

Minnesota Department of Corrections

Division Directive:	302.210	Title:	Offender Telephone Use
Issue Date:	9/2/08		
Effective Date:	10/7/08		

AUTHORITY: [Minn. Stat. §241.01, subd. 3a.](#)

PURPOSE: To provide for offender access to telephones.

APPLICABILITY: All facilities

DIRECTIVE: Each facility will provide offenders with the privilege of reasonable and equitable access to telephones to communicate with persons outside the facility. The warden/superintendent or designee may review telephone misconduct and suspend offender telephone use indefinitely. Telephones designated for offender use are record-capable. Offenders will be advised that telephone monitoring may occur at any time. Approved attorney calls will not be monitored. Any proceeds from offender telephone use are to be used for the welfare of all offenders. Adult facilities may develop instructions to address offender attorney calls. Juvenile facilities will develop instructions to allow additional telephone access for juvenile offenders.

DEFINITIONS:

Immediate family member - the offender's legal spouse, children (birth, step and adopted), parents and siblings (birth, step, adopted and half).

Attorney calls - offender calls to verified attorneys.

Telephone monitoring - the electronic tracking, recording, and listening to of offender telephone calls and conversations.

Third party calls – calls involving an additional party at a different number.

Forwarded call – call forwarded to a number not initially called.

PROCEDURES:

A. General Access to Telephones

1. At intake, offenders will be provided with written notification of communication monitoring. Facilities will also have notification posted by each offender telephone.
2. Offenders may be assigned a personal identification number (PIN).

- a) The security of the PIN is the responsibility of the offender to whom it is issued.
 - b) The facility is not responsible for theft, loss or costs related to an offender lending his/her PIN or failing to provide for its safekeeping.
 - c) The facility will not provide offenders with call lists regarding their phone call records.
 - d) PINs may be changed and a new PIN issued at the offender's expense.
 - e) Only the offender whose PIN has been used to place the phone call is allowed to participate in that call.
3. Telephones for offender use may be located in each living unit and may be available in work/recreational areas. Offenders may not receive incoming calls on these telephones.
 4. The facility will not accept collect calls for offenders.
 5. Rules governing telephone usage (call duration, sign-up procedures, hours and special unit regulations) will be developed and made available to offenders. Access to telephones may vary from unit to unit according to programming. Facilities must have a security instruction in place to prevent an offender from obtaining an unauthorized outside line from facility (staff or offender) phones.
 6. Telephone time may be purchased through the canteen. Any unused telephone time will be refunded on the offender's release or transfer to a non-department facility.
 7. Offender PIN numbers and any money on the offender's phone account will transfer with the offender to other department facilities.
 8. Offender telephone calls are a maximum of 15 minutes in duration for each connection.
 9. Calls to cellular telephones are not guaranteed for quality or connectivity.

B. Special Access to Telephones

1. *Work:* Offenders with job assignments requiring telephone use will be monitored and directly supervised by staff as designated by the warden/superintendent or designee.

2. *Emergency*: Emergency messages will be verified prior to offender notification. Special telephone calls by the offender may be approved following authorization by designated staff.
3. *Telephone calls to offenders in other facilities*: Offenders may request permission to make calls to immediate family members incarcerated in other facilities if warranted by special circumstances (i.e., a verifiable family emergency involving the hospitalization, serious injury, or death of an immediate family member). The offender's case manager or on-duty supervisor will arrange and monitor these calls; approval is required from the facility wardens/superintendents or designees.
4. *Attorney calls*: When legal business cannot be accomplished by U.S. mail, an offender may request an approved telephone contact with an attorney.
 - a) Attorney calls are limited to current active cases and the offender must provide written proof of an impending court deadline that cannot be addressed by using U.S. Mail. Proof may include a request from the offender's attorney by phone or letter to facility staff.
 - b) Designated staff will review the request and authorize/deny the call. Staff will place the call and verify that the requested party is available and willing to accept the call. Telephones for approved attorney calls will not be subject to any monitoring activity and the facility will not charge offenders for approved attorney calls.
 - c) Attorney calls are limited to 15 minutes' duration and the primary purpose should be to arrange for a personal visit by the attorney to discuss the legal issues prompting the call.
 - d) Calls to the clerk of court, county or city law enforcement or other entities that are not attorneys are not considered attorney calls.
5. *TTY or TTD calls*: Hearing impaired offenders or offenders calling hearing impaired individuals may use the TTY/TTD machines provided by the facility or utilize the statewide 800 number for the service. Phones with volume control are also available to hearing impaired offenders. Offenders will be charged for TTY/TTD assisted telephone calls at the same rate as non-TTY/TTD telephones. Staff will provide assistance with placing such calls as needed. Staff may monitor TTY/TTD calls. Approved legal calls will not be monitored.

C. Telephone Conduct

1. Telephones will not be used for harassing, threatening, obscene calls, criminal activity, or in violation of facility rules or department policy.

2. Abuse of telephone privileges may result in informal sanctions, formal discipline, and/or indefinite suspension of offender telephone use.
3. Offenders are prohibited from contacting staff, volunteers, interns or vendors under contract with the department by phone.
4. An offender may contact a volunteer who has been identified to assist with his/her transition into the community. The warden/superintendent or designee must authorize this communication.
5. Offenders are prohibited from making third party calls or making forwarded calls. The telephone system detects for three way calls when there is a similar electronic condition to a three-way call on the line. Office of Special Investigations (OSI) staff may ban a number if an investigation leads OSI to believe the number was contacted to make a third party or forwarded call.
6. Offenders must only use the PIN assigned to them.
7. Offenders may not place phone calls that are in violation of a direct order issued on the written request of a person, or parent/guardian of a minor or legally incompetent person stating he/she does not want to receive calls from the offender. Staff will document the direct order (attached) in the no-contact tab in Correctional Operations Management System (COMS) and provide a copy to the offender.

D. Telephone Violations

1. Staff will document telephone use violations utilizing facility's informal or formal sanction procedures.
 - 1st Violation: Verbal warning to cease violations.
 - 2nd Violation: Suspension of phone privileges for up to 7 days, providing no similar violations within the past 90 days.
 - 3rd Violation: Suspension of phone privileges for up to 30 days, providing no similar violations within the past 90 days..
 - 4th Violation: Formal discipline.
2. Staff may use their discretion to deviate from the violation progression when deemed appropriate.
3. OSI staff may block a number during the first violation of third party calls or making forwarded calls. OSI staff will give written notification of the number being blocked to the offender via the Offender Telephone Blocked Number form (attached). OSI will also inform the facility warden/designee of the ban.

- E. Suspension of Offender Telephone Use
1. Offenders who violate facility rules or policy while using the phone or unauthorized communication devices may receive formal discipline through the Discipline Unit. In addition, suspension of phone privileges may be imposed utilizing the following guidelines.
 - a) Minor policy infractions - suspension of phone privileges for a minimum of three months.
 - b) Major policy infractions with criminal potential or serious disciplinary violations-suspension of phone privileges for a minimum of one year.
 2. The Suspension of Telephone Privileges form and any supporting documentation must be forwarded to the associate warden of operations/superintendent or designee for final determination.
 3. Upon the associate warden of operation's/superintendent's or designee determination, the form and supporting documentation must be forwarded to financial services for distribution as indicated on the form.
 4. The associate warden of operations/superintendent or designee will review appeals or staff recommendations to determine if the offender's phone privileges may be reinstated.
 5. An offender wishing to appeal his/her suspension of telephone privileges must utilize the grievance procedure outlined in [Policy 303.100, "Grievance Procedure."](#)
 6. An offender wishing to appeal his/her banned number(s) must contact the OSI investigator in writing.

REVIEW: Annually

REFERENCES: ACA Standards 4-4497, 4-4271, 4-4272, 4-4274, 4-4275, 1-ABC-5D-11, 1-ABC-3D-01, 1-ABC-3D-02, 3-JTS-5H-11, and 2-CO-5D-01.
[Division Directive 303.040, "Use of Electronic Equipment by Offenders."](#)
[Policy 303.100, "Grievance Procedure."](#)

SUPERSESSION: Division Directive 203.210, "Offender Telephone Use," 6/3/08. All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: [Offender Telephone Use Indefinite Suspension Form](#)

Offender Telephone Use Blocked Number Form
Direct Order to Cease Communication Form

/s/

David R. Crist, Assistant Commissioner
Facility Services

Instructions

302.210FRB, "Offender Telephone Use"

302.210LL, "Legal Calls"

302.210OPH, "Legal Calls"

302.210-1OPH, "Offender Telephone Use"

302.210RC, "Legal Calls"

302.210RW, "Offender Telephone Use"

302.210STW, "Offender Telephone Use"

302.210WRML, "Offender Telephone Use"

Security Instructions

302.210SHK, "Offender Telephone Use"