTMENT OF REHABILITATION
AND CORRECTION

SUBJECT:	PAGE <u> 1 </u> OF <u> 3 </u>
Inmate Access to the Telephone	NUMBER: 76-VIS-02
RULE/CODE REFERENCE:	SUPERSEDES: 312-01 dated 05/21/2002, 76-VIS-02: dated 4/16/04
RELATED ACA STANDARDS: 4-4271; 4-4272; 4-4275; 4-4497	EFFECTIVE DATE: May 21, 2005
RELATED AUDIT STANDARDS:	APPROVED: <i>Roger D. Wilkinson</i>

I. AUTHORITY:

This policy is issued in compliance with Ohio Revised Code Section 5120.01 which delegates to the Director of the Department of Rehabilitation and Correction the authority to manage and direct the total operations of the Department and to establish such rules and regulations as the Director prescribes.

II. PURPOSE:

The purpose of this policy is to set forth procedures governing inmate access to the use of telephones.

III. APPLICABILITY:

This policy statement applies to all inmates and to all employees involved with inmate access to telephones.

IV. DEFINITIONS:

Legal Representatives - Attorneys, legal aid officers and assistants to the inmate's attorney of record, legal interns, and legal investigators.

Emergency Telephone Calls - Calls involving serious family illness, death, or impending circumstances which cannot be deferred until regular mail delivery or regular telephone schedules.

V. POLICY:

It is the policy of the Department of Rehabilitation and Correction to provide inmates with reasonable and equitable access to telephones at a reasonable price.

VI. PROCEDURES:

A. Access and Use of Telephone Equipment:

1. Inmate telephone calls may be voice monitored or recorded to ensure that the telephone

privilege is not being abused in a manner that is a violation of law or detrimental to the security of the institution, employees, or other inmates.

2. All inmate phone calls shall be charged collect, unless charges to the institution are authorized in advance by the Warden or designee. Inmates will not be permitted to place toll-free calls (i.e. 800, 877, ETC) additional charge calls (i.e. 900).

3. Telephone calls shall be permitted for all general population and protective control inmates subject to local policies developed by the Warden. Such policies may limit phone calls based upon the physical plant, security concerns, staffing, telephone availability, daily inmate schedules and conduct. All such policies shall be in writing and available for review by inmates and staff.

4. Inmates may be allowed emergency telephone calls subject to the limitations outlined in Section IV of this policy.

5. Telephone privileges may be summarily removed for cause if a rule violation is noted during the call. Violations such as abusive language, excessive time on the phone, 3-way and forwarded calls shall be considered cause for summary removal of privileges. All violations shall be documented in a conduct report and the hearing officer or rules infraction board may suspend telephone privileges for rule violations.

6. The awarding of additional telephone privileges for demonstrated positive behavior may be utilized by unit staff where facilities, space and staffing permit. Any such privilege program shall be in writing, and posted for inmate review.

7. Generally, inmates in security control, disciplinary control, local control, and in special management status may place emergency or legal calls only when approved by the Warden or designee. All inmate calls made from segregation units shall be documented on the segregation Telephone Call Record (DRC 2640).

8. Inmates may not receive incoming telephone calls unless arrangements for such are made in advance and approved by the Warden or Designee.

B. Monitoring Inmate Phone Calls:

1. Telephone calls may be voice monitored or recorded by staff designated by the Warden on a random or regular basis or for cause. Any violations shall subject the inmate to disciplinary action. All emergency telephone calls may be voice monitored.

2. A sign clearly stating that telephone calls may be monitored and recorded shall be posted in clear view of all inmate telephones.

C. Legal Calls

1. On occasion, courts will schedule pre-trial hearings via conference calls between the plaintiff, plaintiff's attorney, defendant, defendant's attorney and the courts. In such cases, it is imperative that all factors are properly coordinated to ensure availability of the inmate, private telephone access and visual monitoring. Upon receipt of such hearing notice, the Warden will assign a specific employee to coordinate the telephone pre-trial hearing. All such calls shall be visually monitored, but not voice monitored.

2. Inmates' use of telephones to place calls to parties outside of the institution is conditioned on their consent to these calls being monitored. As such, these telephone calls are not appropriate for legally recognized privileged communication. If an inmate wishes to have a privileged communication, then, this generally should occur in person or through the mail, subject to the provisions made in regulations governing legal services, mail, printed materials and visitation. In the event of an urgent legal matter, an inmate may contact unit personnel to request arrangement of an unmonitored telephone call. Telephone calls with an attorney, that have been cleared and approved by the Warden or Designee, shall not be voice monitored, but shall be visually monitored.

Attachments:

DRC 2640