



Operating Procedure

Effective Date December 1, 2016	Number 803.3
Amended 4/3/17, 7/5/17, 10/10/17	Operating Level Department
Supersedes Operating Procedure 803.3 (6/1/15)	
Authority COV §53.1-1.1, §53.1-25	
ACA/PREA Standards 4-4271, 4-4272, 4-4275, 4-4497, 4-4497-1; 4-ACRS-5A-19, 4-ACRS-5A-19-1, 4-ACRS-6A-01; 2-CO-5D-01; §115.51, §115.251	
Office of Primary Responsibility Telephone Account Representative	

Subject
OFFENDER TELEPHONE SERVICE

Incarcerated Offender Access
Yes No

Public Access Yes No
Attachments Yes No

I. PURPOSE

This operating procedure provides guidance under which offenders in Department of Corrections facilities may be granted access to telephone services. This privilege is always conditioned upon responsible use of the telephone in accordance with federal and state laws.

II. COMPLIANCE

This operating procedure applies to all units operated by the Department of Corrections (DOC). Practices and procedures shall comply with applicable State and Federal laws and regulations, Board of Corrections policies and regulations, ACA standards, PREA standards, and DOC directives and operating procedures.

III. DEFINITIONS

Account Representative - The Offender Telephone System vendor's manager who administers the contract account with the Department of Corrections Contract Administrator and the facility.

Administrative Telephone System - The business telephone system operated by the Department of Corrections accessible to and used by employees

Attorney Call - A call placed to a telephone number of an attorney or the law firm where the attorney is employed; an offender may request that all calls to the attorney number be blocked from call recording and monitoring.

Auto Enrollment - Offender's ability to add, remove, and manage numbers on their call list through the offender telephone system

Call List - An approved list of up to fifteen telephone numbers, including attorney numbers, which an offender is permitted to call

Community Corrections Facility - A residential facility operated by the Department of Corrections to provide the Detention Center Incarceration program in accordance with COV §53.1-67.8 or the Diversion Center Incarceration Program in accordance with COV §53.1-67.7

Facility - Any community corrections facility or institution

Hotline - A dedicated telephone number that offenders may use to report problems they encounter with telephone system access, placing calls, or other call-related complaints

Institution - A prison facility operated by the Department of Corrections - includes major institutions, field units, and work centers.

Offender Telephone Service - Offender Telephone System equipment, software, and services provided to offenders by a commercial vendor under contract with the Virginia Department of Corrections; this system allows offenders to place collect, pre-paid, or offender paid calls to persons on an approved Call List.

PIN Number - A four-digit number that when combined with the offender's DOC number, is a unique secured access number that allows the offender to place a call on the Offender Telephone System

Recording Block - An electronic block that prevents recording and monitoring of a call to a verified attorney telephone number; an offender must request a recording block in advance.

Subscriber - The consumer in whose name a telephone number on an offender's call list is billed by the consumer's telephone service provider

TTY devices, Videophones, Video Relay Services - Devices and services that assist hearing impaired offenders to communicate through the Offender Telephone Service

IV. PROCEDURE

A. This operating procedure provides information to offenders concerning telephone services. Refer to Operating Procedure 440.3, *Administration and Monitoring of Offender Telephones (Restricted)*, for administration and security considerations relating to offender telephone services. (2-CO-5D-01)

B. Services and Equipment

1. The Offender Telephone System is restricted to the equipment and services provided pursuant to the Offender Telephone Service contract. (4-4497-1, 4-ACRS-5A-19-1)
 - a. The Offender Telephone Service contract complies with all applicable state and federal regulations.
 - b. The contract for offender telephone services provides the broadest range of calling options determined by the DOC to be consistent with the requirements of sound correctional management.
2. Offender telephones may be installed in housing unit day rooms, dormitories, and recreation yards in accordance with facility mission and need.

C. Enrollment

1. Every offender using the Offender Telephone System in a DOC facility shall be enrolled. An offender is automatically enrolled upon their reception into a DOC facility.
2. The offender's four-digit PIN number is automatically set to the offender's month and date of birth (MMDD) and the PIN number must be used in conjunction with the offender's State ID number in order to access the Offender Telephone System.
3. After enrollment, the offender may create a call list by using the Auto Enrollment System (*44).
4. When an enrolled offender transfers to another DOC facility, the offender's account should automatically transfer to the new facility within 3 hours after the offender's arrival.
5. By using the Offender Telephone System, an offender agrees to abide by the rules governing its use, and consents to the recording and monitoring of telephone calls.
6. Any misuse of a PIN number by an offender may result in temporary or permanent withdrawal of telephone access privileges.
7. An offender can report a PIN number problem to the vendor through the Offender Hotline (#21).
8. When a PIN number is lost or replaced, the vendor will notify the offender of the new PIN number on an [Offender Hotline Response](#) 440_F12.

D. Offender Access to Telephone Service

1. Scheduled telephone service hours will vary based on facility security level and should be listed in the facility's offender orientation materials or posted in designated locations at the facility.
2. Unless specifically authorized by the DOC Director, the time limit for telephone calls on the offender telephone system shall not exceed 20 minutes.
3. Telephone access shall be suspended during facility counts, and may also be suspended at any time for emergency or security reasons.
4. Offender access to telephone services shall be as follows:
 - a. *General Population* - Access is generally permitted during scheduled service hours and when offenders are allowed access to the area(s) where telephones are located. (4-ACRS-5A-19)
 - b. *Reception Centers* - Access is generally permitted during scheduled service hours and when

offenders are allowed access to the area(s) where telephones are located. Hours of access may be limited as necessary to not interfere with the classification process.

- c. *Pre-Hearing Detention and Disciplinary Segregation* - No access is permitted, except to place legal and emergency calls. (4-4272)
 - d. *General Detention and Segregation* - Access is limited to two telephone calls per month. (4-4271)
 - e. *Protective Custody* - Offenders in protective custody, who are located in “protective custody only” housing units, have the same access as general population offenders. Protective custody offenders located in segregation/detention housing units have the same access as segregation/detention offenders. (4-4271)
 - f. *Medical Isolation* - Access is generally permitted during scheduled service hours, unless otherwise restricted for medical reasons.
 - g. *County Jails in State Correctional Facilities* - State facilities housing county jail prisoners should provide jail prisoners the same access as general population offenders.
 - h. *Death Row* - Death row offenders must place all calls, including attorney calls, through the Offender Telephone System. Because of unique circumstances, hours of service, type of equipment, and means of access to the offender telephone system may be modified by the Facility Unit Head of the facility where the offender is assigned. All modifications must have the prior approval of the telephone system Contract Administrator and DOC Director.
 - i. *Community Corrections Facilities* – Community Corrections Facilities will generally comply with the requirements for institutions. These facilities may restrict access to telephones, including frequency of use and reduced time limits, to meet programmatic goals. (4-ACRS-5A-19)
5. Offender Access to the Administrative Telephone System
- a. Except as permitted below, offenders may not place calls on the facility’s administrative telephone system.
 - b. In all cases, a staff member will dial the call and observe the offender during the call.
 - i. With the exception of verified attorney calls, staff dialed offender calls may be monitored and recorded.
 - ii. Verified attorney calls will not be recorded and will be monitored by sight only.
 - iii. The time limit for telephone calls on the Administrative Telephone System should not exceed 20 minutes.
 - c. The following exceptions may be permitted with prior arrangement, at the discretion of the Facility Unit Head:
 - i. An offender may be allowed to receive or place a call in the event of a death in their immediate family if access through the Offender Telephone System is not feasible.
 - ii. An offender may be allowed to place a collect call to an attorney in a bona fide emergency if access through the Offender Telephone System is not feasible.
 - d. Calls between Incarcerated Family Members
 - i. Married offenders assigned to facilities under the DOC’s jurisdiction are permitted to speak on the telephone with each other three times per year.
 - ii. Other immediate family members may be considered on a case-by-case basis with the approval of both Facility Unit Heads.
 - iii. Calls will be placed through the administrative telephone system, at state expense and by prior arrangement, at times mutually convenient to both facilities.
 - e. An offender with immediate family in the military or otherwise located overseas may place an international call through the administrative telephone system. Note: International calls may not be possible to some countries or family members.
 - i. No offender shall be permitted more than three such calls per year; each call will be limited to 20 minutes.
 - ii. At each facility needing to make international calls for offenders, an administrative telephone

- should be set up for international calling by submitting a request to the *DOC Voice* mailbox.
- (a) The request shall identify the specific telephone number to be granted international access.
 - (b) The Facility Unit Head should be copied on the request to indicate their awareness of the request.
 - (c) There is a nominal one-time fee added to the monthly bill when international access is set up.
 - (d) International access remains active on that telephone until a request is submitted for removal.
- iii. Staff shall dial directly to the international number provided by the offender and confirm that the person answering is the desired recipient of the call.
 - iv. The offender should be allowed to speak for up to 20 minutes before the call is ended.
 - v. Facility staff shall constantly observe (not necessarily listen to) the offender for the duration of the call to prevent misuse of the administrative telephone system.
 - vi. Staff placing the call shall document the number and person called, time and date the call is placed, and the offender's name and number.
 - vii. The facility may be billed for the international call. The cost will be paid by the facility with no effort made to recover the cost from the offender.
6. Handicap Access (4-4497, 4-ACRS-5A-19)
- a. The vendor shall provide an adequate number of telephones at wheelchair height and, where needed, special equipment suitable for the hearing impaired.
 - b. The hearing impaired offenders who require TTY to call a party who requires TTY will utilize a [Call List Consent Form](#) 803_F3 to add telephone numbers to their Call Lists.
- E. Authorized Services (4-4497-1, 4-ACRS-5A-19-1; 2-CO-5D-01)
- 1. Except as authorized in this operating procedure, all telephone calls placed by offenders must be placed on the Offender Telephone System. This includes calls to attorneys.
 - 2. Telephone calls may be placed to any area code within the continental United States, Hawaii, Alaska, and area codes serving Puerto Rico and the U.S. Virgin Islands (St. John, St. Thomas, and St. Croix).
 - 3. Without exception, every offender telephone call on the Offender Telephone System must be placed as a collect, pre-paid, or offender paid call.
 - 4. Collect calls are limited to \$5.00, once the one time limit has been met a Global Tel*Link AdvancePay account must be established or the offender must set up a debit account.
5. AdvancePay Collect Services
- a. Persons wishing to receive offender calls may join and add funds to the Global Tel*Link AdvancePay Collect Service by:
 - i. Telephone (payment by credit or debit card) to 1-877-650-4249 Monday through Friday between 8:00 AM and Midnight EST; Saturday and Sunday 9:00 AM to 8:00 PM EST
 - ii. Mail (payment by check or money order):
AdvancePay Service Dept.
PO Box 911722
Denver, Colorado 80291-1722
 - b. If there are less AdvancePay funds in the account than the maximum call time allowed, the call will be disconnected at the time the AdvancePay funds are used up.
6. Offender Debit Calls
- a. Offenders are allowed to set up a debit account through the Inmate Trust System (see Operating Procedure 802.2, *Offender Finances*) to pay for their own calls to numbers on their Call List.
 - b. Debit calls will be charged at the same rate as AdvancePay calls.
 - c. If there is a minimum of a one minute balance in the debit account, the call will be announced as a debit call, otherwise the call will not go through and the offender will be told there are insufficient funds to place the call and to try again later.

- d. If there are less debit funds in the account than the maximum call time allowed, the call will be disconnected at the time the debit funds are used up.
 - e. Family and friends can make deposits to an offender's debit account at any time (24/7) online through www.ConnectNetwork.com using MasterCard or Visa credit or debit cards.
7. Cellular or other wireless telephone numbers may be added to the Call List and managed the same as for land line telephones.
- F. Restricted Services - The following are examples of services that are *not* permitted on the Offender Telephone System. If in doubt, please contact the vendor's account representative. Facilities may wish to post the *Offender Phone System Restricted Services* (see Attachment 1) to remind offenders of restrictions.
1. Incoming calls
 2. International calls
 3. 700, 800, 888, 900, and similar calls to toll free numbers
 4. Calls charged to credit cards, third parties, or any billing other than collect, AdvancePay to the called party, or offender debit account
 5. Calls transferred to a third party
 6. Call forwarding, call forwarding services, answering services
 7. Calls to pager numbers
 8. Calls to pay telephones
 9. Calls to DOC employees (Exceptions may be made for family members of offenders only with prior approval of the respective Regional Operations Chief)
 10. No offender other than the offender whose DOC number and PIN is used to place the call is allowed to talk.
- G. Offender Call Lists
1. Approved Call Lists
 - a. Every offender using the Offender Telephone System is required to have an approved Call List.
 - b. Call Lists will be limited to fifteen approved numbers, including attorney numbers and investigator's hotline telephone numbers.
 - c. Offender calls must be placed directly to, and terminate at, the number on the call list.
 - d. All Call List numbers remain active until the offender removes the number, or the subscriber requests a block or cancellation.
 2. Additions to and Removals from Call List
 - a. Offenders received into a DOC facility may create a Call List of up to fifteen telephone numbers by dialing *44 using the Auto Enrollment System.
 - b. The offender may add telephone numbers to their Call List at any time by using the Auto Enrollment System. No number will become active on an offender's Call List until consent to receive offender calls is granted by the telephone subscriber. (This process may take several days.)
 - c. To grant consent to receive offender calls, the subscriber of the telephone number must respond to the following questions asked by the Automated Consent Process.
 - i. Are you the person authorized to make decisions for this telephone number?
 - ii. Please state your name.
 - iii. Do you understand that all calls are monitored and recorded? (except attorney calls with previously approved Recording Blocks)
 - d. An offender may remove a number from their call list by using the Auto Enrollment System.

- e. The offender must use the Auto Enrollment System to remove a telephone number prior to adding a new telephone number that would exceed the maximum fifteen telephone numbers allowed on the Call List. Telephone numbers in a pending approval status are temporarily included toward the maximum fifteen allowed.

H. Security and Monitoring

1. Security of the Offender Telephone System

- a. Any abuse of the Offender Telephone System, including circumventing, or attempting to circumvent, the security features and functions, may result in criminal prosecution, administrative disciplinary action, or a temporary or permanent withdrawal of the privilege of using the offender telephone system. These restrictions apply to all offender telephone calls including calls through TTY devices, Videophones, and Video Relay Services.
- b. *ICM Offender Dialing Instructions* (see Attachment 2, Attachment 2S for Spanish version) and the *ICM Dialing Instructions For New Offenders* (see Attachment 4, Attachment 4S for Spanish version) of this operating procedure should be posted at or near offender telephones, to assist offenders in proper use of the system. This attachment may be distributed to offenders during reception or orientation.

2. Recording and Monitoring

- a. Telephone calls originating from DOC operated facilities may be recorded and monitored. Facilities must post the *Monitoring and Recording Notice* (see Attachment 3) at all telephone locations.
- b. By activating their PIN number or using the Offender Telephone System, an offender agrees to abide by the rules governing the use of the Offender Telephone System and consents to the recording and monitoring of telephone calls.
- c. Blocking Attorney Calls from Recording and Monitoring (4-4275, 4-ACRS-6A-01)
 - i. It is the offender's responsibility to request a Recording Block to prevent recording and monitoring of an attorney call using a [Request to Block Attorney Numbers](#) 803_F4.
 - ii. Numbers are subject to verification, including the existence of a bona fide attorney-client relationship.
 - iii. Home numbers of attorneys will not be permitted unless the attorney's office of record and their residence are the same.
 - iv. Paralegals and investigators are not attorneys for the purpose of blocking call recording and monitoring.
 - v. A Recording Block will only be provided upon verification, by the Vendor, of a valid attorney or law firm telephone number.
 - vi. The offender does not receive a confirmation that the Recording Block is in effect. If a Recording Block is in effect, the message at the beginning of the call will not say that the call is being monitored and recorded.
 - vii. If an area code split affects a number with a Recording Block; it is the offender's responsibility to resubmit the changes to continue to have the number blocked from monitoring and recording.

I. Offender Hotline

1. Offenders who have complaints or questions about the Telephone Service should be referred to the Vendor's Hotline, accessible by dialing 1 for English or 2 for Spanish, then dialing 0 for Collect Call, then entering their offender identification code (DOC state ID + 4 digit GTL assigned PIN), and dialing #21 from the Offender Telephone System.
2. The Hotline is available from 7:00 AM to 9:00 PM, Monday through Thursday, and 7:00 AM to 3:00 PM on Friday.
3. The Hotline is closed on weekends and holidays.
4. The Vendor is not required to respond to messages left on the Hotline outside of business hours. See

ICM Offender Dialing Instructions (see Attachment 2, Attachment 2S for Spanish version).

5. PREA/Sexual Abuse Hotline is available by dialing #55 at any time the offender telephones are available. (§115.51[a], §115.251[a])

V. REFERENCES

Operating Procedure 440.3, *Administration and Monitoring of Offender Telephones* (Restricted)

Operating Procedure 802.2, *Offender Finances*

VI. FORM CITATIONS

[Offender Hotline Response](#) 440_F12

[Call List Consent Form](#) 803_F3

[Request to Block Attorney Numbers](#) 803_F4

VII. REVIEW DATE

The office of primary responsibility shall review this operating procedure annually and re-write it no later than three years after the effective date.

The office of primary responsibility reviewed this operating procedure in December 2017 and necessary changes are being drafted.

Signature Copy on File

10/31/16

A. David Robinson, Chief of Corrections Operations

Date