
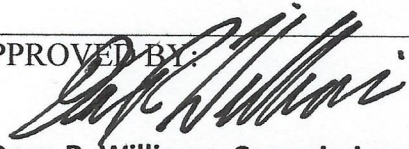


<p style="text-align: center;">STATE OF ALASKA DEPARTMENT OF CORRECTIONS</p>  <p style="text-align: center;">POLICIES & PROCEDURES</p>	SECTION: Institutions		PAGE: Page 1 of 4
	CHAPTER: 810	NUMBER: 810.01	P&P TYPE: Public
	TITLE: Prisoner Access To Telephones		
	APPROVED BY:  Dean R. Williams, Commissioner		DATE: 05/24/18
ATTACHMENTS / FORMS: (A.) Privileged Telephone Contact Designation Form. (B.) Privileged Organizations Designation List.		AUTHORITY / REFERENCES: 22 AAC 05.155 AS 33.30.021 22 AAC 05.530 AS 33.30.231 AS 33.05.010 AS 44.28.030 AS 33.16.180 DOC P&P 808.03 AS 33.30.011	

POLICY:

- I. It is the policy of the Department of Corrections (DOC) to have in place uniform procedures to allow prisoners to have reasonable access to telephones.
- II. It is the policy of the Department to limit, monitor, or record prisoners' telephone calls in situations where the security and order of the institution is at risk and to protect the public.
- III. The DOC Commissioner may ban prisoner use of certain types of telephone calls or telephone features that threaten institution 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.

APPLICATION:

This policy and procedure will apply to all Department employees and prisoners.

PROCEDURES:

I. Access To And Use of Telephones:

A. Telephone Access:

1. Prisoners in general population and administrative segregation shall have reasonable telephone access as determined by the Superintendent. A general population or administrative segregation prisoner's telephone access may be limited or suspended by:
 - a. A disciplinary tribunal and / or hearing officer as punishment for a disciplinary infraction; and
/ or

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b. The Superintendent based upon an individualized determination that reasonable grounds exist to believe that the prisoner's telephone use threatens institutional security, the safety of a person, the protection of the public, or otherwise constitutes telephone abuse.

2. Prisoners whose telephone access has been limited or suspended must still be allowed telephone calls to: an attorney; the courts for scheduled hearings; the Alaska Office of the Ombudsman; the Alaska State Troopers (AST); the Alaska State Commission for Human Rights (ASCHR); and the Prison Rape Elimination Act (PREA) hotline.
3. 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 DOC P&P 808.03, Prisoner Grievances.

B. Privileged Telephone Contacts:

Prisoners may complete a *Privileged Telephone Contact Designation Form* (Attachment A) in order to have a telephone contact designated as privileged. All forms must be completed in full and returned to institutional staff for verification and processing.

C. Prohibited Phone Calls:

Except as specifically authorized by the Superintendent (e.g., telephonic court or administrative agency hearings where the judge or hearing officer authorizes the prisoner 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 (2) 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 and prisoner phone system contract manager;
5. Calls to 900 or similar numbers for which special, additional charges apply;
6. Calls using calling cards or PINs not issued directly by the institution;
7. Calls billed to credit cards or third parties.

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D. Administrative Segregation:

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

E. Punitive Segregation:

Prisoners in punitive segregation are limited to telephone calls to attorneys, the courts for scheduled hearings, and the Ombudsman's Office. Prisoners in punitive segregation must request to use the telephone in accordance with institutional Standard Operating Procedures.

F. Prisoner-to-Prisoner Calls:

Prisoner to prisoner telephone calls are prohibited except for telephone calls between prisoners who are immediate family members:

1. The Superintendent may authorize calls between family members at his or her discretion.
2. Calls between prisoners may also be allowed on a case-by-case basis, when specifically ordered by the court.

G. Long Distance Calls:

The Department is not required to pay for long-distance telephone calls, even for indigent prisoners or prisoners who are immediate family members. Prisoners must call all long-distance numbers collect unless otherwise authorized by the Superintendent.

II. Telephone Calls To Legal Representatives:

A. The Department shall ensure that telephone calls to attorneys can be made during normal office hours.

B. The Department may not restrict the number of attorneys a prisoner may call.

C. The Department shall implement a system by which attorneys may leave messages for prisoners via facsimile or via e-mail. Each Superintendent shall implement this system via Standard Operating Procedures (SOP):

1. These messages shall be delivered to the appropriate prisoner once per day, except on weekends and holidays.
2. These messages are **not** confidential.
3. Except as authorized by the Superintendent, facsimile and e-mail messages are limited to two (2) pages.

III. Telephone Calls After Arrest:

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

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- B. The prisoner must call collect or otherwise pay for all long-distance telephone calls.
- C. The Shift Commander 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.

IV. Monitoring And Recording Of Telephone Calls:

- A. Except as noted below, all calls may be monitored and recorded at any time.
- B. Calls between a prisoner and an attorney, the Alaska Office of the Ombudsman, or the PREA Hotline may not be monitored or recorded, except when authorized by a court order.
- C. 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 via the *Privileged Organizations Designation List* (Attachment B).
- D. 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.
- E. A notice that all calls may be monitored and recorded must be posted near each prisoner telephone.

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