



**POLICIES AND PROCEDURES MANUAL**  
**NORTH DAKOTA DEPARTMENT OF**  
**CORRECTIONS AND REHABILITATION**  
**PRISONS DIVISION**

Reference No.	Pages
	1 of 5
ACA Related Standards	
4-4497 and 4-4497-1	

Chapter Title MAIL, TELEPHONE AND VISITING	Subject INMATE ACCESS TO TELEPHONES
Date Issued November 8, 1990	Date Revised January 29, 2008

- I. AUTHORITY: North Dakota Century Code 12-47-12.
- II. PURPOSE: To set forth policy and procedure governing inmate access to and use of telephones.
- III. APPLICABILITY: This administrative regulation applies to all inmates and to all staff members who may be requested to permit an inmate to communicate by telephone.
- IV. DEFINITIONS: As used in this document, the following definitions shall apply:
  - A. Legal Representatives: Attorneys, legal aid officers or assistants to the inmates' attorney of record.
  - B. Emergency Telephone Calls: Calls involving serious illness, death or impending disaster related to the inmate's property which cannot be deferred until regular mail delivery.
- V. POLICY:
  - A. Written policy, procedure, and practice provide for inmate access to public telephones. Inmates with hearing and/or speech disabilities, and inmates who wish to communicate with parties who have such disabilities, are afforded access to a Telecommunications Device for the Deaf (TDD), or comparable equipment. Public telephones with volume control are also made available to inmates with hearing impairment. (4-4497)
- VI. PROCEDURE:
  - A. All verbal communication by inmates, including use of telephones, will be conducted using only the English Language unless prior approval has been obtained from the Chief of Security, Unit Manager or designees.  
 Exceptions will be considered based on religious and individual case needs.
  - B. Inmate telephone calls, except legal calls, are subject to monitoring and recording.
  - C. Telephone calls to attorneys or other legal representatives may be permitted upon request. All in-state attorney's phone numbers are automatically identified and blocked by the inmate phone company to prevent monitoring by staff, ensuring confidentiality. It is the inmates responsibility to notify the phone company of attorney's numbers from outside the state so they may be added to the "no monitoring" list.
  - D. The inmate phone service may block numbers of parties who refuse to pay their bill, have requested that their number be blocked or The Chief of Security has determined are unauthorized.



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- E. If an inmate receives an incoming call of an emergency nature, the telephone number and name of the calling party will be obtained and after verification of the emergency, the inmate shall be permitted to return the call pertaining to the emergency. When ever possible, the call should be collect. Staff assistance may be given when a collect call is not possible.
- F. Inmates are allowed 10 numbers to put on their calling lists. This will not include attorneys or clergy.
- G. When an inmate is discharged at the completion of his/her sentence their personal inmate pin number for telephone access will be inactivated in the inmate telephone system. Upon any offender returning to any facility of the ND DOCR Prisons Division, any telephone number on the pre-existing approved telephone list of the returning offender can only be approved through an updated application. No telephone number can be reactivated without a current and approved telephone application through the contract provider. Unused money left in an inmate phone account when discharged will be forfeited and placed in the Inmate Betterment Fund.

H. Access and Use of Telephone Equipment

- 1. Telephone calls by inmates shall be permitted during recreation times, or by housing unit policy. Inmates in Disciplinary Detention are not allowed telephone calls, but shall be eligible to respond to incoming emergency calls at the Unit Manager or Shift Supervisor's discretion.

a. Professional Calls

At times, inmates will need to call attorneys or clergy during non-recreation hours. For these special calls, inmates must complete a phone request slip and ensure that it is given to the Unit Staff by 8:00 a.m. for that day. The calls will be limited to attorneys and clergy only and the Unit Staff will have sole responsibility for the approval or disapproval of the call. These calls will be made between 8:00 a.m. and 5:00 p.m.

When education calls are necessary, the inmate will seek approval through the Education Director who will notify the Unit Staff.

When calls to the Veterans Administration are necessary, the inmate will seek approval through the Work Release Supervisor who will notify the Unit Staff.

Work release calls must be completed with the assistance of the Work Release Supervisor.

Calls requiring "special handling", such as emergencies, may be referred to the Treatment staff by the Unit Staff.



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If calls cannot be completed, the Unit Staff will attempt to give the inmate another time to complete the call. There will be no loitering near the phone area.

b. Unauthorized Calls:

No calls will be allowed to the Governor, judges, clerks of court, parole office, medical agencies or Department of Corrections staff, businesses, or employers, the media and law enforcement agencies. Inmates may communicate to the above through written correspondence.

Phone calls may be made to people that have registered on the inmate telephone call list. No phone calls may be made for another inmate. Use of another inmates pin number is prohibited.

No credit card, three-way calls, conference calls, 1-800 or 1-900 calls are allowed. Call forwarding is prohibited.

c. Social Calls

The institution has provided a number of local and long distance phones. In the event a phone is inoperative, it should be reported to a staff member.

Personal and social calls can be made during the recreation period. Inmates must limit their calls to 15 minutes. If an individual fails to abide by this rule, phone privileges may be suspended.

**THE PHONES ARE SUBJECT TO BEING MONITORED AND RECORDED.**

If an inmate places a phone call, he must complete the call. He may not give the phone to another inmate.

d. Staff-Assisted:

Inmates are prohibited from using any staff telephone.

There may, however, be emergency situations when inmates will need staff to assist in placing a non-collect call.

Requests for a long-distance call must be made 24 hours in advance by writing to the Caseworker. Caseworkers will verify the need for the call (as opposed to writing a letter) and if approved, will assist in placing the call.

The following are examples of the types of calls that may be allowed:



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- i. Family emergencies: Do not require 24-hour notice. (death, hospitalization, etc)
- ii. Legal matters: Must have some pending immediacy. The inmate should be able to show a court date or filing date within approximately 30 days. In most other cases, it is possible for the inmate to complete their business through the mail.
- iii. Family Contacts: In some cases, it is appropriate to allow the inmate one fifteen-minute phone call per month to contact an immediate family member. For example, if the family member cannot afford to pay for the long distance call and it can be shown that there has been no telephone contact, it may be appropriate. Phone records of the inmate for past contacts, frequency of calls, etc. should be checked.
- iv. Staff are authorized to use their discretion in approving these calls. It may be determined there is or would have been enough time to accomplish the same goal through the mail, if the inmate were to plan accordingly.
- v. Inmate Group Activities: These calls must be made by the staff member in charge of the inmate group.

e. Calls to the Media

All inmate telephone calls to the media will be approved by the Warden or designee. The Warden or designee will disapprove inmate telephone calls that will cause harassment to the media or threaten the security of the Prisons Division. Inmates must request this permission by writing to the Warden or designee.

I. Incoming Attorney Phone Calls

- 1. All attorney phone calls shall be directed in all cases to the assigned inmate records staff, Monday through Friday. The Assigned inmate records staff will receive the phone call, inquire as to the information sought and if the attorney requests a return phone call from the inmate. The Assigned inmate records staff will pass on the message of the requested return phone call to the Unit Staff. Inmates will be permitted to call their attorney, if possible, on the same day during working hours at the convenience of the Institution.
- 2. On weekends, holidays and after normal business hours, all attorney phone calls will be directed to the Case Manager or Shift Supervisor on duty. The Case Manager or Shift Supervisor will take the message and at the convenience of the Institution during business hours the next working day have the inmate return the phone call to the requesting attorney.



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3. VII. POLICY

Written policy, procedure, and practice ensure that offenders have access to reasonably priced telephone services. Correctional agencies ensure that:

- Contracts involving telephone services for offenders comply with all applicable state and federal regulations
- Contracts are based on rates and surcharges that are commensurate with those charged to the general public for like services. Any deviation from ordinary consumer rates reflects actual costs associated with the provision of services in a correctional setting.
- Contracts for offender telephone services provide the broadest range of calling options determined by the agency administrator to be consistent with the requirements of sound correctional management.(4-4497-1)

VIII. PROCEDURE

- A. All inmate telephone calls shall be collect calls or debit card calls.

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 Tim Schuetzle, Warden, NDSP  
 Director, Prisons Division

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 Leann K. Bertsch, Director of  
 Corrections & Rehabilitation

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 Date

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 Date

- 12-01 (Reviewed)
- 12-02 (Revised)
- 11-03 (Revised)
- 06-04 (Revised)
- 01-05 (Revised)
- 12-05 (Revised)
- 11-06 (Revised)
- 07-07 (Revised)
- 01-08 (Revised)