



KANSAS DEPARTMENT OF CORRECTIONS

	INTERNAL MANAGEMENT POLICY AND PROCEDURE	SECTION NUMBER	PAGE NUMBER
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		SUBJECT:	
		PROGRAMS AND SERVICES: Inmate Telephone Service	
Approved By:  Secretary of Corrections		Original Date Issued:	01-06-92
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		Replaces Amendment Issued:	10-02-09

POLICY

An Inmate Telephone Service [ITS] shall be available at all facilities for inmates to place collect or prepaid telephone calls. (ACO 2-CO-5D-01, ACI 3-4439) Inmates who wish to make use of the ITS shall be required to prepare and update a list of up to twenty (20) persons, including attorneys, with whom they wish to have telephone contact. Except where otherwise provided by this IMPP, the facility may monitor and record any non-attorney calls placed by any inmate on the ITS.

The choice to purchase prepaid phone time is voluntary and up to the individual inmate. The minimum purchase requirement is \$5.00 with additional funding options in \$5.00 increments. Effective January 1, 2009, remaining inmate prepaid balances with DOC contract providers are non-refundable upon an inmate's release. Any prepaid balance shall revert to the to the appropriate DOC contract provider.

Inmate access to facility telephones, including facility paid long distance services, may be permitted for release planning purposes, and/or for court or administrative hearing attendance. Use of facility telephones by inmates for other purposes shall require the authorization of the warden, deputy warden or designee, and shall be monitored by a unit team member or designee. Each warden shall develop procedures to control inmate access to facility telephones.

Possession or use of any telecommunications device by an inmate other than as specifically authorized by this IMPP or by a facility general order is prohibited. Inmates violating this provision of this policy shall be subject to disciplinary action pursuant to KAR 44-12-211.

DEFINITIONS

Facility Telephones: Telecommunications equipment and services that are under the direct control of the Department of Corrections that are designated for staff use, for the purpose of conducting state business.

Inmate Telephone Service [ITS]: Telecommunications equipment and services, under the direct control of the Department of Corrections within the boundary of each facility which are designated to be available to inmates to communicate with approved persons in the general public.(ACI 3-4439)

ITS Provider: A private entity contracted by the Department of Corrections to supply ITS, as defined in this policy.

ITS Consultant: A private entity under contract with the Department of Corrections designated to provide support services, including administrative services, regarding the ITS.

Programmatic Purpose: Any purpose which assists the expeditious release of an inmate who has been granted parole or who is eligible for parole consideration.

Site Contact: A person employed by each correctional facility who is designated by the warden to be the primary point of contact for ITS issues.

PROCEDURE

I. General Rules Regarding Inmate Access to Facility Telephones

- A. Release planning purposes shall include but not necessarily be limited to the following:
 - 1. Contacts with parole sponsors and/or potential parole sponsors for purposes of developing and finalizing release plans.
 - 2. Contacts with prospective employers as a part of the release planning process.
 - 3. Contacts with community based treatment programs as part of the release planning process.
 - 4. Contacts with legitimate and recognized individuals or organizations which provide release planning assistance to inmates and their families.
- B. Inmates shall not be granted access to facility telephones for purposes of calling the Department of Corrections Central Office or any parole office.
- C. The warden, deputy warden, or one of a specific set of designees may authorize the use of facility telephones by inmates for reasons other than release planning or court/administrative hearing attendance on a case by case basis when such use is deemed to be in the best interest of the inmate's well being and/or when placement of a collect call is imprudent.
 - 1. In the event of a family or personal emergency, one of the warden's specific set of designees may authorize the use of a facility telephone.
 - 2. The rationale and basis for such authorization shall be documented in writing by the unit team or other staff member who assists the inmate in placing the call.
- E. Inmate access to facility telephones for programmatic purposes shall be considered a privilege and not a right.

II. Procedures for Inmate Access to Facility Telephones for Release Planning Purposes

- A. Prior to permitting an inmate with access to facility telephones for release planning purposes, the unit team may require that the inmate provide evidence that the inmate has made a good faith effort to use other means of communication to resolve the issue, and that use of the facility telephone service is the only manner by which an issue can be resolved in a timely manner. "Cold calling" parties who have not been previously identified and verified as being potential release resources shall be discouraged.
- B. If an inmate desires to use a facility telephone for a release planning purpose, he/she shall submit a Form 9 request for use of the facility telephone to a unit team member.
 - 1. The request shall include the following information:
 - a. The name of the person or agency to be contacted;
 - b. The telephone number(s) of the person or agency to be contacted;

- c. Evidence that the inmate has initiated contact with the agency or has otherwise established that the agency is a legitimate release planning resource; and,
 - d. The purpose of the contact.
 - C. If the inmate is granted access to a facility phone, the call(s) shall be placed by and monitored throughout by a member of the unit team or designee.
 - 1. Under no circumstances shall an inmate be given unsupervised access to a facility telephone.
 - 2. Inmates shall be prohibited from using a facility telephone to make third party calls and shall be counseled by staff not to use profanity or make threats during calls from a facility telephone.
 - D. The Form 9 authorizing the call, with the date and time the call was placed noted, shall be imaged for documentation.
 - E. The warden of the Wichita Work Release Facility shall promulgate General Orders which include procedures that provide for the receipt and processing of personal calls made to inmates.

III. General Rules and Instructions Regarding Access to Inmate Telephone Service [ITS] (ACO 2-CO-5D-01, ACI 3-4439)

- A. In accordance with KAR 44-2-102, each warden shall promulgate general orders that control the access and use of ITS available within the facility. The general order(s) shall not provide for disciplinary violations or sanctions.
- B. Violations of rules concerning inmate telephone use shall be processed and punished by exclusive reference to K.A.R. 44-12-211, Telephones or other communication devices, a Class I offense, and no facility general orders upon the subject shall be permitted.
 - 1. Nonetheless, subject to the provisions of subsection (d) below, in addition to, in lieu of, or without regard to imposition of disciplinary sanctions, an inmate's telephone privileges may be suspended, at the discretion of the warden, upon presentation of evidence that is credible and reliable in the warden's judgment, under the following circumstances:
 - a. If the inmate commits a rule violation as set forth in K.A.R. 44-12-211 pertaining to the use of the telephones;
 - b. If the inmate is found to be engaged in illegal activity using the telephones [whether or not a disciplinary or criminal conviction has occurred], or;
 - c. If there are substantial security concerns that require that the inmate's telephone usage be limited.
 - 2. When an inmate's telephone privileges are to be suspended, the warden shall set the initial period of suspension, not to exceed six (6) months, subject to the provisions of subsection (c) below.
 - a. Prior to the end of this initial period of suspension, the action shall be reviewed to determine if further limitations are necessary to protect the

safety, security, and order of the correctional facility, or to prevent the inmate from engaging in illegal activity.

- b. At the review, the suspension may be renewed if the suspension is necessary to protect the safety, security and order of the correctional facility, or to prevent the inmate from engaging in illegal activity.

- (1) If the suspension is renewed, it shall continue to be reviewed at intervals of six months until withdrawn.

- c. If the inmate is charged with violation of K.A.R. 44-12-211 stemming from the same factual circumstances upon which the suspension of telephone privileges was based, and the inmate is subsequently acquitted of the charge, with the acquittal approved by the warden upon administrative review pursuant to K.A.R. 44-13-701, the warden shall proceed to immediately reconsider the suspension, and shall take action in regard to the suspension as the warden deems appropriate, though the period of suspension may not be increased due to fact of the acquittal.

- (1) If the conviction of violation of K.A.R. 44-12-211 is revoked in a subsequent appeal upon review by the Secretary's designee for reason of lack of some evidence to support the conviction, the warden shall then rescind the suspension upon receipt of the Secretary's decision.

- d. If the inmate is charged with and convicted of violation of K.A.R. 44-12-211 stemming from the same factual circumstance upon which the suspension of telephone privileges was based, any disciplinary sanction imposed therein involving restriction from privileges shall be deemed not to refer to or include telephone privileges, and the warden's administrative suspension of telephone privileges shall instead be the sole measure of the period of suspension.

- C. General Orders shall specify the frequency, length, and permitted hours of inmate telephone usage.

- 1. Inmates calling from ITS telephones shall make prepaid by inmate, prepaid collect, or collect calls only.

- D. Inmate telephone calls, except for attorney calls, may be subject to monitoring and recording.

- 1. Enforcement, Apprehensions, and Investigations (EAI) staff shall be responsible for control of all recording and monitoring functions which shall consist of, but not limited to, the following:

- a. Selection of inmate telephone line(s) for monitoring;

- b. Monitoring of selected inmate telephone line(s);

- c. Storage and chain of custody of all audio recordings preserved as evidence.

- 2. Inmates requiring privileged communications to persons other than attorneys shall submit such requests through their unit team. The unit team may make a recommendation to the warden to exclude a proposed called party from the recording/monitoring requirement. The warden may approve such a request, if the proposed called party has a statutory right to private consultation with the inmate,

and if the client/professional relationship between the inmate and the proposed called party is documented.

- E. Each warden shall cause a notice to be posted on all ITS telephones and in an area clearly visible to the users of inmate ITS telephones advising that all calls, except those to attorneys, may be subject to monitoring and recording.
1. The notice may be as provided by the telephone service provider, or, the notice shall read as follows:

"NOTICE WARNING: All calls, except those to attorneys, originating from this telephone are subject to routine monitoring and recording in accordance with KAR 44-2-102 (c)."
- F. The Allowed Calling List Requests Form (Attachment A, Form #10-111-001) shall be completed by each inmate initially during the orientation process, and at intervals of one hundred and twenty days thereafter.
1. Inmates requiring translations of the Allowed Calling List Requests Form shall be assisted by the respective unit team.
 2. Each inmate shall be given the opportunity to complete a Allowed Calling List Requests Form.
 - a. Information required on the Allowed Calling List Requests Form includes:
 - (1) The area code and telephone number;
 - (2) The complete name of the person to be called;
 - (3) The complete address of the person to be called; and,
 - (4) The relationship of the person to be called to the inmate.
 - b. Numbers with any missing information will not be entered into the telephone calling service computer system.
 3. Inmates shall be allowed to maintain a list containing no more than twenty (20) numbers of their choosing.
 - a. Attorney(s) of record shall be listed first on the form.
 - (1) The inmate may list as many attorneys as desired, but each individual attorney shall be included as one (1) of the permitted twenty (20) numbers.
 - (a) All numbers listed for attorneys shall be verified prior to being entered into the telephone calling service computer system.
 - b. No former employee, former volunteer, or former contract worker shall be added to an inmate's phone list within two years of the severance of the individual's relationship with a correctional facility unless specifically exempted in writing by the warden of the facility housing the inmate desiring to add the individual to his or her phone list.
 4. The Allowed Calling List Requests Form shall be filled out completely by the inmate and then signed by both the inmate and the unit team.

5. The unit team shall route the form to the site contact.
- G. The site contact shall be responsible for transmitting the Allowed Calling List Requests Form to the designated ITS provider for entry of the information into the ITS .
 1. Incomplete Allowed Calling List Requests Forms or forms which do not have the requisite staff signature, per section III.E., will be returned to the inmate without being processed.
- H. Either at an inmate's 120-day review or, for inmates on an annual review cycle, at the annual review [or on a date 120 days before or a date 120 days after the review], the list may be amended with additions or deletions of numbers on the list.
 1. If the list currently contains twenty (20) numbers, no additions can be made unless there are deletions of existing numbers.
 2. Requests to change the phone number of a person on an inmate's phone list outside of the 120-day review, or specified dates for annual review inmates, may be considered by and at the discretion of the site contact if a written request is received by the site contact from the listed person.
- I. All concerns pertaining to the ITS shall be forwarded to the ITS Consultant.
- J. All correspondence regarding the ITS shall be monitored by the site contact.

IV. Calls for the Hearing or Speech Impaired

- A. Offenders who are hearing impaired, speech impaired, who otherwise require the use of a TDD, or who wish to make calls to a person requiring the use of such a device, shall make a request for accommodation of their need through the unit team.
- B. The unit team shall verify that either the inmate or the recipient of the call requires the use of a TDD.
 1. In general, all TDD calls shall be placed only by an inmate using a TDD device, to a recipient who is also using a TDD device.
 2. An exception may be made by the unit team for good cause shown where the recipient of the call does not require the use of a TDD. However, the calling inmate shall still use a TDD device.
- C. All approved TDD calls through the Kansas Relay Center shall be made by the unit team. The unit team shall:
 1. Initiate the call to the Kansas Relay Center, and advise the operator that the call is to be collect;
 2. Assure that the inmate uses the TDD;
 3. Limit the call to the standard KDOC call duration;
 4. Supervise the call; and,
 5. Assure that the TDD printing device is operational.

NOTE: The policy and procedures set forth herein are intended to establish directives and guidelines for staff and offenders and those entities who are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees or offenders, or an independent duty owed by the Department of Corrections to either employees, offenders, or third parties. Similarly, those references to the

standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a Departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal Government and the state of Kansas. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

REPORTS REQUIRED

None.

REFERENCES

KSA 21-3704
KAR 44-2-102, 44-12-211
ACO 2-CO-5D-01
ACI 3-4439

ATTACHMENTS

Attachment A - Allowed Calling List Requests Form, 1 page

KANSAS DEPARTMENT OF CORRECTIONS
Allowed Calling List Requests

INMATE NAME: (Last Name) _____ **DATE:** _____
 (First Name) _____ **KDOC/PIN #:** _____
Facility: _____ **Housing Unit/Cell House:** _____ **120 - Day Review Date:** _____

NEW/ADDITIONAL PHONE NUMBERS

Inmates are allowed a total of twenty (20) active phone numbers.

PHONE NUMBER	CALLED PARTY'S NAME	RELATIONSHIP	ADDRESS	INTERNAL USE: Added (Yes or No)
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				
16.				
17.				
18.				
19.				
20.				

DELETIONS

PHONE NUMBER	CALLED PARTY'S NAME	RELATIONSHIP	ADDRESS	INTERNAL USE: Added (Yes or No)
1. ()				
2. ()				
3. ()				
4. ()				
5. ()				

ATTORNEY NUMBERS

(Attorney phone numbers will not be counted against the twenty (20) personal phone numbers allowed.)

PHONE NUMBER	ATTORNEY NAME	ADDRESS	INTERNAL USE: Added (Yes or No)
1. ()			
2. ()			

INMATE SIGNATURE: _____
Staff Comment: _____
Staff Signature: _____ **DATE:** _____

Completed By : _____ **Date Entered:** ____ / ____ / ____