



TEXAS DEPARTMENT
OF
CRIMINAL JUSTICE

NUMBER: ED-03.32
DATE: January 23, 2008
PAGE: 1 of 6
SUPERSEDES: SM-01.30 (rev.1)
April 30, 2005

EXECUTIVE DIRECTIVE

SUBJECT: OFFENDER ACCESS TO TELEPHONES

AUTHORITY: Sections 493.006(b), 494.002(a), 495.025 and 2170.009, Texas Government Code; Article 42.12 and Chapter 62, Texas Code of Criminal Procedure (TCCP)

Reference: American Correctional Association (ACA) Standards 4-4271, 4-4272, 4-4280 and 4-4497.

APPLICABILITY: Texas Department of Criminal Justice (TDCJ or Agency). Excludes privately operated Intermediate Sanction Facilities (ISF), pre-parole transfer (PPT) facilities and leased beds.

POLICY:

The TDCJ shall establish guidelines for offender access to outgoing telephone calls. Telephone calls between offenders and attorneys shall be confidential and are addressed in BP-03.81, "Offender Access to Courts, Counsel and Public Officials Rules."

DEFINITIONS:

"Personal Biometric Identifier" (PBI) is a method of identification based on the use of biological properties (e.g., fingerprints, retina scans, voice recognition) to identify a specific individual.

PROCEDURES:

- I. Three (3) methods, based on eligibility criteria, shall be available for an offender to place outgoing telephone calls:
 - A. A call placed through a telecommunications contractor provided telephone. The telephone system shall be available upon completion of the contract award process and installation.
 - B. A collect call placed from a state owned unit telephone, which is requested through the Warden or designee.

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- C. Other telephone calls an offender has a right to make due to a statute or Agency policy, which shall be placed collect on a state owned unit telephone through the unit Law Library.
- II. Offenders shall conduct telephone conversations in an acceptable manner. Loud, boisterous conversations shall not be permitted. Offenders are prohibited from speaking in code, passing gang related information, planning criminal activity or using the telephone in furtherance of any criminal conduct. Threats, obscenities and other types of abusive language shall result in immediate termination of the telephone call, suspension of future telephone privileges and disciplinary action.
- III. Foreign national offenders shall be permitted to call the General Consulate of the offender's country. The following procedures shall apply to all calls placed to the General Consulate:
- A. Arrangement for these calls shall be made as soon as practical after receiving a request from a foreign national offender;
- B. The call shall be a collect call and shall not be subject to monitoring, and
- C. The call to the General Consulate shall be placed through the unit Law Library.
- IV. Offenders are prohibited from dialing or answering any telephone calls on state owned unit telephones. In limited circumstances, the Warden may designate locations where telephones at a work location are available to call directly to central control. When answering a telephone, the offender shall clearly state, "Offender (name), (department name)." When an offender has sole access to a telephone, the telephone shall be disabled so it cannot make outgoing telephone calls.
- V. Eligibility Criteria and Procedures for the Telephone System
- A. The telephone system shall be installed and maintained by a telecommunications provider (Provider), which has been awarded the service contract with the State of Texas. Access to the telephone system shall be validated and initiated by the Provider based on specific eligibility requirements as follows:
1. Offenders classified as Level 1, 2, 3 and 4 (to include Protective Custody and Safekeeping) shall be authorized to access the telephones.
 2. Offenders in a psychiatric inpatient program or Mentally Retarded Offender Program shall be allowed access to the telephone system in accordance with the offender's treatment plan.
 3. Offenders in Transient Status, Pre-Hearing Detention, Solitary, Cell Restriction and Special Cell Restriction shall not be permitted access to telephones regardless of custody designation.

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4. Prior to initial approval, an offender shall not have been found guilty of any major disciplinary violations within the last 90 days (30 days for state jail offenders) and shall be engaged in full-time work, school or treatment programs. Offenders whose medical condition precludes work and who meet all other requirements shall be eligible to participate in this program.
 5. Access to the telephone system may be interrupted as a result of telephone restriction assessed through the *Offender Disciplinary Rules and Procedures*.
 6. Telephone access shall not be interrupted due to a unit transfer.
- B. Eligible offenders shall have an unlimited number of telephone calls up to 120 minutes per month. Each telephone call shall be automatically terminated after 15 minutes; however, the Agency may shorten the length of each telephone call to ensure all eligible offenders have the ability to access the telephone system.
- C. Each eligible offender shall have a PBI which shall be used to access the telephone system and a unique Personal Identification Number (PIN) to verify the PBI.
- D. Each eligible offender may call any person on the offender's approved Visitors List. In addition, an offender shall be permitted to place their attorneys' phone numbers on the Call List.
1. An offender's family and friends shall have the ability to purchase telephone minutes for use by an eligible offender directly from the Provider. These individuals are not required to be on the offender's approved Visitors List to purchase minutes.
 2. Offenders shall have the ability to place calls to Crime Stoppers and similar organizations as designated by the Correctional Institutions Division (CID) Director or designee. These calls shall be at no charge to the offender and shall have no impact on the offender's prepaid minutes.
 3. All changes shall be provided by the TDCJ to the Provider.
- E. Offenders shall be permitted to call only landline telephone numbers within the continental United States.
- F. The telephones shall be located within the dayrooms/living areas of the cellblock/dormitories and other locations as designated by the TDCJ.
- G. The telephone system shall be operational between the hours of 7:00 a.m. and 10:00 p.m. seven (7) days per week with the exception of count time and other times as designated by the Warden due to unit activity.

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- H. All telephone calls shall be subject to monitoring and recording, except calls to an attorney providing legal services to the offender. An attorney listed on the offender's approved Visitors List who is not providing legal services to the offender has no expectation of privacy during a telephone conversation placed using the telephone system.
 - I. All complaints and concerns, other than eligibility criteria, regarding the telephone system shall be addressed by the Provider.
- VI. Calls Placed on State Owned Unit Telephone Equipment
- A. Any offender in Administrative Segregation, disciplinary detention, another custody category or other special circumstances, who is not eligible under Section V.A. may request and receive authorization for a telephone call at the Warden's discretion.
 - B. All outgoing telephone calls shall be placed collect, unless the call is a local number.
 - C. Calls placed on state owned unit telephones shall be scheduled at the discretion of the Warden or designee. Offenders shall be limited to one (1) telephone call every 90 days (30 days for state jail offenders).
 - D. Calls placed on state owned unit telephones shall be limited to five (5) minutes in duration. Should the offender not reach the desired party, the offender may try one (1) additional number. Calls may be further restricted during high traffic periods (e.g., Christmas holidays where a three (3) minute limit would allow more calls to be made).
 - E. Offenders shall be allowed to call only those persons who appear on the offender's approved Visitors List. Requests for an exception submitted on an I-60, Offender Request to Official shall be reviewed and approved at the discretion of the Warden or designee.
 - F. Calls placed on state owned unit telephones shall be dialed and monitored by an authorized security staff member appointed by the Warden or designee. An interpreter shall be available to monitor calls for those offenders who speak only Spanish or for those offenders who are bilingual but whose family members are not. An interpreter may monitor calls for those offenders who speak foreign languages other than Spanish or those offenders who are bilingual but whose family members are not.
 - G. Calls placed on state owned unit telephones, including those made through the Chaplain, shall be logged on the Telephone Log for Approved Offender Calls (Attachment A), which shall be located in an area designated by the Warden.
 - H. Wardens shall establish unit specific procedures for offender access to state owned unit telephones, which shall be reviewed by the appropriate Regional

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Director. The procedures shall indicate the location of the phones available for offender use and the times telephone calls are permitted.

- VII. All requests from law enforcement agencies for records or recordings from the telephone system shall be forwarded to the OIG.
- VIII. Any information regarding criminal activity that is acquired via any telephone shall be forwarded to the OIG by the Warden or designee. If there is an immediate threat to public safety, notification shall take place as soon as practical and shall be reported as appropriate.
- IX. All telephone records shall be maintained in accordance with the TDCJ *Records Retention Schedule*.


Brad Livingston
Executive Director

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