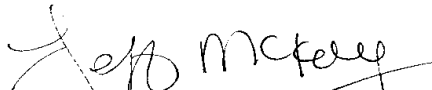
 Corrections and Community Supervision DIRECTIVE	TITLE Inmate Telephone Calls		NO. 4423
			DATE 01/15/2014
SUPERSEDES DIR #4423 Dtd. 01/03/13	DISTRIBUTION A B	PAGES PAGE 1 OF 11	DATE LAST REVISED 05/21/2015
REFERENCES (Include but are not limited to)	APPROVING AUTHORITY 		

- I. **PURPOSE:** To set forth policy and procedures for operation of the inmate “call-home” program.
- II. **DESCRIPTION:** The Department operates a telephone system for inmates as one of the modes by which they may maintain contact with family and friends at home. This system provides a controlled list of up to 15 phone numbers accessible to each inmate, which at most locations can be self-dialed at telephones in housing units. Employee assisted dialing is used for calls outside of the continental United States, Canada, U.S. Virgin Islands, Puerto Rico, Guam, and Central Northern Mariana Islands, and for emergency calls.
- Facilities may, with the prior approval of the Deputy Commissioner for Program Services, add restrictions in order to meet certain unique facility needs.
- III. **GENERAL POLICY RELATING TO ALL INMATE TELEPHONE CALLS**
- A. **Collect Calls:** Calls will be made collect, except for calls outside of the continental United States, Canada, U.S. Virgin Islands, Puerto Rico, Guam, and Central Northern Mariana Islands, and some emergency telephone calls.
- B. **Facility Telephone Schedule:** “Call-home” program operations shall be permitted everyday, including holidays, within the hours of 7:00 AM to 11:00 PM. Calls started at 11:00 PM or earlier will be allowed a full 30-minute call. Calls attempted after 11:00 PM will not be processed. Each Superintendent will determine suitable time frames for calling within those hours, and a schedule for calls will be established. Every effort will be made to maintain this schedule.
- C. **Monitoring Notice:** The following notice shall be posted in English and Spanish adjacent to any telephone to be used by inmates advising them that their telephone calls may be monitored:

NOTICE
 ALL INMATE TELEPHONE CONVERSATIONS ARE SUBJECT TO
 ELECTRONIC MONITORING AND/OR RECORDING BY DEPARTMENTAL PERSONNEL
 AVISO
 TODAS LAS LLAMADAS TELEFONICAS DE LOS RECLUSOS PUEDEN SER
 ESCUCHADAS
 POR MEDIOS ELECTRONICOS Y PUEDEN SER GRABADAS POR EL PERSONAL DEL
 DEPARTAMENTO

D. Negative Correspondence and Telephone List

1. Each facility will maintain a Negative Correspondence and Telephone List in the Guidance folder of each inmate.
2. Whenever the recipient of an inmate's correspondence or telephone calls indicates, in any manner, that he or she does not wish to receive further correspondence or phone calls from the inmate, the Correspondence Unit, the Package Room, the Deputy Superintendent for Security, the Supervising Offender Rehabilitation Coordinator, the facility Community Supervision Office, and the inmate shall be notified. [Form #3402](#), "Addition of Name to Negative Correspondence/Telephone List," shall be used for notification. A copy will be filed.
3. The Negative Correspondence and Telephone List shall contain the name of any person or business that has indicated, in any manner, that further correspondence from the inmate is not desired. If a request to be removed from an inmate's telephone or correspondence list is received, a letter in the format of [Form #4422B](#) shall be sent to the person making the request. If such a person or business indicates, at a later time, that further correspondence is not objectionable, the Superintendent or his or her designee may, but need not, direct the name of the person or business be removed from the Negative Correspondence and Telephone List.
4. No inmate shall continue to submit mail to or make telephone calls to any person or business that currently appears on his or her Negative Correspondence and Telephone List. Any inmate continuing to do so may be subject to disciplinary action and/or monitoring of outgoing mail for a specific period of time.

E. Prohibited Calls

1. Inmates are prohibited from placing telephone calls to the following (unless the individual called is a member of the inmate's immediate family, e.g. spouse, child, parent, grandparent, brother, sister, aunt, or uncle):
 - a. Present or former employees of the Department of Corrections and Community Supervision and their families;
 - b. Present or former employees of the Board of Parole and their families;
 - c. Present or former employees of Federal, State, and local criminal justice agencies, including but not limited to, police agencies, District Attorneys, Federal and local correctional agencies, Probation Departments, and the families of such employees;
 - d. Jurors involved in the conviction of the inmate, and their families;
 - e. Judges involved in the conviction or indictment of the inmate, and their families; and
 - f. Crime partners who are not incarcerated.

2. No inmate may place a telephone call to the residence of a victim of the crime(s) for which the inmate has been convicted or is presently under indictment, regardless of whether immediate family members maintain the same residence, unless prior written authorization has been received from the Superintendent. No inmate may place a telephone call to their child if the child is a victim of the crime(s) for which the inmate has been convicted or is presently under indictment, even if there is no Court Order specifically prohibiting such contact. The name of the person(s) will be added to the Negative Correspondence and Telephone List. Form #3402 will be completed and used for notification. A copy will be filed.
3. No inmate may place a telephone call to the residence of the victim(s) of the parole revocation for which the inmate has been returned to custody, regardless of whether or not criminal charges were made or an Order of Protection was issued. The name of the person(s) will be added to the Negative Correspondence and Telephone List. [Form #3402](#) will be completed and used for notification.
4. No inmate may call the phone number of any person listed on a Court Order of Protection which prohibits telephone communication; unless the Order specifically states that the inmate is not prohibited from communication by phone with another person at that same phone number. The name of the person(s) will be added to the Negative Correspondence and Telephone List. [Form #3402](#) will be completed and used for notification. A copy will be filed.

Note: Should the facility receive two or more Orders, the terms of which appear to be in conflict with one another, the facility should contact Counsel's Office for direction.

5. Inmates are prohibited from making telephone calls for the purpose of harassing or intimidating any person. Staff and inmates are advised that such telephone calls may violate Federal and/or State laws. Facility Superintendents shall report serious and/or continuing telephone calls of this nature to the proper law enforcement authorities.
6. Inmates are prohibited from making telephone calls for the purpose of conspiring to violate Federal, State, or local laws or ordinances, and are prohibited from using facility telephones to conduct a continuing criminal enterprise.
7. Inmates are prohibited from making telephone calls to inmates in other New York State, Federal, other State, county, or local correctional facilities.
Exception: In special situations, subject to the approval of the Superintendents of the two facilities, inmate-to-inmate telephone calls between immediate family members or the parents of a child may, but need not, be authorized once a month. Such telephone calls, when permitted, shall be employee assisted and monitored.
8. Inmates are prohibited from making telephone calls to persons under parole or probation supervision without the written approval of the Superintendent and the Parole Officer who is supervising the parolee or the Probation Officer who is supervising the probationer. Such approvals will usually only be granted in cases involving immediate family members.

A copy of the written approval of the Superintendent and Parole Officer or Probation Officer authorizing such telephone calls will be retained in the inmate's Guidance folder.

9. Inmates are prohibited from making toll-free telephone calls. Inmates are prohibited from making telephone calls to order goods or services from private vendors or to conduct business related activities.
10. Inmates are prohibited from making telephone calls to Operator Information.
11. Inmates are prohibited from making telephone calls to unrelated minor persons under 18 years of age without the written approval of that minor's parent or legal guardian.
 - a. The parent or legal guardian must forward a letter to the Superintendent granting such approval before such telephone calls may take place.
 - b. A copy of the letter from the parent or legal guardian granting such approval will be retained in the inmate's Guidance folder.
12. Inmate telephone calls and telephone conversations shall be restricted to the telephone number dialed or otherwise placed by or for the inmate, and shall terminate at the actual billing address of the called party. Telephone call forwarding or third party phone calls are prohibited.
13. Inmates are prohibited from placing calls to pagers, except that an emergency call to such device may be authorized under Section V, below.
14. Inmates may not use another inmate's PIN number to place calls.

IV. CALLS UPON TRANSFER OR RETURN TO A FACILITY

- A. Transferred Inmates: Within 24 hours of arrival at a new facility, an inmate shall be permitted one collect telephone call to the family. If security precautions prevent the inmate from placing this call, and if requested by the inmate, a staff person designated by the Superintendent, usually from the Guidance and Counseling Unit, shall make the call to a person of the inmate's choice.

Exception: This procedure does not apply to an inmate in "transit status" or temporarily at a transit facility overnight or for a weekend during transfer, but it does apply to inmates in holding units in Auburn and Sing Sing.

- B. Out to Court/Hospital: An inmate out to Court or in a hospital for a period of five days or more will be allowed to make a collect telephone call within 24 hours of return to the correctional facility.

Collect calls from an outside hospital, other than a secure ward, may be made only with the approval of the Superintendent or designee.

- C. Returned Parole Violators: A returned parole violator will be allowed to make one collect telephone call, within 24 hours after arrival, to a person of his/her choice.

V. EMERGENCY CALLS

- A. Whenever an inmate must place any type of emergency telephone call, the inmate shall contact his or her assigned Offender Rehabilitation Coordinator, explain the emergency situation, and request that an emergency telephone call be permitted.
- B. The Offender Rehabilitation Coordinator will make a recommendation to the Supervising Offender Rehabilitation Coordinator, and if the Supervising Offender Rehabilitation Coordinator approves, the call can be placed. Inmates confined in SHU status must have the Superintendent's approval.

- C. In the absence of an Offender Rehabilitation Coordinator or a Supervising Offender Rehabilitation Coordinator, the inmate may contact the Watch Commander or Chaplain, and one of them will make a decision whether the request for an emergency telephone call should be granted. The decision of the Watch Commander or Chaplain does not require additional approval, but the Supervising Offender Rehabilitation Coordinator must be advised the next day of the decision.
- D. Facility Guidance staff shall make chronological entries in the inmate's Guidance folder whenever an emergency telephone call is approved and completed. This chronological entry shall clearly indicate:
 - 1. The date of the call;
 - 2. The name of the Offender Rehabilitation Coordinator, Supervising Offender Rehabilitation Coordinator, or other employee who authorized the call;
 - 3. The name and telephone number of the person to whom the call was made; and
 - 4. The nature of the emergency call.
- E. Whenever possible, emergency telephone calls shall be collect calls to the person receiving the call.
- F. When a person receiving the emergency call is unable and/or unwilling to accept a collect call, the cost of the call will be charged to the inmate. Form #IAS2706, "Disbursement or Refund Request," authorizing payment for the call will then be completed and signed by the inmate. The form must include the date the emergency phone call was placed and the number dialed. The form must be forwarded to the Fiscal Office to determine the cost of the call as it appears on the facility phone bill. Once the disbursement amount is obtained it must be posted by the Fiscal Office.
- G. In cases of extreme emergency, a Supervising Offender Rehabilitation Coordinator, Chaplain, or Watch Commander may authorize that emergency telephone calls be made at facility expense. However, this procedure should only be permitted when it is clear that both the inmate and the party receiving the call cannot pay for the call.
- H. Whenever a Supervising Offender Rehabilitation Coordinator, Chaplain, or Watch Commander authorizes an emergency call at the facility's expense, a chronological entry shall be made in the inmate's Guidance folder clearly indicating the reason(s) why this unusual procedure was permitted, as well as recording the other information required in Section V-D (above).

VI. CALLS OUTSIDE THE CONTINENTAL UNITED STATES, CANADA, U.S. VIRGIN ISLANDS, PUERTO RICO, GUAM, AND CENTRAL NORTHERN MARIANA ISLANDS:

Telephone calls outside of the continental United States, U.S. Virgin Islands, Canada, Puerto Rico, Guam, and Central Northern Mariana Islands will be employee assisted (see Section VII below) with the following additional specifications:

- A. Calls will be permitted two times per month, except in emergency situations.
- B. Calls must first be checked by an employee designated by the Superintendent to verify whether:
 - 1. The inmate has sufficient funds in his/her account to cover the cost of the call; and
 - 2. The inmate has not reached the two calls per month limit.

- C. All toll costs will be charged to the inmate. The inmate must complete a Disbursement Form for the purchase of a calling card through the Business Office, which will be kept with the inmate's personal property in the Inmate Records Office. The Steward, or designee, will notify the Deputy Superintendent for Program Services when a calling card is received. The Deputy Superintendent for Program Services will notify the Guidance Unit and the assigned Offender Rehabilitation Coordinator will be responsible for retrieving the calling card when a phone call has been arranged and assisting with the call. At no time should the inmate be in possession of the calling card.
- D. In cases of extreme emergency, the Supervising Offender Rehabilitation Coordinator may authorize emergency telephone calls at the facility's expense. However, this procedure should only be permitted when it is clear that both the inmate and the party receiving the call cannot pay for the call.

In such cases, a chronological entry shall be made in the inmate's Guidance folder clearly indicating the reason(s) why this unusual procedure was permitted, as well as recording the other information required in Section V-D (above).

VII. EMPLOYEE ASSISTED CALL PROCEDURES

- A. Placing Call: All employee assisted telephone calls will be placed and verified by the employee (usually a Correction Officer) assigned to monitor the inmate telephone call.
- B. Completing Call: Once the employee has made initial contact with the recipient of a telephone call and collect charges* have been accepted, the employee will signal the inmate to start the conversation.

*Note: Calls to locations outside the continental United States, Canada, U.S. Virgin Islands, Puerto Rico, Guam, and Central Northern Mariana Islands will not be made "collect" but will be paid for as specified in Section VI above.

- C. Time Limit: Conversations are not to exceed ten minutes. The Superintendent may limit these calls to five minutes, due to logistical constraints, with the advance approval of the Deputy Commissioner for Program Services. When 30 seconds remain on the allotted time limit, the inmate and his or her party will be buzzed. At the end of the allotted time, the call will be disconnected.
- D. Alternative Calls: Inmates may select one alternative person to call if their initial choice is unable to accept the call.

VIII. INMATE SELF-DIAL CALLING PROCEDURES

- A. Description
 1. Self-dial telephones will only handle outgoing collect telephone calls within the continental United States, Canada, U.S. Virgin Islands, Puerto Rico, Guam, and Central Northern Mariana Islands; no credit card calls may be made nor incoming calls received.
 2. The Self-Dial System is the property of the Department which is responsible for its installation and maintenance. System abuse or failure to follow established rules and procedures may result in its removal or the imposition of restrictions or limitations. Damaged hardware will be replaced or repaired at the discretion of the Superintendent. In cases where the damage is the result of vandalism, other repairs will be considered a higher priority.

3. System changes (moves, additions, or deletions) must be discussed with the Division of Information Technology Services.

B. Access

1. System use should not interfere with program and work assignments.
2. System access should be available to as many inmates as possible, but access may be restricted or denied to an inmate.
3. System use will normally be on a "first come-first call" basis. During peak periods such as holidays, however, it may be necessary to schedule calls with "sign-up sheets."

A sign-in log may be maintained at each telephone location at the discretion of the facility administration.

4. In order to assure that all inmates have fair and equal access to the facility's inmate self-dial telephones, as well as to minimize abuses of these telephone systems, inmate self-dial telephones should be installed adjacent to, or in close proximity to, or in view of the regularly covered Correction Officer posts.
5. Superintendents must develop and implement a monitoring/review system to prevent individual inmates or groups of inmates from monopolizing self-dial telephones. This system should meet the facility's need to assure that all inmates have equal access to the use of the facility's inmate telephones.
6. Calls shall be limited in duration based on facility needs and will be automatically terminated when the specified time limit has been reached. No call shall exceed 30 minutes.

When other inmates are waiting to place calls, a ten minute limit may be imposed.

C. Telephone Number Registration List

1. To Develop Telephone List
 - a. At the Reception Center, the inmate's DIN is entered into the Self-Dial Telephone System on the first day of arrival. The number will be activated on the Department's System overnight.
 - b. To establish the permanent Telephone List, the inmate must fill out a Telephone Form and give it to his/her Offender Rehabilitation Coordinator for approval. No inmate may add any person who is listed on an active Court Order of Protection which prohibits such contact.
2. Each inmate shall be limited to 15 approved names and phone numbers which will be maintained as his/her Telephone List. Except for immediate family members, and as otherwise specified, revisions to the Telephone List will only be made when the inmate is due a quarterly review. Phone number changes for immediate family members already on the list will be permitted.

An inmate may add an Attorney or a Department of Health approved Rape Crisis Program to his/her Telephone List at any time by submitting a request to his/her assigned Offender Rehabilitation Coordinator.

If the inmate's Telephone List contains the allotted 15 names and numbers, deletions must occur before the new names and numbers may be added. If deletions are not provided by the inmate, the new names and telephone numbers will not be added to the Telephone List.

3. A computer-generated record including, but not limited to, the following information shall be maintained at the Central Office's Information Technology Services' Database:
 - a. Date;
 - b. Time;
 - c. Number called;
 - d. Duration of call; and
 - e. Location of telephones used.
- D. Calling Procedure: The inmate shall access the System by utilization of an individual PIN number, which is the inmate DIN, modified so that the alpha letter is converted to the corresponding numeral.
 1. Inmate goes off-hook.
 2. System says:

"Press "1" for English; marque "dos" para Espanol."

If no response: - repeat message above -.
 3. Inmate dials "1" or "2" on the phone keypad. If "1," the rest of the scripting is in English. If a "2" is dialed, the rest of the scripting is in Spanish.
 4. The System prompts:

"Please dial "0" plus the area code and the number you are calling after the tone."

[tone]

If no response: - repeat message above-.
 5. Inmate dials 0 + Area Code + Number (for those areas in the North American Numbering Plan). No other international calling is in place.
 6. The System prompts:

"Enter your inmate identification code after the tone."

[tone]

If no response: - repeat message above-.
 7. The inmate enters his/her pin number.
 8. The System prompts:

"State your full name as it is on your inmate ID card after the tone."

[tone]
 9. Inmate states his/her name. This is only on the first call. The name is recorded and reused every time that PIN is used to place a call.
 10. If all validations pass, the System rings the called party number. Otherwise, message is played indicating why call could not be completed.

E. Call Delivery

LOCAL, INTRALATA, INTERLATA INTRASTATE

You have a collect call from <inmate's name or pre-recorded name> an inmate at <facility name>, a New York State Correctional Facility. If you wish to accept and pay for this call, dial "3" now. To refuse this call, hang up. If you wish to block any future calls of this nature, press or dial "7" for further information.

F. Interstate Calls

You have a collect call from <inmate's name or pre-recorded name> an inmate at <facility name>, a New York State Correctional Facility. To hear the cost of this out-of-state call, press "9" now. For customer assistance and collection or complaint procedures, dial (number supplied by vendor). Otherwise, if you wish to accept and pay for this call, dial "3" now. To refuse this call, hang up. If you wish to block any future calls of this nature, press or dial "7" for further information.

If a "9" is pressed, the System would prompt:

"The maximum cost of this out-of-state call is a \$(current cost) Surcharge and \$(current cost) per each minute plus any applicable Federal universal service charge. If you wish to accept and pay for this call, dial "3" now."

If the called party presses "3" to accept, the System prompts:

"Thank you." [The inmate and called party are then connected together.]

If the called party hangs up, the System prompts to the inmate:

"Sorry, your call was not accepted."

If the called party presses "7," the System prompts:

"To have your number blocked from receiving calls from all prisons dial (number supplied by vendor)."

Prompts are used to notify the end of a 30 minute call:

"You have 60 seconds left on this call."

"You have 15 seconds left on this call."

IX. ATTORNEY LEGAL CALLS

- A. Generally, attorneys are expected to communicate with their inmate clients through privileged correspondence in accordance with Part 721 of Title 22 NYCRR or during legal visits (see Directive #4404, "Inmate Legal Visits"). There may, however, be certain circumstances where an attorney will need to communicate confidentially with his or her inmate client by telephone.
- B. In the absence of specific court order or written direction from the Department's Office of Counsel to the contrary, the following protocols shall apply to confidential attorney legal calls:
1. The call must be requested in writing or over the telephone by an attorney who is admitted to practice law in the State of New York, currently in good standing, and registered with the Office of Court Administration in accordance with Section 468-a of the Judiciary Law. The Office of Court Administration provides an on-line attorney search function at <http://iapps.courts.state.ny.us/attorney/AttorneySearch>;

2. Requests must be directed to a Supervising Offender Rehabilitation Coordinator or designee. If the request is made by telephone, it must be followed by a written request sent to the e-mail address or fax number designated by the facility at the time of the call;
 3. The attorney must state that the legal matter cannot be adequately addressed through privileged correspondence, a legal visit would be unduly burdensome under the circumstances, and a confidential telephone communication between the attorney and his or her inmate client is necessary;
 4. The attorney's office address, as listed on the attorney registration statement filed with the Office of Court Administration in accordance with Section 118.1 of Title 22 NYCRR, must be located more than 45 miles (or 30 miles, if the attorney's office address is located in New York City) from the inmate's current facility location;
 5. The attorney must not have had a legal call with the inmate in the last 30 days;
 6. The attorney must provide at least three suggested dates and times (excluding weekends, evenings, and holidays) when he or she will be available to call into the facility to speak with his or her inmate client;
 7. The attorney must initiate the call using the business telephone number listed on the attorney registration statement filed with the Office of Court Administration; and
 8. The call must not exceed 30 minutes in duration.
- C. An inmate shall receive the attorney call at one of the following locations as determined by the correctional facility:
1. An inmate phone booth that was constructed at the facility for the purpose of accommodating legal calls;
 2. An inmate disciplinary hearing room, when not reserved for a hearing or other purpose; or
 3. Any other location where the telephone is not (absent a court order or the written consent of a party to the call) monitored or recorded and where there exists auditory confidentiality.
- D. In response to the attorney's request made in accordance with this subdivision, the correctional facility shall within five business days of the request, contact the attorney by telephone, e-mail or fax and inform the attorney of the date and time of the call, as well as the name and telephone number of the facility staff member the attorney is to ask for when initiating the call;
- E. If the correctional facility denies an attorney's request for a legal call, the attorney can call or write to the Office of Counsel using Office of Counsel contact information provided by the correctional facility;
- F. For an inmate on restricted telephone privileges, a legal call shall be in lieu of any other call to which the inmate may otherwise be entitled during the same time period;
- G. A record of the legal call shall be noted in the Guidance folder.

X. SUSPENSION OR REVOCATION OF INMATE TELEPHONE CALL PRIVILEGES

- A. Inmates may have their telephone call privileges limited, suspended, or revoked pursuant to a disposition of a disciplinary hearing or Superintendent's hearing.
- B. Additionally, if during the course of a continuing investigation, the facility Superintendent has reason to believe that the safety, security, good order, or well being of the facility or any person is threatened, the Superintendent may immediately take action to limit, suspend, or revoke an inmate's telephone privileges.
 1. In such instances, the Superintendent must inform the inmate, in writing, of the underlying basis for the limitation, suspension, or revocation, consistent with the need to safeguard the on-going investigation.
 2. The inmate must be afforded an opportunity to respond to the action of the Superintendent, usually by a written reply to the Superintendent. When the inmate's written reply is received, the Superintendent will consider the inmate's comments in deciding whether or not to continue the limitation, suspension, or revocation of the inmate's telephone call privileges.
- C. An inmate may appeal the Superintendent's limitation, suspension, or revocation of his or her telephone call privileges, in writing, to the Deputy Commissioner for Program Services. A response to the appeal shall be provided within 30 days of receipt of the appeal in Central Office.

XI. TELEPHONE OUT OF ORDER: When a facility telephone which can be utilized by inmates in accordance with this directive is out of service, the Superintendent shall so advise Information Technology Services, and indicate if the outage is due to inmate damage.

XII. FACILITY EMERGENCY: When a facility-wide emergency situation exists, the Superintendent or his or her designee has the authority to temporarily suspend the telephone call-home program. The Superintendent shall immediately advise the Deputy Commissioners for Correctional Facilities and Program Services of the situation.

XIII. TELEPHONE CALLS INVOLVING CALLS TO THE HEARING IMPAIRED: Inmates may place **collect** telephone calls to hearing impaired persons through the assistance of a Chaplain or Family Services staff person, provided the hearing impaired persons possess the necessary telecommunications device.

The inmate must submit a written request to the appropriate staff person for such telephone call. The request must include the most opportune times for the call to be placed, the number to be called, and the name of the individual to be called. The time of the call may not coincide with the inmate's program hours.

The staff person will arrange for the inmate to place the collect telephone call and, as necessary, assist the inmate in doing so.

A local telephone directory provides instructions for placing collect calls through the New York Relay Center for Non-TTY (voice) users to a TTY user.

Telephone calls to the hearing impaired may be time and/or frequency limited. However, each inmate who has not lost telephone privileges is entitled to a minimum of one such call each calendar month for a minimum duration of ten minutes, provided (s)he submits a request and the party called accepts the charges.

For inmates with sensorial disabilities, please refer to Directive #2612, "Inmates with Sensorial Disabilities."