

	DEPARTMENT OF PUBLIC SAFETY	EFFECTIVE DATE: November 26, 2018	POLICY NO.: COR.15.03
	CORRECTIONS ADMINISTRATION POLICY AND PROCEDURES	SUPERSEDES (Policy No. & Date): COR.15.03 & 02/01/2018	
SUBJECT: ACCESS TO TELEPHONES		Page 1 of 5	

1.0 PURPOSE

To provide a telephone access system that will allow inmates to maintain community ties and contact with attorneys. Each inmate will have equal and adequate access to the telephone system.

2.0 SCOPE

This policy applies to all Correctional facilities.

3.0 REFERENCES, DEFINITIONS, AND FORMS

.1 References

- a. Department of Public Safety (PSD), Policy & Procedures (P&P), ADM.08.08. Prison Rape Elimination Act.
- b. PSD, P & P, COR.13.03, Adjustment Procedures Governing Serious Misconduct Violations and the Adjustment of Minor Misconduct Violations.
- c. Hawaii Administrative Rules (HAR), Title 23, Department of Public Safety, Subtitle 1, Administration, Chapter 1, General Provision, § 23-1-6, Inmate Control.
- d. Hawaii Revised Statutes (HRS) § 26-14.6, Department of Public Safety.
- e. HRS, § 353C-2, Director of Public Safety; Powers and Duties.
- f. Prison Rape Elimination Act of 2003, Public Law 108-79, 117 Stat. 972, 42 U.S.C. § 15601.

.2 Definitions

- a. Jail Inmate: Any individual who is convicted of a crime and committed by the courts for a period of LESS THAN ONE (1) YEAR (this includes probation violators awaiting adjudication of their violation hearings, pretrial detainees, Federal/other State holds).
- b. PAN: Personal Allowed Numbers.

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- c. Prison Inmate: Any individual who is convicted of a crime and sentenced by the courts for a period of MORE THAN ONE (1) YEAR (this includes anyone that has been SENTENCED to a CONSECUTIVE term TOTALLING more than one (19) year combined) and parole violators.
- d. SATC: Sexual Abuse Treatment Center.
- e. STG: Security Threat Group

.3 Forms

- a. PSD 8733: Inmate Personal Allowed Numbers form (attached).

4.0 POLICY

While telephone access provides a means of assisting inmates to maintain family and community ties while incarcerated, the unfortunate reality is that inmates and those with whom they communicate often abuse telephone privileges, using telephones as a means of planning strategies for introducing contraband; conspiring to violate the law or facility rules and policies; facilitating communication with STG members and other actions that undermine safety, security, discipline, order, and control. It is the Department's goal to provide telephone access that is effectively regulated and handled in a manner which does not compromise legitimate penological interests.

Inmates have no constitutional expectation of privacy in their personal telephone communication while incarcerated, and inmate telephone calls can be monitored on a routine, random, or selective basis.

5.0 PROCEDURES

- .1 Each facility will be responsible for establishing the hours of telephone access, telephone usage, and the duration of each call.
- .2 Upon intake, each inmate shall designate a list of names and phone numbers to be added to his/her phone list on the telephone system using PSD 8733, Inmate Personal Allowed Numbers (PAN):
 - a. PSD 8733, Inmate Personal Allowed Numbers, shall be submitted within 30 days of his/her arrival at the facility.
 - b. Deleting and/or adding personal telephone numbers to PSD 8733 may be made every 6 months.

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- c. Deleting and/or adding legal telephone numbers to PSD 8733 may be made at any time.
- .3 To ensure that inmates are provided adequate opportunities for maintaining contact with their families, the following minimum provisions shall be included in all facility procedures. These provisions may be expanded depending upon available resources and population requirements:
- a. All telephone calls, with the exception of legal calls, are subject to monitoring and recording by officials.
 - b. The telephone system shall be in compliance with the Prison Rape Elimination Act (PREA) requirements; therefore, all calls to SATC shall be recorded and subject to review post incident.
 - c. Security telephone equipment shall be located in each general population housing unit, and shall be used for outgoing calls only.
 - d. A cordless telephone, cart, or suicide phone may be utilized by inmates in restrictive, special housing units and medical units.
 - e. A minimum of 15 minutes up to 30 minutes per call shall be allowed, as determined by facility policy, population and resources.
 - f. The telephone system shall offer collect, debit and prepaid calls options, and shall include local, domestic and international calls.
 - g. Inmate calls to the Ombudsman's Office and the Sex Abuse Treatment Center (SATC) shall be free and at no charge.
 - h. Inmates are strictly prohibited from participating in three-way communications; doing so shall result in disciplinary action as outlined in COR.13.03, Adjustment Procedures Governing Serious Misconduct Violations and the Adjustment of Minor Misconduct Violations, and suspension of phone privileges.
- .4 Each facility shall be responsible for providing inmates with fair notice of the policy permitting the monitoring of inmates' telephone calls.

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- .5 Each facility shall be responsible for monitoring both live and recorded personal inmate telephone calls in order to maintain the safety of staff and inmates, security, order, discipline, control, and other legitimate penological interests.
 - a. Attorneys of record, including landlines and cell phones, shall be identified as a legal call on PSD 8733, Personal Allowed Numbers, and shall not be subject to monitoring or recording under this policy.
 - 1. Any legal calls not identified on PSD 8733, shall not be protected from recording and monitoring.
 - b. Recordings of inmate personal calls, and call records shall be stored in secured storage servers located off-site.
- .6 The facility Warden shall be the designated authority for the operation of monitoring and recording personal calls on the telephone system.
- .7 Any inmate using telephone access to violate facility rules (i.e., planning escape, introduction of drugs, weapons, or other contraband, engage in STG activity, violence, disruptions, or any other actions that would threaten safety, security, order, discipline, or control), shall be sanctioned under P&P COR.13.03, and include suspension of phone privileges .
- .8 Each facility shall be responsible in notifying law enforcement officials should the monitoring and recording of inmates' calls reveal information concerning possible criminal actions. These calls may be released to outside law enforcement officials for criminal investigations with Warden/designee approval.

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APPROVAL RECOMMENDED:


Godwin Masaka-Hudak November 26, 2018
Deputy Director for Corrections Date

APPROVED:


John P. Epile November 26, 2018
Director Date

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**Department of Public Safety
Inmate Personal Allowed Numbers (PAN) Form**

NEW/ADDITIONAL PHONE NUMBERS

*Inmates are allowed a total of ten (10) active phone numbers.
Any phone numbers requested beyond the ten (10) allowed will not be added.*

Phone Number	Name	Relationship	Address
1. ()			
2. ()			
3. ()			
4. ()			
5. ()			
6. ()			
7. ()			
8. ()			
9. ()			
10. ()			

DELETIONS

Phone Number	Name	Relationship	Address
1. ()			
2. ()			
3. ()			
4. ()			
5. ()			

ATTORNEY NUMBERS

(Attorney office phone and cell phone numbers must be verified by Bar# or Attorney/Law Offices Official Letterhead)

Phone Number	Name	Relationship	Address
1. ()			
2. ()			
3. ()			
4. ()			
5. ()			

Completed By (Staff): _____

Date Entered: _____