



TEXAS DEPARTMENT  
OF  
CRIMINAL JUSTICE

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## EXECUTIVE DIRECTIVE

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**SUBJECT:** OFFENDER ACCESS TO TELEPHONES

**AUTHORITY:** Texas Government Code §§493.006(b), 494.002(a), 495.025, and 2170.009; Texas Code of Criminal Procedure art. 42.12 and Chapter 62

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 (ISFs), 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:**

"Call List" is the approved list of names, phone numbers, and physical addresses of individuals an offender is eligible to call.

"Offender Telephone System" (OTS) is the telephone system installed and maintained by a telecommunications contractor, which has been awarded the service contract with the TDCJ.

"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 methods, based on eligibility criteria, shall be available for an offender to place outgoing telephone calls:
  - A. A call placed through the OTS.
  - B. A collect call placed from a state-owned unit telephone.
  - C. Telephone calls placed in accordance with BP-03.81, "Offender Access to the Courts, Counsel, and Public Officials Rules."
- 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. Direct or indirect contact with a victim is prohibited in accordance with AD-04.82, "Forfeiture of Good Conduct Time for Contacting a Victim Without Authorization."
- III. 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.
- IV. Procedures for the Offender Telephone System
  - A. Eligibility Criteria

Access to the OTS shall be validated and initiated by the telecommunications contractor based on specific eligibility requirements as follows:

    1. Offenders classified as General Population Levels 1, 2, 3, or 4 or Protective Custody Level 1 shall be authorized to access the OTS.
    2. Offenders in a psychiatric inpatient program or Mentally Retarded Offender Program (MROP) shall be allowed access to the OTS in accordance with the offender's treatment plan.
    3. Offenders in Transient Status, Pre-Hearing Detention, Solitary Confinement, Cell Restriction, or Special Cell Restriction shall not be permitted access to the OTS, regardless of custody designation.
    4. An offender shall not have been found guilty of any major disciplinary violations within the last 90 days (30 days for state jail offenders).

5. Generally an offender 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.
  6. OTS access shall not be interrupted due to a unit transfer.
- B. All outgoing calls through the OTS shall be placed using one of the following methods:
1. Debit

To complete a call using the debit option, funds shall be available in the offender's OTS account. The funds located in the offender's OTS account are transferred from the offender's Inmate Trust Fund (ITF) account or deposited by the offender's friends and family. It is not required for an individual to be on an offender's Call List to deposit money in an offender's OTS account. Once funds are placed in the account, the funds shall become the property of the offender and shall remain in the account. An offender may request a refund of the account balance from the telecommunications contractor after the offender's release from the TDCJ.
  2. Collect

Collect calls may be placed whereby the called party is billed for the calls or friends and family members listed on an offender's Call List may create a personal telephone account with the telecommunications contractor. This account allows an offender to place calls to friends and family using the collect option.
- C. An offender's OTS account shall be separate from the offender's ITF account. Funds in an indigent offender's OTS account shall not affect the offender's indigent status, and the TDCJ shall not seize funds in an offender's OTS account as the result of a disciplinary action.
- D. Eligible offenders shall be allowed a maximum number of minutes per month as determined by the executive director. Phone calls to an offender's attorney(s) of record shall not count towards the offender's maximum number of minutes allowed per month. Each telephone call shall be automatically terminated after 15 minutes; however, the agency may shorten the length of each telephone call or limit the number of calls to ensure all eligible offenders have access to the OTS.
- E. Each eligible offender shall have a PBI which shall be used to access the OTS and a unique Personal Identification Number (PIN) to verify the PBI.
- F. Each eligible offender may call any person listed on the offender's Call List once that person has been validated with the telecommunications contractor. An

offender shall not be allowed to call any person not listed on the offender's Call List.

- G. Eligible offenders shall have the ability to place calls to the Office of the Inspector General (OIG) 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 OTS account balance.
- H. Offenders shall be permitted to call only landline telephone numbers within the United States.
- I. The OTS shall be located within the dayrooms/living areas of the cellblock/dormitories and other locations as designated by the TDCJ.
- J. The OTS shall be operational between the hours of 7:00 a.m. and 10:00 p.m. seven days per week, with the exception of count time or anytime dayroom privileges are suspended due to a unit emergency or lockdown. If the warden needs to limit access within the operational time of the OTS, approval shall be received from the appropriate regional director.
- K. Eligible offenders shall be permitted to place calls to their attorney(s) of record once the attorney has completed the validation process with the telecommunications contractor.
- L. All telephone calls shall be subject to monitoring and recording, except calls to the offender's attorney(s) of record providing legal services to the offender.

An attorney listed on the offender's approved Call List who is not providing legal services to the offender has no expectation of privacy during a telephone conversation placed using the OTS, and these calls may be subject to monitoring and recording.

- M. All complaints and concerns regarding the OTS, other than eligibility criteria, shall be addressed by submitting the Offender Assistance Request Form (contractor provided) to the telecommunications contractor.
- V. Calls Placed on State-Owned Unit Telephone Equipment
- A. Eligibility Criteria
    - 1. Offenders who are not eligible for the OTS due to custody designation shall be authorized access to state-owned unit telephones designated by the warden.
    - 2. Offenders who are eligible for the OTS shall not be authorized access to state-owned unit telephones to contact friends and family members, except in extraordinary circumstances and at the discretion of the warden.

3. Offenders 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.
- B. Request and Approval Procedures
1. To request a phone call, offenders shall submit an I-60, Inmate Request to an Official for approval by the warden.
  2. If no security concerns exist, offenders in Administrative Segregation, disciplinary detention, or another custody category not listed may request and receive authorization for a telephone call at the warden's discretion.
  3. Calls placed to an offender's attorney of record or the General Consulate shall be requested and approved in accordance with BP-03.81, "Offender Access to Courts, Counsel, and Public Officials Rules."
- C. All outgoing telephone calls shall be placed collect, unless the call is a local number.
- D. Offenders shall be limited to one telephone call every 90 days (30 days for state jail offenders).
- E. Calls placed on state-owned unit telephones shall be limited to five minutes in duration. Should the offender not reach the desired party, the offender may try one additional number. Calls may be further restricted during high traffic periods (e.g., Christmas holidays where a three minute limit would allow more calls to be made).
- F. Offenders shall be allowed to call only those persons who appear on the offender's approved Call List. Requests for an exception submitted on an I-60, Inmate Request to Official shall be reviewed and approved at the discretion of the warden or designee.
- G. Offenders shall be permitted to call only landline telephone numbers within the United States.
- H. 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.

- I. 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.
  - J. Wardens shall establish unit specific procedures for offender access to state-owned unit telephones, which shall be reviewed by the appropriate regional director. The procedures shall indicate the location of the phones available for offender use and the times telephone calls are permitted.
- VI. All requests from law enforcement agencies for records or recordings from the OTS shall be forwarded to the OIG.
- VII. 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.

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Brad Livingston\*  
Executive Director

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\* Signature on file.

# TELEPHONE LOG FOR APPROVED OFFENDER CALLS

UNIT: \_\_\_\_\_ MONTH: \_\_\_\_\_ YEAR: \_\_\_\_\_

DATE <i>MM/DD/YY</i>	TIME <i>AM/PM</i>	OFFICER PLACING CALL <i>(Print First and Last Name)</i>	APPROVED BY <i>(Print Name and Title)</i>	COMMENTS
CALL ACCEPTED / REJECTED		OFFENDER NAME AND TDCJ NUMBER	CALL PLACED TO <i>(Print Name and Relationship to Offender)</i>	TELEPHONE NUMBER DIALED <i>(Area Code) ###-####</i>
DATE <i>MM/DD/YY</i>	TIME <i>AM/PM</i>	OFFICER PLACING CALL <i>(Print First and Last Name)</i>	APPROVED BY <i>(Print Name and Title)</i>	COMMENTS
CALL ACCEPTED / REJECTED		OFFENDER NAME AND TDCJ NUMBER	CALL PLACED TO <i>(Print Name and Relationship to Offender)</i>	TELEPHONE NUMBER DIALED <i>(Area Code) ###-####</i>
DATE <i>MM/DD/YY</i>	TIME <i>AM/PM</i>	OFFICER PLACING CALL <i>(Print First and Last Name)</i>	APPROVED BY <i>(Print Name and Title)</i>	COMMENTS
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DATE <i>MM/DD/YY</i>	TIME <i>AM/PM</i>	OFFICER PLACING CALL <i>(Print First and Last Name)</i>	APPROVED BY <i>(Print Name and Title)</i>	COMMENTS
CALL ACCEPTED / REJECTED		OFFENDER NAME AND TDCJ NUMBER	CALL PLACED TO <i>(Print Name and Relationship to Offender)</i>	TELEPHONE NUMBER DIALED <i>(Area Code) ###-####</i>
DATE <i>MM/DD/YY</i>	TIME <i>AM/PM</i>	OFFICER PLACING CALL <i>(Print First and Last Name)</i>	APPROVED BY <i>(Print Name and Title)</i>	COMMENTS
CALL ACCEPTED / REJECTED		OFFENDER NAME AND TDCJ NUMBER	CALL PLACED TO <i>(Print Name and Relationship to Offender)</i>	TELEPHONE NUMBER DIALED <i>(Area Code) ###-####</i>