

INCARCERATED INDIVIDUAL ACCESS TO TELEPHONES POLICY

STATE OF IOWA DEPARTMENT OF CORRECTIONS

Policy Number: OP-MTV-03

Applicability: DOC

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Iowa Code Reference: NA

Chapter 5: Offender Programs

Sub Chapter: Mail, Telephone, and Visiting

Related DOC Policies: IO-RD-03

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PREA Standards: NA

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1. PURPOSE

To describe the guidelines for permitting incarcerated individuals in Iowa Department of Corrections (IDOC) institutions access to telephones.

2. POLICY

It is the policy of the IDOC to encourage incarcerated individuals to maintain constructive contact with family and friends through the authorized use of the telephone. Telephone services are a privilege and are granted consistent with security standards and transition incentive programs at each institution.

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4. DEFINITIONS - See IDOC Policy **AD-GA-16** for Definitions.

5. PROCEDURES

5.1. Institutions

1. Each institution shall provide written procedures to incarcerated individuals outlining the steps necessary for an incarcerated individual to schedule and complete a telephone call.
2. These instructions shall be provided to incoming incarcerated individuals during orientation and shall be posted within the institution at a point accessible to the general population.
3. Institutional procedures shall provide the process on how to post money on the telephone account and shall include the number of calls an incarcerated individual may make, the length of the calls, security monitoring, and any limitations on calls that may be necessary.
4. Telephone privileges of incarcerated individuals in orientation, disciplinary detention, segregation status, and protective custody may be limited.
5. Provided institution procedures have been followed, incarcerated individuals, regardless of status in the institution, shall have reasonable telephone access to attorneys-of-record.

6. Transfer of telephone funds from one dedicated number account to another is prohibited. Transfer of telephone funds from a dedicated number account to the general account is permitted when requested in writing to the Business Office. The request must come from the owner of the dedicated number, not from the incarcerated individual.
7. All incarcerated individual telephone records are confidential. Any request from an outside agency, authorized to receive incarcerated individual telephone records, must be referred to the IDOC Public Information Office for review and approval. The Public Information Office shall review with appropriate staff.
8. Telephone calls from incarcerated individuals may be blocked by the recipient through the following process:
 - a. By contacting the Institution with a request to block the telephone number. All such requests shall be documented in ICON Generic Notes, unless the request come from a victim. In case of victim request, documentation shall be in ICON Records/Alerts - Victim Confidential Comments; or
 - b. By choosing the appropriate blocking option when an incarcerated individual's call is received.
 - c. Reinstatement request for blocked numbers must be in writing to the Iowa State Penitentiary Business Office and must come from the owner of the telephone number.

5.2. Emergency Calls

Institutional procedures shall outline, in cases of family emergency, telephone calls for those not normally authorized due to current status. Emergency calls outside normal telephone hours and procedures may be authorized.

5.3. Prohibited Calls

1. The following types of phone calls and actions connected with phone calls are prohibited:
 - a. Using "call forwarding" to connect to any phone number other than the number dialed by the incarcerated individuals.
 - b. Making any "credit card calls."
 - c. Calls to toll-free numbers (e.g., numbers using area codes such as 800, 888, 877, 866, 855, 844, etc.), unless authorized by IDOC policy or institutional procedure.
 - d. Calls to "900 numbers."
 - e. Direct and indirect three-way calls. Direct three-way calls involve the connection to an additional phone line by the person called by an incarcerated individual. Indirect three-way calls involve the use of one or more additional phones in a manner that allows an incarcerated individual to communicate with someone who is not at the phone number dialed by the incarcerated individual.
 - f. Using a phone to pass along a message for another incarcerated individual or to a person that the incarcerated individual is not allowed to communicate with.
 - g. Sharing a phone call with another incarcerated individual or making a phone call using another incarcerated individual's phone account.
 - h. Using sexually explicit, verbally abusive, or threatening language during a phone call.

- i. Making phone calls to further any unapproved business activities.
2. Incarcerated individuals are prohibited from telephone contact with any IDOC staff person. Any exceptions need approval through the Warden or designee.
3. Incarcerated individuals are prohibited from telephone contact with persons that may present a serious risk to the order and security of the institution. Telephone privileges may be restricted or suspended between an incarcerated individual and a person who evidence suggests pose a potential risk to the security of the institution. This applies but is not limited to, individuals whose communication contains references to Security Threat Group affiliation. Where such communication is discovered, telephone contact may be restricted or denied, with written notice of restriction or denial provided to both. Where such communication continues after several rejections and notice provided to both that continued communication of that nature may result in suspension of the communication privileges, the Warden/Designee may suspend communication privileges for a period of up to one year. The decision of the Warden/Designee may be appealed by letter to Assistant Deputy Director of Institution Operations.
4. Incarcerated individuals are prohibited from telephone contact with the victims and members of the household of the victim of their current or previous offense. All exception requests shall be considered during classification meetings in accordance with the recommendations of the Office of Victim and Restorative Justice.
5. Sex offenders with minor victims are prohibited from telephone contact with minors. All exception requests shall be considered during classification meetings in accordance with the recommendations of the Office of Victims and Restorative Justice.

6. Incarcerated individuals are prohibited from telephone contact with a person who is the protected party of an active no-contact order. Incarcerated individuals with a modified order that may allow telephone contact remain subject to applicable prohibitions of this policy.
7. Incarcerated individuals are prohibited from telephone contact with those persons currently under correctional supervision or detention in the community. Exceptions may be made for immediate family. Institutional procedures shall identify the designated approval authority for these exceptions.
8. Telephone calls between incarcerated individuals and former incarcerated individuals shall not be permitted for a minimum of six months following discharge from supervision. Exceptions for members of the immediate family may be made. After six-months telephone calls between Incarcerated individuals and former incarcerated individuals may be authorized by the Warden when such correspondence is determined to be in the best interests of the incarcerated individual and poses no threat to security. All exceptions shall be determined through procedures established at each facility.
9. Incarcerated individuals are prohibited from possessing or using cell phones or similar communication devices.
10. Wardens/Designees may make individual exceptions. In cases involving victims, their immediate family, or minor victims of sexual abuse, consultation with the Office of Victims and Restorative Justice is required.

5.4. Restrictions

1. Telephone privileges may be temporarily administratively restricted pending investigation of credible allegations of improper use of the telephone. Each institution shall determine the process for approval and review of these temporary restrictions. Telephone privileges may be

suspended or restricted in accordance with IDOC Policy **IO-RD-03**, *Major Discipline Report Procedure*.

2. Telephone privileges may be administratively suspended between an incarcerated individual and a person who evidence suggests poses a potential risk to the security of the institution. This applies but is not limited to, individuals whose contact contains references to Security Threat Group (STG) affiliation or activity or communication in code. Where such communication is discovered the incarcerated individual shall be provided written notice that further instances of inappropriate communication may result in suspension of telephone privileges. Where inappropriate communication continues after notice, the Warden may suspend telephone privileges up to one year. The decision of the Warden may be appealed to the Assistant Deputy Director of Institution Operations.
3. Institutions may temporarily restrict some or all routine telephone calls due to staff shortage, disturbances, or other situations which may jeopardize security.
4. Additional institutional procedures may apply.

5.5. Attorney Client Telephone Calls

1. Incoming Calls
 - a. Each institution shall designate an individual as the primary contact for attorneys who wish to arrange for an incoming call to an incarcerated individual. Attorneys must provide five-days advance notice to the institution's primary contact in order to arrange an incoming legal call between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday except state holidays. The institution shall provide one private attorney telephone area with a telephone that is not capable of outgoing calls. Calls shall be scheduled in 25 minute intervals.

Though attorneys are encouraged to limit their calls to one 25-minute time slot because only one telephone room per institution is available, attorneys may schedule two consecutive slots when necessary and if consecutive time slots are available. A staff member must be tasked to answer the telephone, verify the identity of the attorney, and provide the telephone to the incarcerated individual. These calls shall not be monitored.

- b. Incoming legal calls that are needed to address imminent deadline within the 5-day notice period may be approved by the Warden or designee upon review of written documentation which establishes the need for the imminent call.

2. Outgoing Calls

Incarcerated individuals can utilize the incarcerated individual telephones to place an outgoing call to their attorney. Calls to attorney office telephone numbers registered with the Iowa Supreme Court are not monitored or recorded in the incarcerated individual telephone system.

5.6. Institutional Volunteers

1. Current volunteers, generally, shall not be allowed normal personal telephone privileges with any incarcerated individual. Where a familial relationship exists, and only in consultation with the Deputy Director of Institution Operations, the Warden may authorize normal personal telephone privileges concurrently with the provision of volunteer services
2. Former volunteers who left volunteer status in good standing may, upon approval of the Warden, be allowed telephone privileges with incarcerated individuals six months following termination of volunteer status.

3. Former volunteers who were removed from volunteer status as a result of misconduct shall not be allowed telephone privileges unless a familial relationship exists with the incarcerated individual. Where a familial relationship exists, the Warden may consider authorization of telephone contact. The nature of the misconduct shall be a significant factor in the approval decision.

5.7. IPI Showroom

1. Incarcerated individuals working in the Des Moines Showroom of Iowa Prison Industries (IPI) are permitted to accept inbound calls and transfer them to IPI staff members accordingly.
2. Incarcerated individuals working in the Des Moines Showroom of IPI are permitted to make outbound calls to current and prospective customers of IPI, when part of an authorized telemarketing job training program. All such calls shall be recorded and stored for six months, and access to live or recorded calls shall be provided to the institutions on request.

Replaces IN-V-64

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