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Section 03-Facility Operations	OP-030119	Page: 1	Effective Date: 08/21/2014 Annual Review: 02/2015 Annual Review: 12/2015
Offender Telephone Privileges	ACA Standards: 2-CO-5D-01, 4-4271, 4-4272, 4-4275, 4-4497, 4-4497-1, 4-ACRS-5A-18-1, 4-ACRS-5A-19, 4-ACRS-5A-19-1, 4-ACRS-6A-01		
Robert Patton, Director Oklahoma Department of Corrections	Signature on File		

Offender Telephone Privileges

The use of telephones by offenders is a privilege, not a right. Offenders may communicate with persons or organizations subject to the limitations necessary to maintain the facility’s order and security. Offenders will not use telephones without appropriate facility authorization. (2-CO-5D-01, 4-4497)

For the purpose of this procedure, the term “offender” will apply to anyone under the authority, custody or care of a prison or a community-based facility operated by or contracted with the Oklahoma Department of Corrections (DOC).

I. Procedures for Telephone Privileges

A. Responsibility for Charges

All telephone calls will be “collect” to the party legally responsible for the telephone charges incurred.

1. Credit card and “third number billing” calls are prohibited.
2. Community corrections centers and community work centers that allow offenders’ possession of currency may permit the use of pay telephones.
3. Phone calls to an offender’s attorney of record will be collect or made at the offender’s expense.

4. With the exception of phone calls made to the attorney of record, collect phone calls will not be made to a business phone.

B. Cost of Telephone Services (4-4497-1, 4-ACRS-5A-19-1)

DOC will ensure that offenders have access to reasonably priced telephone services.

1. Contracts involving telephone services for offenders will comply with all applicable state and federal regulations.
2. Contracts for telephone services may include:
 - a. Rates and surcharges commensurate with like services for the general public, to include collect calls and surcharges from telephone service providers. Any deviation from rates reflects costs associated with provision of service to correctional settings.
 - b. Calling options will be consistent with security and operations of the agency as approved by the director.

C. Facility Guidelines

The facility head will ensure the following:

1. Offenders have fair and equitable access to the telephone.
2. The times, length of calls, use of unmonitored phone lines, and other information regarding offenders' use of facility telephones is specified in facility offender orientation materials and through posting in one or more offender accessible areas.
3. Offenders with hearing and/or speech disabilities, and offenders who wish to communicate with parties who have such disabilities, are afforded access to a Telecommunications Device for the Deaf (TDD), or comparable equipment.
4. Offenders with a hearing impairment are afforded access to telephones with volume control. (4-4497, 4-ACRS-5A-19)
5. Action is taken when complaints are received from the public about abusive, excessive, or unwanted telephone contact by an identified offender. Telephone numbers that an offender is not permitted to call are blocked and the length of phone calls is limited to control abuse, as technology permits. Abuse of phone privileges may also be grounds for disciplinary action.
6. Offenders are only permitted to receive phone calls, with staff assistance, regarding a verifiable death or life threatening illness of

an immediate family member. Staff will not take personal messages for an offender. (4-ACRS-5A-18-1)

7. Calls to a court clerk to speak with staff regarding the status of a case are not legal calls and are subject to monitoring.
8. Offenders are assisted with making calls to court personnel if required provided the following guidelines are satisfied:
 - a. The call is necessary and concerns a matter that cannot be resolved by mail.
 - b. The institution is reimbursed by the offender for the cost of the call. A "Request for Disbursement of Legal Costs" form ([DOC 030115A](#)) will be completed for all phone call requests to court personnel. Offenders who do not have sufficient funds to cover the cost of the call will be provided the requested service and the cost of the call will be collected as soon as funds become available in the offender's trust fund. The offender will be charged for the call if court personnel refuse to speak to the offender.
 - c. A staff member places the call and determines if the court personnel wish to take the call and speak with the offender. The staff member remains present, and if the offender becomes threatening or abusive with the court personnel, the call is terminated and disciplinary action is initiated.
9. Offenders are afforded the opportunity for phone calls for reentry purposes, such as between case manager/teacher/transition coordinator and offender to the reentry/community service provider. Staff will assist the offender with making the phone call and will remain present to ensure the call is for the intended purpose.
10. Offenders at contractual halfway houses have access to pay phones in order to contact family members, employers, or other outside agencies without restrictions. Offenders residing in halfway houses may possess and use telephone calling cards. Cards may be mailed to the offender or brought in during approved visits. Cards may also be purchased by offenders during approved shopping trips.

D. Restricted Activities

1. The telephone will not be used for illegal activities or violations of facility regulations.
2. Offenders will be expected to conduct their telephone conversations in an acceptable manner. Loud, threatening, or profane language will not be tolerated.

3. Offenders are expressly prohibited from making or participating in conference calls, transferred calls, 3-way calling or call forwarding, except in cases where the facility administration has initiated such calls.
4. Offenders are not permitted to use cellular phones.

E. Non-routine Telephone Calls

1. Any call that is not a collect call is a non-routine call.
2. In the event an offender needs to place a call that is not specified or in accordance with normal facility procedure, approval from the facility head will be obtained prior to the call being made.
3. If an offender requests a collect, unmonitored call to the offender's attorney of record, it will be arranged through facility staff or as specified in facility orientation materials. (4-4275, 4-ACRS-6A-01)
4. Any offender, involved in litigation, pro se, may receive a call from the attorney general's office or the general counsel's office. (4-4275)
5. Offenders are permitted to answer the telephone and place calls when it is part of their assigned tasks such as customer service and telemarketing in correctional industry programs. The customer service and telemarketing functions will be set up with equipment for routine staff monitoring of phone calls.

F. Segregation Housing Units

The facility head will address the use of telephones by offenders in segregated housing units in facility orientation materials, and such use will be consistent with levels specified in [OP-060107](#) entitled "Systems of Incarceration."

1. Offenders in administrative segregation and protective custody, and offenders who are held in disciplinary detention for more than 60 days will be allowed telephone privileges. (4-4271)
2. Offenders in disciplinary detention for less than 60 days will be allowed limited phone privileges. Calls authorized by the facility head or designee and calls related specifically to access the attorney of record or clergy will not be limited. (4-4272)

II. Monitoring of Telephone Calls

A. General

1. Calls, other than those deemed legal, may be monitored by facility staff officials. (4-4275, 4-ACRS-6A-01)
2. Legal calls are those by offenders to their attorney(s) of record and those persons working for the attorney(s) of record. (4-ACRS-6A-01)
3. Offenders will have no expectation of privacy while placing general telephone calls.
4. Calls placed by offenders utilizing a TDD may be monitored by review of the printout tape or by direct observation by staff.

B. Notification

Offenders will be informed telephone calls are subject to being monitoring by posting signage in clear view of the telephone stating: "All calls are subject to monitoring. Your call is not private."

C. Monitoring

1. Apparatus will be used at all institutions to record the conversations on telephones used by offenders.
2. Equipment that records the phone numbers dialed by an offender will be permitted.
3. Each institution will have the capability to shut off all offender phones during emergencies, lockdowns, working hours, etc.
4. Offenders are prohibited from using offender phones during their scheduled work periods.

III. References

Policy Statement No. P-030100 entitled "Provisions of Services/Offenders Rights and Responsibilities"

OP-060107 entitled "Systems of Incarceration"

13 O.S. § 176.4

17 O.S. § 139.1

IV. Action

The division manager is responsible for compliance with this procedure.

The associate director of Field Operations is responsible for the annual review and revisions.

Any exceptions to this procedure will require prior written approval from the director.

This procedure is effective as indicated.

Replaced: Operations Memorandum No. OP-030119 entitled "Offender Telephone Privileges" dated July 20, 2011

Distribution: Policy and Operations Manual
Department Website

Referenced Form

Title

Location

[DOC 030115A](#)

“Request for Disbursement of Legal Costs”

[OP-030115](#)