

TELEPHONES (INMATE)
Division 130

291-130-0005

Authority, Purpose, and Policy

(1) Authority: The authority for this rule is granted to the Director of the Department of Corrections in accordance with ORS 179.040, 423.020, 423.030, and 423.075.

(2) Purpose: The purpose of this rule is to establish uniform guidelines governing the use of telephones by inmates.

(3) Policy: It is the policy of the Department of Corrections to allow inmates to make telephone calls in accordance with the procedures outlined in this rule.

Stat Auth: ORS 179.040, 423.020, 423.030 and 423.075

Stat Impl: ORS 179.040, 423.020, 423.030 and 423.075

291-130-0006

Definitions

(1) Debit Call: A telephone call placed by an inmate using funds from the inmate's telephone account.

(2) Legal Telephone Call: Telephone calls between an inmate and his/her attorney or the attorney's documented representative(s), legal aid bureaus or other organizations as deemed appropriate by the department. The department will maintain a "legal call list" as specified in OAR 291-130-0021. Calls to numbers on the legal call list will not be subject to monitoring or recording by the department.

(3) Officer-in-Charge: That person designated by the functional unit manager to supervise the facility and make operational decisions in accordance with policy, rule or procedure during periods when the functional unit manager or officer-of-the-day are not readily available.

(4) Personal Identification Number (PIN): An assigned number used by an inmate to access the inmate telephone system. The number consists of the inmate's nine-digit telephone account number and a five-digit number issued by the department.

Stat Auth: ORS 179.040, 423.020,

423.030 and 423.075

Stat Impl: ORS 179.040, 423.020, 423.030 and 423.075

PROCEDURES

291-130-0011

Operation of Inmate Telephones

(1) Inmates are required to use their personal identification number (PIN) to access the inmate telephone system.

(a) Inmates are responsible to maintain security of their PIN.

(b) An inmate may not use another inmate's PIN.

(c) The department is not responsible for theft, loss or costs related to an inmate lending his/her PIN or failing to provide for its safekeeping.

(d) An inmate's PIN will be terminated if it has been lost, stolen, or if in the sole judgment of the functional unit manager/designee, the PIN has been used by the inmate or another person to engage in activity that violated department rule, state or federal law, or in other activity that poses a threat or is detrimental to the security, safety, health, good order or discipline within a Department of Corrections facility, inmate rehabilitation or that facilitates criminal activity.

(A) If an inmate's PIN is terminated, the department will issue the inmate a new PIN that allows the inmate to access the inmate telephone system to make legal calls only.

(B) A PIN replacement fee must be paid for the inmate to have access to telephone numbers on his/her personal call list. The functional unit manager/ designee may in his/her sole discretion waive the PIN replacement fee if the functional unit manager/designee determines that the PIN was compromised through no fault of the inmate.

(2) Personal Call List: Each inmate shall be authorized a maximum of 40 telephone numbers on his/her personal call list. The numbers on an inmate's personal call list *do not* include phone numbers on

the legal call list as specified in OAR 291-130-0021.

(a) An inmate may add or delete numbers on his/her personal call list by completing an Inmate Call List form (CD 1445) and submitting it to Inmate Phones at the department's Central Office. Department staff will verify each new number before adding it to the list.

(b) Changes to the personal call list are limited to once each month (up to five numbers) with a maximum of 40 numbers per calendar year.

(3) Debit Calls: The department will establish a telephone account for each inmate.

(a) An inmate may deposit funds in his/her telephone account by completing an Inmate Withdrawal Request (CD 28) and submitting it to designated staff. Designated staff will verify funds are available in the inmate's trust account, and forward the Inmate Withdrawal Request to the Central Trust Unit for processing. The Central Trust Unit will forward the funds to the phone company.

(b) An inmate shall address any issues regarding funds in his/her telephone account directly to the phone company.

(c) Debit calls will disconnect when funds in an inmate's telephone account have been depleted.

(d) Inmates may utilize their PIN to access their individual telephone account balance through the inmate phone system.

Stat Auth: ORS 179.040, 423.020, 423.030 and 423.075

Stat Impl: ORS 179.040, 423.020, 423.030 and 423.075

291-130-0016

General Provisions

(1) All calls must be placed as collect or debit. Only collect or debit calls can be made from telephones designated for inmate use.

(2) The functional unit manager or designee has the authority to restrict telephone calls by an inmate if the safety of the public would be involved or the security of the facility or safety and welfare of the

person to be called would be jeopardized.

(3) Inmates will not participate in three-way or conference calls or any form of call forwarding.

(4) Inmates shall not place charges to third party numbers, motels, hotels, places of business, credit cards or to telephone company calling card numbers.

(5) If the telephone call cannot be completed because no one answers or the line is busy, the inmate shall hang up and attempt another call at another time.

(6) Inmates shall not be permitted to loiter in the surrounding area where telephones are located.

(7) Only one inmate at a time shall be permitted access to a telephone. The inmate who initiates a call is the only person authorized to converse with the contact party during that call.

(8) Inmates may be required to sign up on the telephone log (CD 755) to reserve a time to use a telephone in a housing unit or activity area when there are a large number of inmates who want access to a telephone, but there is a limited number of telephones.

(9) A set of Oregon telephone directories for major cities shall be located in the facility library.

(10) Special Housing:

(a) Inmates in disciplinary segregation are not allowed telephone services except for emergency calls, legal calls as specified in OAR 291-130-0021(3) or other calls as authorized by the functional unit manager.

(b) Inmates in Administrative Segregation are allowed telephone services. The functional unit manager/designee will designate hours for inmate telephone use.

(c) Inmates in an Intensive Management Unit (IMU) are not allowed telephone services except for emergency calls, legal calls as specified in OAR 291-130-0021(3) or other calls as authorized by the functional unit manager. Authorization for telephone access shall be made by the IMU supervisor.

(d) Inmates in a Special

Management Unit (SMU) are permitted to place calls from inmate telephone(s) in the unit. SMU management may limit access to telephones if the access interferes with the inmate's treatment.

(e) Inmates on Death Row are allowed telephone services as authorized in the Department of Corrections rule on Death Row Housing Unit (OAR 291-093).

(f) Inmates in Department of Corrections facility infirmaries are allowed telephone services as established by the functional unit manager.

(11) Other inmate telephone services or restrictions, not specifically addressed in this rule, may be implemented for safety and security reasons or as authorized by the functional unit manager.

(12) Inmates shall report all inmate phone repair issues as directed by the department.

Stat Auth: ORS 179.040, 423.020, 423.030 and 423.075

Stat Impl: ORS 179.040, 423.020, 423.030 and 423.075

291-130-0020

Monitoring, Termination and Blocking of Calls

(1) All calls are subject to monitoring and recording except for legal telephone calls.

(2) Directly above each group of monitored telephones, a sign shall be posted stating in English and Spanish "Phone calls are subject to be monitored and recorded."

(3) An inmate's use of the telephone system to engage in activity that is a violation of department rules, state, or federal law may result in disciplinary action and possible restriction of telephone services.

(4) The department may block access to phone numbers used to commit a crime or violate department rules, including any attempt to place a three-way call or use any form of call forwarding.

(5) An inmate's telephone services or individual telephone calls may be suspended by the functional unit

manager/designee, in his/her sole discretion, when the functional unit manager/designee has reason to believe the inmate has used or may use inmate telephone services to engage in activity that violates department rule, state or federal law, or to engage in other activity that poses a threat or is detrimental to the security, safety, health, good order or discipline within a Department of Corrections facility, inmate rehabilitation, or that facilitates criminal activity.

Stat Auth: ORS 179.040, 423.020, 423.030 and 423.075

Stat Impl: ORS 179.040, 423.020, 423.030 and 423.075

291-130-0021

Legal Calls

(1) The department shall maintain a list of legal telephone numbers entitled the "legal call list." Inmate calls to attorneys whose telephone numbers appear on the legal call list will not be monitored or recorded by the department.

(a) The legal call list shall include the official telephone numbers of all attorneys registered with and provided to the Oregon State Bar Association, official telephone numbers of attorneys who have requested and been added to the list as specified in subsection (2) below and business telephone numbers of other organizations as deemed appropriate by department and whose communication with inmates shall be considered confidential. The list of official numbers of attorneys registered with the Oregon State Bar will be updated twice a year.

(2) Upon request of an attorney whose official telephone number is not on the legal call list or upon request of the attorney's inmate client, the department will verify the number with the appropriate state bar and add the attorney's official telephone number to the list. However, the department will not include an attorney's home, cell or other telephone number on the department's legal call list that is not the attorney's contact telephone number provided to the appropriate state bar.

Deleted: ¶

Inmate calls to telephone numbers not on the legal call list will be subject to monitoring or recording by the department.

(3) An inmate with an active or pending case with an imminent court deadline of ten business days or less who does not have regular access to the inmate telephone system (e.g., the inmate is in disciplinary segregation or Intensive Management Unit) may be permitted a legal call to his/her attorney as approved by the officer-in-charge or the inmate's counselor.

(a) Use of Inmate Telephone System: Designated staff will make arrangements for the inmate to make the call.

(b) Use of Staff Phones: Designated staff will facilitate the call and verify the identity of the person called. The staff member shall leave the area where the call is taking place; however, the inmate shall be kept under observation. The call should be placed as collect, if possible. Use of staff phones for such calls shall be held to a minimum.

Stat Auth: ORS 179.040, 423.020, 423.030 and 423.075

Stat Impl: ORS 179.040, 423.020, 423.030 and 423.075

291-130-0030

Emergency Calls (Staff Assisted)

(1) All requests for emergency telephone calls from inmates, or a member of the public due to a death or serious illness of a person with a substantial relationship to an inmate may be approved by the officer-in-charge, inmate's counselor, or the chaplain upon verification of the emergency. Designated staff will facilitate the call and verify the identity of the person called. Calls shall be monitored by staff.

(2) The functional unit manager or staff specifically designated by the functional unit manager may approve other emergency calls as necessary for issues specific to the inmate. Such calls will be handled in the same manner as in section (1) above.

Stat Auth: ORS 179.040, 423.020, 423.030 and 423.075

Stat Impl: ORS 179.040, 423.020, 423.030 and 423.075

291-130-0050

Use of Institution Telephones

(1) Inmates inside a facility will not answer outside lines unless specifically authorized in writing by the functional unit manager/designee.

(2) Inmates authorized and assigned by a staff member may answer an institution telephone in an assigned area. Inmates so assigned shall answer by stating their title, last name, location, and saying, "May I help you." Example: "Inmate Jones, unit one, may I help you?"

(3) Inmates may be assigned to make telephone calls as part of their job assignment.

Stat Auth: ORS 179.040, 423.020, 423.030 and 423.075

Stat Impl: ORS 179.040, 423.020, 423.030 and 423.075

291-130-0060

Location of Telephones and Hours of Telephone Use

(1) The functional unit manager/designee shall designate hours for inmate telephone use.

(2) Telephones located in recreational areas; i.e., yard, multi-purpose, shall normally be available during the normal hours inmates are allowed access to the respective area.

(3) Locations of telephones and hours for use of telephones shall be posted on unit bulletin boards and included in inmate admission and orientation material or in inmate handbooks at all Department of Corrections facilities.

(4) The functional unit manager may restrict the times telephones are available to inmates to conform to line movements, scheduled inmate activities, meals, and staff availability.

(5) Call durations may vary based on the physical locations of phones as established by the functional unit manager/designee.

Stat Auth: ORS 179.040, 423.020,

423.030 and 423.075

**Stat Impl: ORS 179.040, 423.020,
423.030 and 423.075**

291-130-0080

**Remaining Telephone Fund Balances
Upon Release**

Remaining funds balances received from the phone company will be deposited to individual inmate trust accounts as per the department's rule on Trust Accounts (OAR 291-158-0045) less a processing fee imposed by the department. Funds deposited on behalf of inmates who are indebted to the department are subject to collection as per OAR 291-158-0065. Any remaining funds are disbursed to the inmate through the Oregon Trail card or by check.

**Stat Auth: ORS 179.040, 423.020,
423.030 and 423.075**

**Stat Impl: ORS 179.040, 423.020,
423.030 and 423.075**