

**STATE OF LOUISIANA
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS
CORRECTIONS SERVICES**

Department Regulation
No. B-08-001



20 February 2011

**CLASSIFICATION, SENTENCING AND SERVICE FUNCTIONS
Offender Related Services
Telephone Use and Policy on Monitoring of Calls**

1. **AUTHORITY:** Secretary of the Department of Public Safety and Corrections as contained in Chapter 9 of Title 36.
2. **REFERENCES:** ACA Standards 4-4271, 4-4272, 4-4275 and 4-4497 (Adult Correctional Institutions) and Department Regulation Nos. B-05-001 "Disciplinary Rules and Procedures for Adult Offenders," B-08-005 "Faith-Based Programs and Services," B-08-018 "Effective Communication with the Hearing Impaired" and the Louisiana Register dated February 20, 2011.
3. **PURPOSE:** To state the Secretary's policy regarding the use of telephones by offenders and the monitoring of offender telephone calls at all adult institutions.
4. **APPLICABILITY:** Deputy Secretary, Chief of Operations, Regional Wardens and Wardens. Each Warden is responsible for ensuring that appropriate unit written policy and procedures are in place to comply with the provisions of this regulation and for implementing and notifying all affected persons of its contents.
5. **POLICY:** It is the Secretary's policy that uniform telephone procedures, including the ability to monitor and/or record offender telephone calls to preserve the security and orderly management of the institution and to protect public safety, shall be adhered to at all institutions. Each institution shall offer offenders (including the hearing and/or speech impaired) reasonable access to telephone communication without overtaxing the institution's ability to properly maintain security and to avoid abuse of this privilege on the part of any offender. Offenders with hearing and/or speech disabilities and offenders who wish to communicate with parties who have such disabilities shall be given access to appropriate auxiliary aids and services. See Department Regulation No. B-08-013 "Effective Communication with the Hearing Impaired" for additional information. It is further the Secretary's policy to encourage offenders to maintain telephone communications while incarcerated in order to maintain family connections that will promote unification upon release.
6. **PROCEDURES:**
 - A. General

- 1) Each offender shall be assigned a personal identification number (PIN) which must be used when placing outgoing telephone calls; the PIN shall be the offender's DOC number.
- 2) Each offender will provide his assigned institution a master list of up to 20 frequently called telephone numbers inclusive of all family, personal, and legal calls. Each offender's outgoing telephone calls shall be limited to those telephone numbers he has placed on his master list. Changes may be made to the master list at the discretion of the Warden, but no less than once each quarter. These changes may be entered by the contractor or by appropriately trained institutional staff. No offender shall place the telephone number of the family of another offender on his master list "except for verified members of his own family."
- 3) For new offenders, PIN and master list numbers shall be entered into the telephone system upon intake at the Reception and Diagnostic Centers.
- 4) All offender telephone calls made through use of the offender telephone system shall be recorded and are subject to monitoring--this includes calls made to attorneys using the offender telephone system. (See Sections 6.F.1)c. for additional information.)
- 5) A visible sign by each offender telephone shall place offenders on notice that all calls shall be recorded and are subject to monitoring.
- 6) A recorded message shall notify all parties that all calls shall be recorded and are subject to monitoring and that the call originated from a correctional facility.
- 7) Use of the offender telephone system shall constitute consent by all parties to the recording and/or monitoring of the call.
- 8) Upon the request of a telephone subscriber, the institution shall block a telephone number and prevent the subscriber from receiving calls from an offender housed in the facility. To accomplish a block of a particular number for all state facilities, the institution should contact the contractor to request that a universal block be put into place.
- 9) Offenders are allowed to make collect calls to cell phones. These calls must be set up as direct remit accounts with the Department's phone service provider. This shall be done after approval is received from the Department to add the cell number. Prepaid cell phones are not allowed to set up the direct bill accounts. Cell phones must have a provider from a major wireless company i.e., AT&T, Sprint, Verizon, T-Mobile, etc.

B. Dormitory Housing (Minimum or Medium Custody)

1) Personal or Family Calls (routine)

Collect telephone access should be available on a relatively non-restricted basis. The specific hours in the various living areas at the individual institutions shall be established by the Warden of each institution. The Warden shall communicate the telephone schedule to the offender population. A time limit should be established.

2) Personal or Family Calls (emergency)

Requests for access outside of normally scheduled hours may be made through the dormitory officer, shift supervisor or other appropriate staff who decides if the justification the offender presents warrants the request. That decision is then logged. No frequency for this type call is established as the severity and duration of the emergency may vary.

3) Legal Calls

The Warden shall establish a schedule for legal calls. Offenders are generally able to place legal calls during the lunch period "non-working hours," or after the afternoon count (when "normal office hours" are in effect for attorneys.) The Warden shall establish an alternate procedure if this is not adequate.

C. Cellblock Housing (Maximum Custody)

1) Personal or Family Calls (routine)

Collect telephone access is generally located in the cellblock lobby. (In those situations where the telephone is on the tier, the offender may be allowed access during the shower or exercise period.) Lobby placement may restrict offender access. Therefore, posted policy may limit routine personal calls for offenders assigned to cellblocks. Access may vary by offender classification status. A time limit should be established.

2) Personal or Family Calls (emergency)

In all subclasses of maximum custody, the offender is required to request consideration for this type call from the Warden's designee (shift supervisor, unit major, or program staff) who decides if the justification the offender presents warrants the request. That decision is then logged. No frequency for this type call is established as the severity and duration of the emergency may vary.

3) Legal Calls

The Warden shall establish a procedure for placing legal calls on a reasonable basis during "normal office hours." Each housing unit shall maintain a legal telephone log for the purpose of monitoring the number of legal calls made by offenders on a weekly basis. All legal calls are to be logged with the attorney's full name, bar number, telephone number called, date, time and whether completed.

D. Incoming Calls

1) Personal or Family calls (routine)

Messages are not accepted or relayed on a routine basis for any offender.

2) Legal Calls

Offenders may be given notice that their attorney has requested contact. Complete verification is required prior to processing. If minimum or medium custody, the offender may call from the dormitory during lunch or after work. If maximum custody, the offender may be allowed to call during "normal office hours" at a time which does not interfere with the orderly operation of the unit.

E. Emergency Messages/Important Telephone Calls Based Upon Department Regulation No. B-08-005 "Faith-Based Programs and Services"

1) Emergency messages concerning a serious illness, injury, death or other family crisis, etc. shall be delivered to an offender by the Chaplain or other person designated by the Warden. Exceptions to this paragraph shall only be granted by the Warden or designee.

2) Notification to an offender's emergency contact (or other appropriate person as the situation warrants) of an offender's serious illness, injury or death shall be made in a timely manner by the Chaplain or other person designated by the Warden.

3) Chaplains are allowed discretion to make telephone calls for offenders for the purposes of dealing with emergency matters.

4) See Department Regulation No. B-08-005 "Faith-Based Programs and Services" for additional information.

F. Monitoring

1) Offenders shall be put on notice of the following:

- a. Telephone calls in housing areas shall be recorded and are subject to monitoring and that "use" constitutes "consent;"
 - b. It is the offender's responsibility to advise all other parties that conversations are subject to being monitored and/or recorded;
 - c. Telephone calls to the offender's designated attorney(s) will not be routinely monitored. Any telephone calls placed on offender telephones to attorneys shall be recorded but not monitored unless the Warden determines a security need exists. Prior to examination of the content of the conversation with the attorney, the party requesting examination must put in writing the factors supporting the good cause and submit to the Warden for approval. Only after approval has been received, shall the conversation be examined. Only investigators approved by the Chief of Operations shall be allowed to monitor the calls.
- 2) The telephone system will normally terminate a call at the end of the authorized period (normally 15 minutes); however, the Warden or designee may authorize calls of a longer duration as circumstances warrant. Persons using the TDD system shall be allowed one hour telephone calls.
 - 3) Offenders shall not be allowed access to home telephone numbers nor be allowed to call any staff member of the Department (including volunteers, contract workers, etc.) by any means whether through call forwarding, texting, web based or similar communication platforms or systems.
 - 4) Only authorized (i.e., those who have been assigned a login/password) personnel approved by the Warden or designee may monitor offender telephone calls. Information gained from monitoring calls which affects the security of the institution or threatens the protection of the public shall be communicated to the Warden and other law enforcement agencies.
 - 5) Offenders being processed into the system through the Reception and Diagnostic Centers shall be required to give "consent" in writing, acknowledging that they are aware that their telephone calls shall be recorded and are subject to monitoring. A copy of this "consent" shall be placed in the offender's Master Record.
 - 6) Each institution's orientation manual shall include the information contained in this regulation as a means to notify the offender population of its contents and verbal notification shall be given during the orientation program. A sign shall be posted at each offender telephone which states the following information:

ATTENTION

This telephone has been electronically programmed to monitor and/or record telephone calls. By using this telephone, you consent to the monitoring and/or recording of your conversation. Telephone calls to your designated attorney(s) will not be routinely monitored.

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G. Remote Call Forwarding:

- 1) Remote Call Forwarding (RCF) is a mechanism by which offenders may employ a local telephone number that automatically forwards the telephone call to a pre-selected number generally located out of the local calling area code or long distance. RCF in essence is an automated 3-way call.
- 2) RCF is also known as automated call forwarding or PBX call forwarding. Use of this automated and remote mechanism represents significant security risks for several reasons. The telephone call terminated number (the end destination of the call) cannot be readily identified or verified. This number is not a traditional telephone number located at a residence, business or other such location but merely a number within the telephone switching equipment local to the facility where the offender is housed.
- 3) RCF initiated calls to an unidentified terminated number can and are being easily forwarded to unauthorized telephones. This forwarding is done through the normal 3-way call hook ups. This in fact negates the security mechanisms achieved by the requirement of approved telephone lists. Safeguards to prevent calls to victims, to blocked or restricted numbers or to prevent other unauthorized call activities are defeated by the use of an RCF number.
- 4) RCF usage creates an opportunity to conduct criminal or illegal or unauthorized activities since the end call location is not readily being identified, verified or its actual location known. This affords untold opportunity for offenders to engage in potential scams, to call victims, to facilitate escape attempts and to engage in other conduct representing significant security risks to the facility.
- 5) The offender population shall be put on notice that all third-party telephone calls, including RCF calls, are strictly prohibited and such activity shall result in appropriate disciplinary action.
- 6) Wardens shall develop a monitoring system to analyze the frequency of local calls. High frequency may indicate RCF utilization. When RCF calls

are discovered, a system-wide block of the number shall be initiated pursuant to Section 6.A.9) of this regulation.

s/James M. Le Blanc
Secretary

This regulation supersedes Department Regulation No. B-08-001 dated 20 January 2009.