

	<b>State of Alaska Department of Corrections Policies and Procedures</b>		<b>Index #:</b>	810.01	<b>Page 1 of 4</b>	
			<b>Effective:</b>	7/16/07	<b>Reviewed:</b>	7/07
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	<b>Chapter:</b>	Communication, Mail, and Visiting				
<b>Subject:</b>	Prisoner Access to Telephone					

I. Authority

In accordance with 22 AAC 05.155, the Department will maintain a manual comprised of policies and procedures established by the Commissioner to interpret and implement relevant sections of the Alaska Statutes and 22 AAC.

II. References

Alaska Statutes

AS 12.25.150, AS 33.30.011, AS 33.30.021, AS 44.28.030

Administrative Code

22AAC 05.015, 22AAC 05.530, 22AAC 05.400

Standards for Adult Correctional Institutions; 4th Edition 2003

4-, 4429, 4271, 4272, 4472, 4497, 4497-1

Standards for Adult Local Detention Facilities; 3<sup>rd</sup> Edition 1991

3ALDF 3D-21, 3D-21-1, 3D-22, 3D-23, 3E-02, 5D-09

III. Purpose

To establish uniform procedures within the Department for prisoner access to telephones.

IV. Application

All staff and prisoners.

V. Definitions

None

VI. Policy

A. Prisoners shall have reasonable access to a telephone. The Department may limit, monitor, or record prisoners' telephone calls to preserve security and order in the institution and to protect the public. Accommodations shall be made to ensure access to telephone communication by disabled prisoners.

B. The Commissioner may ban prisoner use of certain types of telephone calls or telephone features that threaten facility security, the safety of a person, or the protection of the public, such as conference calls or call-forwarding, so long as reasonable telephone access is maintained. If a particular type of telephone call or telephone feature is banned, such a prohibition should not be construed to prohibit use of that type of call or feature at any Court or agency hearing in which a prisoner participates as a party or witness when the use of that type of call or feature is authorized by the judge.

VII. Procedures

A. Access and Use of Telephone

1. Access and Limiting Access

Prisoners in open population and administrative segregation shall have reasonable telephone access as determined by the Superintendent. Accommodations shall be made to ensure disabled prisoners have access to telephone communications. Upon request, Telecommunication Device for The Deaf (TTD) or similar equipment shall be made available to prisoners with hearing/speech disabilities. An open population or

administrative segregation prisoner's telephone access may be limited or suspended by:

- a. A disciplinary tribunal as punishment for a disciplinary infraction;
- b. The Superintendent, based upon an individualized determination that reasonable grounds exist to believe that the prisoner's telephone use threatens facility security, the safety of a person, the protection of the public, or otherwise constitutes telephone abuse;
- c. A Court order or condition of probation/parole restricting contact with an individual or class of individuals;
- d. Prisoners whose telephone access has been limited or suspended must still be allowed telephone calls to an attorney, the Courts for scheduled hearings, and the Ombudsman's Office; and
- e. A prisoner whose telephone privileges are limited or suspended in connection with placement in administrative segregation or disciplinary action may challenge those restrictions only in the administrative segregation or disciplinary appeal process, as applicable. A prisoner whose telephone privileges are limited or suspended based upon an individualized determination may challenge the restrictions only by filing a grievance pursuant to policy 808.03 Prisoner Grievances.

## 2. Prohibited Phone Calls

- a. Except as specifically authorized by the Superintendent (e.g., telephonic Court or administrative agency hearings where the judge or hearing officer authorizes the inmate to participate telephonically from prison), prisoners are prohibited from making phone calls that use, directly or indirectly, the following features:
  - (1) Three-way calls (telephone calls where there are initially two parties to the call and then third or subsequent parties are added by means of a conference or similar feature);
  - (2) Call-forwarding, whether permanent or temporary;
  - (3) Collect long-distance calls made through an operator rather than through the automated phone system in place;
  - (4) Calls to toll-free numbers, except as authorized by the Superintendent;
  - (5) Calls to 900 or similar numbers for which special, additional charges apply;
  - (6) Calls using calling cards or Personal Identification Numbers (PINs) not issued directly by the facility;
  - (7) Calls billed to credit cards or third parties.

## 3. Administrative Segregation

Prisoners in administrative segregation must request to use the telephone in accordance with institutional Standard Operating Procedures.

## 4. Punitive Segregation

Prisoners in punitive segregation are limited to telephone calls to attorneys, the Courts for scheduled hearings, and the Ombudsman's Office. The Superintendent may approve other calls for compelling reasons. Prisoners in punitive segregation must request to use the telephone in accordance with institutional Standard Operating Procedures.

## 5. Prisoner-to-Prisoner Calls

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Prisoner-to-prisoner telephone calls are prohibited. The Superintendent may authorize calls between family members at his or her discretion.

6. Long Distance Calls

The Department is not required to pay for long-distance telephone calls. Prisoners must call all long distance numbers collect unless otherwise authorized by the Superintendent.

7. Coinless Pay Phones

The Department may install coinless pay phones with caller identification for all local and long distance calls.

B. Telephone Calls to Legal Representatives

The Department shall ensure that telephone calls to attorneys can be made during normal office hours. The Department may not restrict the number of attorneys a prisoner may call. The Department shall implement a system by which attorneys may leave messages for prisoners via facsimile. These messages shall be posted in an area accessible to all prisoners or delivered to the appropriate prisoner within 24 hours of receipt, except on weekends and holidays. These messages are not confidential. Except as authorized by the Superintendent; facsimile messages are limited to two pages.

C. Telephone Calls after Arrest

Immediately after arrest, a prisoner has the right to telephone or otherwise communicate with an attorney and any relative or friend.

1. The prisoner must call collect or otherwise pay for all long distance telephone calls.
2. The shift supervisor shall allow combative and incapacitated prisoners to use the telephone only when their conduct does not threaten themselves, others, or the safety and security of the institution.

D. Monitoring and Recording of Calls

1. Except as noted below, all calls may be monitored and recorded at any time.
  2. Calls between a prisoner and an attorney, or the Office of the Ombudsman, may not be monitored or recorded, except when authorized by court order. Calls to other designated privileged organizations may not be monitored and recorded, except when authorized by the Commissioner. The Commissioner shall designate organizations which are privileged for purposes of monitoring and recording of calls. Each Superintendent will ensure that the prisoner handbook lists procedures for calling attorneys, the Ombudsman or other designated privileged organizations to avoid recording or monitoring. Designated organizations are listed below:
    - a. Alaska Human Rights Commission
    - b. Alaska legislators
    - c. Any Court in the United States
    - d. Attorney General of Alaska
    - e. Chairman, Alaska Board of Parole
    - f. Commissioner, Department of Corrections
    - g. Division of Occupational Licensing
    - h. Department of Corrections Grievance and Facility Standards Administrator
    - i. Governor of Alaska
    - j. Members of the U. S. Congress for Alaska
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- k. Physician of record for the prisoner
  - l. State of Alaska Americans with Disabilities Act Coordinator (Division of Rehabilitation, Department of Labor)
  - m. The prisoner's foreign consulate
  - n. The Office of Victim's Rights (when the prisoner also qualifies as a "victim" under Alaska Statute.)
  - o. Any organization, such as the American Civil Liberties Union, National Prison Law Project, or Alaska Legal Services Corporation, that assists persons in the exercise of their legal rights.
3. Notice that all calls may be monitored and recorded must be posted near each prisoner telephone.

#### VIII. Implementation

This policy and procedure is effective as of the date signed by the Commissioner. Each Manager shall incorporate the contents of this document into local policy and procedure. All local policies and procedures must conform to the contents of this document; any deviation from the contents of this document must be approved in writing by the Division Director.

7/2/07  
Date



Joseph D. Schmidt, Commissioner  
Department of Corrections