



State of Indiana
Indiana Department of Correction

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**POLICY AND ADMINISTRATIVE
PROCEDURE**
Manual of Policies and Procedures

Title
TELEPHONE PRIVILEGES

Legal References (includes but is not limited to)	Related Policies/Procedures (includes but is not limited to):	Replaces:
11-8-5-2	00-01-102 02-01-101 02-01-102 02-01-103 02-01-119	02-01-105 (Eff. Date 3-15-03 / ED # 03-09)

I. PURPOSE:

The purpose of this policy and administrative procedure is to establish a system for incarcerated individuals to access the public through the use of a telephone system and to establish the parameters in which the Department may restrict access to the telephone system.

II. POLICY STATEMENT:

The Department shall establish a mechanism that allows incarcerated individuals at all facilities to place telephone calls to persons in the community. This process shall encourage the maintenance of community ties and relationships so that the incarcerated individual’s re-integration into the community may be facilitated.

In conjunction with the Indiana Department of Administration, the Department shall develop a contract to provide local and long distance telephone services that complies with all applicable State and federal regulations. This contract shall include provisions for incarcerated individuals to make collect or other approved types of telephone calls and shall attempt to obtain the most reasonable rates for these calls possible.

Each facility shall establish a system that permits incarcerated individuals the opportunity to place telephone calls to persons in the community. If the system restricts the times in which these telephone calls can be made, the facility shall attempt to allow all incarcerated individuals to make calls at reasonable times that will allow them to contact family members or friends. The system established by the facility shall consider the custody level of the incarcerated individuals and the custody and control needs of the facility. Additionally, this system shall provide for incarcerated individuals access to a telephone during special or emergency situations. Incarcerated individuals

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who abuse or attempt to circumvent the proper use of the telephone system may have their access to the system restricted or denied for a given period of time.

In order to maintain the safety and security of the facility and to reduce the possibility of illegal activities, the Department may establish a system of monitoring telephone calls. Notices advising incarcerated individuals that telephone calls may be monitored shall be posted. Recipients of calls from the calling system will hear a recorded message indicating the call will be recorded for possible monitoring. Telephone calls to attorneys or legal representatives shall not be monitored if the incarcerated individual advises staff the telephone call is to an attorney or legal representative.

III. DEFINITIONS:

For the purposes of this policy and administrative procedure, the following definitions are presented:

- A. **BUSINESS DAY:** Mondays through Fridays excluding weekends, State holidays, and declared emergencies.
- B. **CALLING SYSTEM:** The telephone system(s) established in a facility for incarcerated individuals to make outgoing telephone calls.
- C. **EMERGENCY TELEPHONE CALL:** A telephone call reporting a critical illness, critical injury or death of an immediate family member; or, a call either to or from an incarcerated individual in response to an impending or actual damage to or loss/destruction of property, outside of the facility, owned by the incarcerated individual or their immediate family, and over which the incarcerated individual has some legal control or interest.
- D. **IMMEDIATE FAMILY:** The immediate family of an incarcerated individual is their father, mother, siblings, spouse, children, grandparents, grandchildren, and legal guardians including those with a “step,” “half” or adoptive relationship and those persons with the same relationship to the incarcerated individual's spouse.
- E. **LEGAL REPRESENTATIVE CALL:** A telephone call to an incarcerated individual's legal representative, including the incarcerated individual's attorney and any employee designated by the attorney, in writing, as working on the case, such as a secretary, paralegal, or investigator.

IV. AVAILABILITY OF TELEPHONES:

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The Warden shall ensure that an adequate number of telephones are available for use as determined by the needs of the population and the availability of telephone service to the facility. The number of available telephones shall be consistent with the smooth and efficient operation of the facility.

The Warden shall ensure that these telephones are located where incarcerated individuals have appropriate access at the approved times as well as allow staff to observe telephone use. A sufficient number and type of telephones shall be available to meet the needs of disabled individuals, which may include telephones with lower mounts, longer cords, volume controls, etc.

Incarcerated individuals have the opportunity to have a tablet assigned to them. These tablets include an application (app) that allows incarcerated individuals to make telephone calls. Telephone calls from the tablet are subject to the same procedures, monitoring, schedules, and restrictions as the landline telephones in the housing units.

V. USE OF TELEPHONES (See Operational Procedure):

The Department shall provide a calling system and establish the rules governing its use. The facilities shall ensure that all incarcerated individuals are aware of the calling system and provided the opportunity to use the calling system without interference from other incarcerated individuals or interrupting programming and the security of the facility. Facilities may limit the length of time that incarcerated individuals may use the calling system, including the total length of time spent on calls and the time spent on individual calls.

During the admission and orientation process at a facility, an incarcerated individual who wishes to use the calling system shall be required to complete State Form 49014, "Offender Telephone List." With the exception of telephone calls to attorneys, incarcerated individuals shall be limited to calling only the telephone numbers included on the telephone list. This list may contain up to twenty (20) friends and family telephone numbers.

Attorney telephone numbers may be added to the telephone list at any time. Attorney telephone numbers shall be verified through the Indiana Roll of Attorneys website. If the name and telephone number submitted by the incarcerated individual do not match, the telephone number will be denied placement on the telephone list. Staff shall notify the incarcerated individual in writing the reason(s) for the telephone number's denial.

Additional telephone numbers may be added to the telephone list by the Warden or designee upon review of an incarcerated individual's specific situation (e.g., size of family). Once the incarcerated individual submits the original telephone list, it shall be processed within ten (10) business days.

The Warden or designee may deny the placement of any telephone number on an incarcerated individual's telephone list, if it is determined that there is a threat to facility safety or security, or

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to the safety of the public, or upon written request of the person at a specific telephone number requested by the incarcerated individual. Any decision to deny a telephone number shall be documented in writing to the incarcerated individual. The incarcerated individual may file a grievance regarding any denial in accordance with Policy and Administrative Procedure 00-02-301, "The Grievance Process." The person whose telephone number was denied placement on the incarcerated individual's telephone list may appeal a denial to the Commissioner or designee.

Incarcerated individuals shall be allowed to add to or delete from their telephone list no sooner than every 90 days, excluding changes requested for legal representatives.

The Department may establish a calling system in conjunction with a telephone company which requires incarcerated individuals to have a personal identification number (PIN) in order to place telephone calls. The facilities shall ensure that the incarcerated individuals are made aware of the telephone system requirements. Incarcerated individuals shall be required to sign a document approved by the Warden and the telephone company, which indicates the parameters of the calling system at the time that they are issued a PIN. Operational procedures shall specify the manner in which an incarcerated individual is assigned a PIN and any other information necessary for the operation of the calling system. An incarcerated individual may not give anyone their PIN. An incarcerated individual shall report a compromised (e.g., lost, stolen or known by another incarcerated individual) PIN immediately to staff. The giving of a PIN or the use of another incarcerated individual's PIN shall be considered abuse of the calling system and shall result in disciplinary action in accordance with Policy and Administrative Procedure 02-04-101, "The Disciplinary Code for Incarcerated Adults," and may include restrictions on the use of the calling system.

Facilities shall develop operational procedures, in accordance with Policy and Administrative Procedure 00-04-101, "The Development of Policy," which establish the times that incarcerated individuals may have access to the calling system. These procedures shall ensure that each incarcerated individual is permitted reasonable telephone access. Facilities may develop a procedure, such as a sign-up sheet, to ensure that incarcerated individuals are provided access to the calling system. The operational procedures shall account for the custody level of the population at the facility, the security restrictions of the facility, the procedure to change a PIN, the incarcerated individual's access to the community, the manner in which the telephone lists may be updated, and establish any limitations on the length of calls.

Facilities may allow certain incarcerated individuals differing degrees of access to the calling system based upon appropriate documentation. Such access may be based upon the incarcerated individual's status and/or behavior, location, classification, etc.

Incarcerated individuals assigned to the Work Release Program in a Community Re-Entry Center/Work Release Facility, may be exempt from this procedure. Facilities which do not have

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the capability to monitor or control the use of the telephone system by the system's operating program may be exempt from the requirement of developing telephone lists until such time as the facility's system does have this capacity.

VI. RESTRICTIONS ON THE USE OF TELEPHONES:

The use of the calling system is a privilege. This privilege may be restricted or denied. Access to the calling system and the number of calls allowed may be restricted as a result of disciplinary action, the specific assignment of an incarcerated individual, or during an emergency as declared by the Warden in accordance with Policy and Administrative Procedure 02-03-102, "Emergency Response Operations."

Incarcerated individuals shall not have access to direct-dial telephones, except as approved by the Warden at Community Re-Entry Centers/Work Release facilities. Telephone calls made by incarcerated individuals shall be through the recorded call monitoring system only.

Incarcerated individuals shall not be permitted to:

- A. Make third-party calls;
- B. Use any type of calling card;
- C. Use any long distance carrier other than the carrier approved by the facility;
- D. Make a conference telephone call;
- E. Forward a call to another party;
- F. Call toll-free telephone numbers (unless approved by the Commissioner/designee);
- G. Use the telephone system for unlawful purposes;
- H. Use another incarcerated individual's PIN; or,
- I. Call telephone numbers not included on the individual's telephone list.

Incarcerated individuals found in violation of these procedures shall be subject to disciplinary action. Incarcerated individuals who use the telephone system for unlawful purposes may be subject to criminal prosecution.

All area code 800, 888, 900 and other similar toll-free telephone numbers shall be blocked from the calling system unless the number has been approved by the Commissioner/designee.

A facility may block specific telephone numbers under certain circumstances prohibiting access. The facility shall document any requests to block an incarcerated individual's ability to call specific telephone numbers in accordance with this policy and administrative procedure. Requests made by the public to restrict an incarcerated individual's access to specific telephone numbers shall be considered confidential and filed with investigatory material in the incarcerated individual's packet. Incarcerated individuals shall be advised when a specific telephone number is

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restricted; however, they shall not be advised as to who made the request nor the reason for the request. Individuals who attempt to call telephone numbers that have been restricted shall be subject to disciplinary action. In those cases where an incarcerated individual conspires with other incarcerated individuals to call restricted telephone numbers, all involved individuals shall be subject to disciplinary action.

In the case of a declared emergency the Warden may order the shutdown of the calling system until the emergency situation is resolved.

VII. MONITORING THE CALLING SYSTEM (See Operational Procedure):

The telephones used in the calling system shall be connected to a telephone monitoring device. Monitoring may include indicating the incarcerated individual's use of the calling system by PIN, the number called, the duration of the call, and the recording of the actual telephone call. Telephone calls may be monitored to reduce the possibility of illegal activities and to ensure the safety and security of individuals or the facility.

Incarcerated individuals shall be advised during facility orientation that telephone calls made using the calling system may be monitored. Signs are to be posted prominently above the telephones used in the calling system indicating that any telephone call may be monitored and/or recorded.

The facilities shall develop operational procedures governing the monitoring of telephone calls. The operational procedures shall specify the manner in which the telephone calls shall be monitored including the staff responsible for this activity. The telephone call recordings shall be maintained for six (6) months, unless the information on the recording is under investigation or evidence in a criminal matter in which case it shall be maintained until all legal action on the matter is concluded.

When staff listening to recorded telephone calls believe that illegal activities or activities which threaten the safety and security of the facility or other persons have occurred, staff shall report this information to the facility Investigations and Intelligence staff.

VIII. EMERGENCY TELEPHONE CALLS (See Operational Procedure):

The employee receiving an emergency telephone call shall ascertain the name and telephone number of the calling party and the exact nature of the emergency and to the extent possible verify this information. Incarcerated individuals shall not be permitted to receive incoming emergency telephone calls. A designated employee shall advise the appropriate incarcerated individual of the call as soon as possible. Upon staff approval, the incarcerated individual may make a return telephone call. Emergency telephone calls shall not be considered as one of the incarcerated individual's regular telephone calls.

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An approved emergency telephone call may be dialed collect by designated staff. With the approval of the Warden or designee, in certain cases, an incarcerated individual may be authorized to make a direct dial emergency telephone call. In such cases, an employee shall be present when the call is made and shall ensure that the incarcerated individual calls the approved person and/or telephone number.

The facility operational procedures shall make provision for outgoing emergency telephone calls. If an incarcerated individual has a need to make an emergency telephone call, the incarcerated individual shall submit a request to the designated employee in accordance with the facility operational procedures. The designated employee shall review this request and shall either approve or deny the request in a timely manner.

IX. TELEPHONE CALLS TO LEGAL REPRESENTATIVES (See Operational Procedure):

Incarcerated individuals shall be permitted to make telephone calls to attorneys in accordance with Policy and Administrative Procedure 00-01-102, “Access to the Courts for Incarcerated Individuals” and this policy and administrative procedure. Incarcerated individuals shall be provided the opportunity to make calls to the legal representatives without calling system monitoring. Telephone calls to legal representatives shall not be considered one of the incarcerated individual's regular telephone calls.

An incarcerated individual's legal representative may either call or write the Warden to request that their client be allowed to make an unmonitored telephone call.

Telephone calls to legal representatives shall typically be made using the calling system; however, facilities may approve direct dial calls under certain circumstances (e.g., when the legal representatives telephone system cuts-off the call when it is transferred). The facility shall establish operational procedures for placing direct dial calls to legal representatives including designating staff to oversee these calls.

The facility shall not apply any frequency limitations, within reason, on telephone calls to legal representatives when the incarcerated individual can demonstrate that communication by correspondence, visitation, or telephone system access is inadequate.

Each facility shall develop operational procedures to provide for unmonitored telephone conversations with legal representatives. These operational procedures shall ensure that incarcerated individuals are provided with necessary information to request and place these telephone calls. Should an incarcerated individual fail to follow these procedures for making an unmonitored telephone call to an attorney, the call may be monitored.

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X. APPLICABILITY:

This policy and administrative procedure is applicable to all Department facilities housing incarcerated individuals, including youth, and all incarcerated individuals in those facilities. This policy and administrative procedure is not applicable to Intake Units.

signature on file
 Christina Reagle
 Commissioner

 Date