MICHIGAN DEPARTMENT OF CORRECTIONS **POLICY DIRECTIVE**	EFFECTIVE DATE 01/01/09	NUMBER 05.03.130
SUBJECT PRISONER TELEPHONE USE	SUPERSEDES 05.03.130 (01/01/07)	
	AUTHORITY MCL 791.203, 791.270; Administrative Rule 791.6638	
	ACA STANDARDS 4-4497	
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POLICY STATEMENT:

Use of telephones by prisoners is a privilege. Prisoner telephone use in Correctional Facilities Administration (CFA) institutions shall be in conformance with the requirements of this policy directive.

POLICY:

DEFINITIONS

A. Immediate Family Member - A grandparent, parent, step-parent, spouse, child, step-child, grandchild, sibling, step-sibling, and an aunt and uncle if adequate verification is provided that they served as a surrogate parent.

B. Monitor - To listen to or record, or both.

C. Personal Identification Number (PIN) - A unique number assigned to each prisoner which allows access to those telephone numbers placed on the prisoner's approved telephone list.

GENERAL INFORMATION

D. This policy only applies to prisoners incarcerated in CFA institutions, except as set forth in Paragraph KK. For prisoners in the Special Alternative Incarceration Program, telephone services shall be available as set forth in PD 05.01.142 “Special Alternative Incarceration Program” when in direct conflict with requirements set forth in this policy directive.

E. The Operations Support Administration (OSA) shall be responsible for state-wide contracts with telephone companies to provide telephone service to prisoners in CFA institutions. The telephone companies shall be required to comply with requirements set forth in this policy, including the monitoring of prisoner telephone calls and timely entry of approved telephone numbers into the system. Telephone service provided shall include all of the following features:

1. A "voice over" announcement, which shall be made one time during the conversation indicating that the call is coming from a correctional facility;

2. Ability to restrict numbers of those businesses/individuals who have requested not to receive telephone calls from a prisoner;

3. Ability to prevent telephone calls to all toll-free numbers (e.g., 800, 888) and numbers for which a fee is charged to access (e.g., 900, 976);

4. Notice of monitoring as set forth in Paragraph BB;

5. Other features as approved by the CFA Deputy Director or designee.

F. For security and control purposes, telephones designated for prisoner use will be designed to render them inoperable during times when telephone usage would interfere with other facility activities and during facility emergencies.

G. Except as approved by the Warden or designee for emergencies, all prisoner telephone calls shall be on a collect or prepaid basis. Prepaid telephone service shall be offered to prisoners in the Special Alternative Incarceration Program only as approved by the CFA Deputy Director. Telephone service shall be provided throughout the United States, Canada, Mexico, Puerto Rico, the Virgin Islands, and Guam. Where arrangements cannot be made with local telephone companies for collect or prepaid telephone service, only emergency telephone usage by prisoners shall be permitted.

H. A prisoner who wants to purchase prepaid telephone service must submit a completed Disbursement Authorization (CAR-893) to the business office. The minimum amount of telephone service time that may be purchased is $10 with additional amounts purchased in $5 increments. No refunds shall be issued. Business office staff shall enter the purchase of prepaid telephone service within two business days after receipt of an approved disbursement authorization form. An electronic notification of all daily purchases will be automatically sent to the appropriate telephone company at the end of each business day; the appropriate telephone company will make the prepaid service available for use by the prisoner within three business days after it receives notice of the purchase of the prepaid service.

I. Except for verified emergencies, prisoner use of a telephone shall be considered a leisure time activity. Prisoners shall be permitted to take their legal papers with them to make a telephone call to an attorney or legitimate legal service organization. Telephone equipment shall automatically limit each call to 15 minutes or, for calls to attorneys, 20 minutes. Each call using a telecommunications device for the deaf (TDD) or teletypewriter (TTY) services shall be limited to 30 minutes.

J. In an emergency, the Warden or designee may allow a prisoner to make a call outside normal times allowed. Emergencies include critical illness or death of an immediate family member, serious prisoner illness, or other situations as determined by the Warden or designee. Prisoners shall not be authorized to make emergency telephone calls to anyone who is known to be a victim of the offense for which the prisoner is serving, known to have a personal protection order against the prisoner, or known to have his/her telephone number blocked so as to not receive calls from the prisoner. If a prisoner is authorized by the Warden or designee to use a telephone that is not normally designated for prisoner use, staff shall dial the number for the prisoner and listen to the ensuing conversation; however, if the telephone call is to an attorney or legitimate legal service organization on the prisoner's approved telephone list or to an individual or organization identified on Attachment B that is <u>not</u> subject to monitoring, staff shall <u>not</u> listen to the conversation.

K. Prisoners shall not possess or be allowed to use a credit, debit, or prepaid telephone card. The use of three-way calling and call-forwarding features are prohibited. If such calls are received by Department staff, they shall be terminated immediately and reported to the facility. The prisoner may be subject to restriction of telephone use as described in this policy.

L. Prisoners in segregation shall be provided access to telephones in accordance with PD 04.05.120 "Segregation Standards".

<u>APPROVED TELEPHONE LISTS</u>

M. A prisoner who wants to use the prisoner designated telephones must first complete and sign a Telephone Agreement and Number List - Monitor and Record form (CAJ-370) identifying the names and telephone numbers of people and/or organizations s/he wants to be able to call. No more than 20 names and telephone numbers may be identified; numbers of cellular telephones may be included. The completed form shall be submitted to designated housing unit staff for approval.

N. The Telephone Agreement and Number List - Monitor and Record form shall be transmitted to the appropriate telephone company within one business day after receipt of a properly completed and approved list by designated housing unit staff. The telephone company will enter the numbers into the system within two business days, and provide written acknowledgment of entry to the institution within three business days, after its receipt of the list. The prisoner shall be provided a PIN which will allow access to the numbers entered.

O. A telephone number known to be for a victim of the offense for which the prisoner is serving, as identified in the Pre-sentence Investigation Report, shall not be approved by institutional staff for entry into the system unless the victim has sent written authorization to be placed on the list directly to the Warden. If the victim is under 18 years of age and is not an emancipated minor, the authorization must come directly from the victim's legal guardian or custodial parent. A telephone number which has been blocked pursuant to Paragraph S or T may not be placed on a prisoner telephone list except if a written request has been received from the person who had the number blocked. Telephone numbers known by staff to be blocked shall not be placed on the list. The telephone numbers of attorneys and legitimate legal service organizations shall be verified by institutional staff as set forth in Paragraphs Y and Z before being approved for entry into the system.

P. A prisoner shall be permitted to change the names or telephone numbers on his/her list during the time periods identified in Attachment A, except that the following changes shall be permitted at any time:

1. To add or delete the name and business telephone number of an attorney or a legitimate legal service organization, or change the business telephone number of an attorney or a legitimate legal service organization already on the prisoner's list;

2. To change the telephone number of a person who is already on the prisoner's list;

3. To add the telephone number of a spouse, subject to the restrictions set forth in Paragraph O regarding victims;

4. Other special circumstances as approved by the Warden.

Q. To add, delete, or change a telephone number pursuant to Paragraph P, a prisoner must complete and sign a new Telephone Agreement and Number List - Monitor and Record form, identifying the telephone numbers being added, deleted, or changed and the name of the person being called; the form is to be submitted to designated housing unit staff for approval.

R. Changes made pursuant to Paragraphs P and Q shall be transmitted to the appropriate telephone company within one business day after receipt of a properly completed Telephone Agreement and Number List - Monitor and Record form by appropriate housing unit staff. The reason for the change(s) shall be documented on the form. The telephone company will enter the numbers into the system within two business days, and provide written acknowledgment of entry to the institution within three business days, after its receipt of the list.

REMOVAL FROM APPROVED TELEPHONE LIST

S. An individual or organization who is on a prisoner’s approved telephone list who does not want to receive calls from that prisoner may have his/her telephone number blocked directly through the system; however, if a written request is received at an institution from an individual or organization to remove his/her number from the list, the Warden shall ensure that the request is submitted to the appropriate telephone company within one business day after receipt of the request. The telephone company will block the telephone number within two business days, and provide acknowledgment of that block to the institution within three business days, after the system entry by the requestor or after its receipt of the request from the Warden. If a non-written request is received at the institution, the person or organization making the request shall be advised s/he may block the number directly through the system or may submit the request in writing to the Warden, who shall proceed as set forth above upon receipt of the written request. The Warden shall ensure that the prisoner is notified in writing that the number has been blocked upon request. It also shall be noted on the appropriate Telephone Agreement and Number List - Monitor and Record form.

T. Individuals and organizations who do not want to receive any calls from prisoners may have their telephone numbers blocked state-wide upon written request to the CFA Deputy Director. The CFA Deputy Director also may have a number blocked state-wide on his/her own initiative or upon written

request of a Warden if it is reasonably believed that the number is being used for illegal purposes. The CFA Deputy Director shall ensure that the appropriate telephone company is notified of all approved state-wide blocks. Within one business day after receipt of the notification, the CFA Deputy Director or designee shall notify the appropriate telephone company to block the number state-wide. The telephone company will block the number within two business days, and provide written acknowledgment of the block to the CFA Deputy Director or designee within three business days, after its receipt of the notice. The CFA Deputy Director or designee shall be responsible for notifying all Regional Prison Administrators, who shall be responsible for notifying all Wardens in their respective regions.

UNIVERSAL LIST

U. In addition to the names and telephone numbers identified on his/her approved telephone list, a prisoner shall be permitted to call any person or organization identified on the universal list (Attachment B). Only attorneys, court monitors, public interest groups, governmental agencies, and similar persons or entities may be considered for placement on the universal list. The CFA Deputy Director shall be responsible for approving placement on the universal list.

V. An individual or organization whose telephone number is on the universal list shall have that number removed from the list by submitting a written request for removal of the number to the CFA Deputy Director. A Warden or Regional Prison Administrator may request that a number be removed from the list by submitting a written request through the appropriate chain of command to the CFA Deputy Director with justification for the requested removal. The CFA Deputy Director also may remove a number from the list on his/her own initiative. If a number is removed from the list upon request of a Warden or Regional Prison Administrator or by the CFA Deputy Director upon his/her own initiative, the CFA Deputy Director or designee shall notify the individual or organization in writing of the removal.

W. The CFA Deputy Director or designee shall ensure that the appropriate telephone company is notified of the date the individual or organization is to be added or removed from the universal list, as appropriate. The telephone company will make the change as indicated, and provide written acknowledgment of the change to the CFA Deputy Director or designee, within one business day after the date the change takes effect.

MONITORING

X. All telephone calls made from telephones designated for prisoner use shall be monitored, except for calls to the following:

1. A public official (i.e., any elected federal, state, or local government official, or a consulate general) who has made a written request to not have his/her calls monitored. Requests from public officials shall be made to the CFA Deputy Director or designee, who shall verify the authenticity of the request before notifying the appropriate telephone company that the number is not to be monitored. The CFA Deputy Director or designee shall notify the appropriate telephone company to appropriately enter the number within one business day after receipt of the notice. The telephone company will appropriately enter the number within two business days and provide written acknowledgment of this to the CFA Deputy Director or designee within three business days, after its receipt of the notice.

2. Business telephone numbers of attorneys and legitimate legal service organizations, except if the attorney is related to the prisoner by blood or marriage. Only telephone numbers verified as set forth in Paragraphs Y and Z shall be entered into the system as a number that is not to be monitored.

3. A number on the universal list, except as otherwise indicated on Attachment B.

Y. Staff shall verify the business telephone number of an attorney licensed in the state of Michigan by

using the most recent directory issue of the Michigan Bar Journal or through the State Bar of Michigan website. Staff shall verify the business number of a legitimate legal service organization using the most recent directory issue of the Michigan Bar Journal or through other reasonable means. If the telephone number is listed in the Michigan Bar Journal or is verified through the State Bar of Michigan website, it shall be presumed to be the business telephone number. Upon verification, staff shall document the attorney's State Bar of Michigan Member Number ("P" Number) on the Telephone Agreement and Number List – Monitor and Record form.

Z. If the telephone number of an attorney or a legitimate legal service organization cannot be verified as set forth in Paragraph Y, the prisoner who requested access to that number shall immediately be informed in writing that the number could not be verified and will not be entered into the system unless the attorney or legal service organization submits satisfactory written verification of the business telephone number directly to the Warden or designee. It is the prisoner's responsibility to notify the attorney or legal service organization of these requirements. The prisoner shall be notified when satisfactory verification has been received and told s/he may resubmit a request to add the name and telephone number to his/her approved telephone list as set forth in Paragraphs P and Q.

Notice of Monitoring

AA. Each Warden shall ensure that signs are posted on or beside each telephone designated for prisoner use which specifically state that all calls are being recorded and may be listened to. The signs shall be in English, Spanish, and, at facilities designated to house visually impaired prisoners, in Braille. All signs must be durable and posted in a manner which does not permit easy removal by prisoners. The signs shall remain posted at all times and shall be immediately replaced if stolen or defaced.

BB. In addition to the posting of signs, both the prisoner and the party who is called shall be verbally notified prior to the initiation of their conversation that the conversation is monitored. Wardens shall ensure that the verbal notification system is checked periodically to verify that it is functioning properly. If it is not functioning properly, monitoring of telephone calls shall immediately cease until the problem is corrected. The CFA Deputy Director or designee shall be notified promptly of the malfunction.

Access to Monitoring Equipment and Records

CC. Each Warden shall designate a staff person to be responsible for the monitoring equipment and records, including audio recordings, of monitored calls. Each Warden also shall designate staff who are responsible for randomly listening to telephone calls, and for reviewing audio recordings of those prisoners suspected of illegal activity. At least 50 telephone calls or audio recordings per month shall be listened to at each institution. Staff shall listen only to those telephone calls that are subject to monitoring pursuant to this policy. Each staff person shall document those calls or conversations listened to by maintaining a record of the date the call or conversation was listened to and by whom, the date the call was made, the PIN under which the call was made, and the number called.

DD. Records, including audio recordings, of monitored calls shall be kept in an area where staff access is controlled. Access to the records shall be limited to the following:

1. The Director or any person approved by the Director;

2. The CFA Deputy Director;

3. CFA Regional Prison Administrators;

4. The Warden, Deputy Warden, Assistant Deputy Warden, and Inspector of the institution;

5. A law enforcement agency;

6. The Internal Affairs Division, Operations Support Administration;

7. Staff specifically designated by the Warden to be responsible for the monitoring equipment and audio recordings, or for monitoring of calls at that facility.

EE. Information obtained from monitored telephone calls which is evidence of a violation of, or an attempt to violate, state law shall be disclosed to the appropriate law enforcement agency.

FF. Information obtained from monitored telephone calls which is evidence of the commission of, or attempt to commit, a major misconduct violation shall be disclosed to Department staff as necessary to conduct a major misconduct hearing.

GG. Records, including audio recordings, of monitored calls shall be retained for three years.

TELEPHONE RESTRICTIONS

HH. In addition to being subject to discipline as set forth in PD 03.03.105 "Prisoner Discipline", a prisoner who abuses his/her telephone privileges may be restricted from using the telephone. Examples of abuse include but are not limited to:

1. Calls which harass family members or others, or calls which are unwelcome/unwanted by family members or others;

2. Making a threatening, obscene, or nuisance telephone call;

3. Making a call which is a violation of state or federal law, or telephone company regulations;

4. Violation of facility rules for telephone usage;

5. Using the telephone to conduct a business enterprise;

6. Damaging or destroying the telephone;

7. Telephone calls to Department employees;

8. Strong-arming other prisoners to restrict/regulate telephone usage;

9. Making three-way telephone calls or using call-forwarding to reach a telephone number other than that which was called;

10. Using or possessing another prisoner's PIN or providing a PIN to another prisoner.

II. A prisoner shall be given a hearing pursuant to Administrative Rule 791.3310 to establish the basis for restriction. Telephone usage may be restricted pending the hearing, but the hearing shall be held within 14 business days after imposition of a temporary restriction. The period and nature of the restriction shall be determined by the Warden or designee except if the restriction exceeds six months, in which case written approval from the Regional Prison Administrator is required. The prisoner shall be given credit for any period of time for which the prisoner's telephone usage was restricted pending the hearing.

JJ. While on a telephone restriction, prisoners shall be allowed to make calls to attorneys and legitimate legal service organizations on the approved telephone list, which may be limited by the Warden or designee to calls upon request of the attorney or legitimate legal service organization, and to those individuals and organizations identified on Attachment B that are not subject to monitoring. Authorized calls may be placed by staff, but must be in a location where the conversation cannot be overheard by staff or other prisoners. Such calls shall not be monitored. Except as approved by the Warden or designee for emergencies, all calls shall be on a collect basis.

SPECIAL CIRCUMSTANCES

Hospital

KK. With Warden or Deputy Warden approval, a prisoner who is an inpatient in an outside hospital may be permitted to make collect telephone calls but may not have a telephone placed in the hospital room. Staff shall dial the number for the prisoner call and listen to the ensuing conversation; however, staff shall not listen to the conversation of calls to an attorney or legitimate legal service organization on the prisoner's approved telephone list or an individual or organization identified on Attachment B that is not subject to monitoring. Approval shall be given when a prisoner requests to contact an attorney or legitimate legal service organization on his/her approved telephone list or an individual or organization identified on Attachment B that is not subject to monitoring.

TDD/TTY Services

LL. A hearing impaired prisoner shall be permitted access to TDD/TTY services for telephone calls to a person or organization on the prisoner's approved telephone list or on the universal list; reception facilities and facilities designated to house hearing impaired prisoners shall have either a dedicated line or a portable TTY for use by prisoners requiring TDD/TTY services. In addition, a prisoner shall be permitted to have access to TDD/TTY services for telephone calls to a person on the prisoner's approved telephone list who is hearing impaired. The person on the approved telephone list shall be required to provide medical verification of the need for TDD/TTY communications. Except for calls to an attorney or a legitimate legal service organization on a prisoner's approved telephone list, or to those individuals and organizations identified on Attachment B that are not subject to monitoring, TDD/TTY communications shall either be monitored or the TDD/TTY communications observed by staff. If the TDD/TTY communications are being observed by staff, staff shall ensure that the receiver is notified that the communication is being observed prior to any other communication between the parties. TDD/TTY services shall be available for prisoners during the same time periods that regular telephone use is permitted; staff shall be available to assist prisoners using TDD/TTY services during these time periods.

Calls Between Prisoners Who Are Immediate Family Members

MM. A prisoner who is in general population or protective segregation in a CFA facility may call another prisoner who is an immediate family member and is in general population or protective segregation in another CFA facility as set forth in this section.

NN. A prisoner may place or receive one call to or from an immediate family member in a 12-month period, even if the prisoner has more than one immediate family member who is incarcerated. The prisoner wanting to initiate the call must submit a written request to the Warden, identifying the prisoner who s/he wants to call and the relationship. Unless denied, the Warden shall consult with the Warden of the institution at which the other prisoner is housed to determine whether to approve the call. If the Wardens do not agree on whether the call should be approved, the matter shall be referred to the CFA Deputy Director for resolution. In such cases, the CFA Deputy Director shall ensure that both Wardens are notified in writing whether the telephone call is approved. The prisoner making the request shall be notified in writing if the request is denied at any stage of this process.

OO. If the telephone call is approved, designated staff at the facility at which the prisoner who requested the call is housed shall arrange and schedule the telephone call. The call shall be placed and received in the housing unit by housing unit staff. Once the call is connected, the prisoners shall be permitted to begin their conversation, which shall not exceed 15 minutes. Housing unit staff shall be present for the duration of the call and listen to the entire conversation. Housing unit staff shall terminate the call for any of the reasons set forth in Paragraph HH or if the prisoner engages in any misconduct during the telephone call.

PP. The prisoner who requested the call shall be responsible for the cost of the call and must have sufficient

funds to pay the estimated cost of the call prior to the call being placed. Funds shall not be loaned for this purpose. If the call is not a local call, staff shall place the call through the telephone company operator so that the exact charge for the call can be obtained at the conclusion of the call.

PROCEDURES

QQ. Wardens shall ensure that operating procedures are developed as necessary to implement requirements set forth in this policy directive. Procedures shall be completed within 60 calendar days after the effective date of this policy directive. This includes ensuring that their existing procedures are revised or rescinded, as appropriate, if inconsistent with policy requirements or no longer needed. Facility procedures shall not conflict with procedures issued by the Director.

AUDIT ELEMENTS

RR. A Primary Audit Elements List has been developed and is available on the Department's Document Access System to assist with self audit of this policy, pursuant to PD 01.05.100 "Self Audit of Policies and Procedures".

ATTACHMENTS

SS. This policy directive contains the following attachments:

1. Attachment A - Time Periods to Change Telephone List

2. Attachment B - Universal List

APPROVED: PLC 11/21/08

ATTACHMENT A

TIME PERIODS TO CHANGE TELEPHONE LIST

A prisoner shall be permitted to change the names or telephone numbers on his/her list as set forth below:

Each January and July

Alger Maximum Correctional Facility (LMF)
Baraga Maximum Correctional Facility (AMF)
Chippewa Correctional Facility (URF)
Kinross Correctional Facility (KCF)
Marquette Branch Prison (MBP)
Newberry Correctional Facility (NCF)
Oaks Maximum Correctional Facility (ECF)
Ojibway Correctional Facility (OCF)
Pugsley Correctional Facility (MPF)
Saginaw Correctional Facility (SRF)

Each March and September

Carson City Correctional Facility (DRF)
Bellamy Creek Correctional Facility (IBC)
Earnest C. Brooks Correctional Facility (LRF)
Florence Crane Correctional Facility (ACF)
Ionia Maximum Correctional Facility (ICF)
Lakeland Correctional Facility (LCF)
Michigan Reformatory (RMI)
Central Michigan Correctional Facility (STF)
Muskegon Correctional Facility (MCF)
Richard A. Handlon Correctional Facility (MTU)
St. Louis Correctional Facility (SLF)
West Shoreline Correctional Facility (MTF)

Each May and November

Charles E. Egeler Reception and Guidance Center (RGC)
Cooper Street Correctional Facility (JCS)
G. Robert Cotton Correctional Facility (JCF)
Gus Harrison Correctional Facility (ARF)
Macomb Correctional Facility (MRF)
Maxey/Woodland Center Correctional Facility (WCC)
Mound Correctional Facility (NRF)
Parnall Correctional Facility (SMT)
Ryan Correctional Facility (RRF)
Thumb Correctional Facility (TCF)
Women's Huron Valley Correctional Facility (WHV)

APPROVED: PLC 10/01/10

ATTACHMENT B

UNIVERSAL LIST

The following have been placed on the universal list which allows all prisoners to have access to the specified telephone numbers:

1. State Appellate Defender Office - Detroit (313-256-9822)
2. State Appellate Defender Office - Lansing (517-334-6069)
3. Michigan Appellate Assigned Counsel System (517-334-1200)
4. American Friends Service Committee (734-761-9796)
5. Crime Stopper Tip Line (*767)
6. Sexual Abuse Hotline (517-335-5355)

The following has been placed on the universal list at female institutions:

1. Attorney Deborah Labelle (734-996-5620)

NOTE: Except for the American Friends Service Committee and the Michigan Appellate Assigned Counsel System, prisoner telephone calls to the above numbers shall not be monitored.

APPROVED: HEW 11/04/2015