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- REVISED: August 31, 2016

SUMMARY of REVISION/REVIEW

Section III.A.5. New commit inmates/safe keepers may submit two phone sheets within the first **90** days of arrival. Attachment E updated.

APPROVED:



 Scott R. Frakes, Director
 Nebraska Department of Correctional Services

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PURPOSE

The purpose of this Administrative Regulation (AR) is to provide policy and procedure for the operation of a Staff-assisted Confidential Telephone Call System and the Inmate Calling System (ICS) throughout the Department. It is the policy of the Nebraska Department of Correctional Services (NDCS) to permit inmates reasonable and equitable access to reasonably priced telephone services for the purpose of maintaining family and community contacts and to supplement other forms of communications with their attorney and the courts. Telephone usage by inmates is a privilege that may be restricted or withheld to protect the public, to ensure the safety, security, or good order of the Department, and to enforce NDCS rules and State statutes. For the purpose of this AR, these guidelines are applicable to inmates, as well as offenders and staff at the Work Ethic Camp. The title inmate shall be used interchangeably with the title of offender unless specifically noted within.

GENERAL

Operational procedures shall be developed to ensure that the use of telephones by inmates is controlled and supervised. Protection of the public, institutional safety and security, crime prevention/detection/prosecution, and inmate access are the order of priorities. Operational procedures shall be consistent to the extent practical among all NDCS facilities. All institution and appropriate Central Office personnel shall be required to read and enforce the provisions in this regulation. This regulation is applicable to all NDCS facilities. Inmates shall have access to this regulation and are required to comply with its provisions. All recommendations for changes to the ICS will be submitted in writing to the Director through the appropriate Deputy Director for approval prior to implementation.

DEFINITIONS

Inmate Calling System (ICS): the name given to the specialized program and equipment which governs inmate telephone access.

Site System Coordinator (SSC): a manager designated at each NDCS institution charged with the responsibility for the oversight and control of ICS at the facility level.

Site System Operator (SSO): a staff member authorized limited access to the ICS data base to perform data entry, generate reports and activate restrictions at the facility level.

Central System Administrator (CSA): the person designated at NDCS Central Office who is trained and equipped to perform all functions related to day-to-day ICS operations including, but not limited to: coordination of ICS operations, technical assistance, training, data collection, data input, system maintenance, report generation.

Special Services Administrator: The Special Services Administrator, under the supervision of the Deputy Director for Programs and Community Services, shall be responsible for administrating the Inmate Calling System, reviewing and commenting on recommended system changes. The Special Services Administrator shall serve as the liaison between NDCS facilities, external agencies, and the contract telephone service vendor(s).

Emergency Telephone Call: a telephone call authorized due to serious immediate family illness, death or impending disaster.

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Personal Identification Number (PIN): a unique, nine-digit number assigned to an inmate's ICS account that allows the inmate access to the telephone system. The PIN is comprised of the inmate's five-digit prison registration number and a confidential random-generated four-digit number.

Speed-Dial Number: a number which corresponds to actual telephone number(s) provided by the Department and programmed into the ICS. The Speed-Dial Number may be made available for use by an inmate when making a telephone call.

ICS Standard Registration Form: a form used by an inmate to request participation in the Inmate Calling System and to acknowledge acceptance of the telephone regulations. This form is used to submit/change telephone numbers, names, and physical addresses of people the inmate requests to place on their authorized social call list.

ICS Special Registration Form: a form used exclusively to add/delete/change telephone numbers, names, and physical business addresses of attorneys, and Ombudsman's Office.

Social Calls: telephone calls between an inmate and family, friends or acquaintances which are intended to promote personal relationships and are not eligible for confidential status.

Confidential Call Status: attorney/client, legal calls and calls to the Ombudsman are eligible for confidential status and are not recorded by ICS equipment or monitored by staff.

Attorneys/Client Calls: telephone calls between an inmate and an attorney that are eligible for confidential status. To qualify for confidential status, an attorney must be admitted to practice law. Confidential status includes staff, paralegals, and law clerks supervised by the attorney.

Ombudsman Calls: telephone calls between an inmate and the office of Public Counsel/Ombudsman.

Automated Operator System, (AOS) a computerized alternative to a live operator that provides an interface between the inmate and the ICS. The AOS can provide instructions and announcements on a selective, bilingual basis.

Call Recording: electronic interception and storage of all sounds and conversations between an inmate and one or more parties through a specialized system connected to the ICS.

Call Monitoring: live electronic interception and listening by staff to a telephone conversation between an inmate and one or more parties through a specialized system connected to the ICS.

Call Branding: a caller-selectable, multi-lingual, pre-recorded automated announcement generated by the AOS.

Confidential Information: information related to institutional security or individual privacy which must be protected from dissemination to anyone who does not have authorized access, based on the need-to-know, or the right-to-know, in accordance with NDCS rules or state statutes.

Access: authorization granted to a specific person to allow direct physical contact, and/or knowledge of, possession of, or use of confidential equipment and/or information. Access is generally used in conjunction with right-to-know or need-to-know.

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Right-to-Know; the individual is an employee/contractor of NDCS, or an employee of a law enforcement agency who has been designated by NDCS or their agency as a person authorized to access confidential information/equipment in the course of his/her official duties and responsibilities.

Need-to-Know; the individual has demonstrated that a need exists to obtain access to confidential information when the access is pertinent and necessary in initiating, furthering or completing an assigned duty, intelligence operation, or investigation in conjunction with the right-to-know.

Emergency Dissemination of Confidential Information; where the Director, Warden or person acting in his/her absence determines it is necessary to disseminate confidential information to anyone who does not meet the right-to-know or need-to-know criteria in verified circumstances where there is an imminent danger of harm to a person or property.

PROCEDURE

Inmate access to the telephone is a PRIVILEGE granted to all inmates who demonstrate a willingness to obey NDCS regulations. Inmates are permitted to make limited local, intra/interstate and international calls.

I. USE OF TELEPHONES BY INMATES

- A. The Director, or appropriate Deputy Director or Warden or person acting in his/her absence, may limit or suspend inmate calling operations for the protection of the public, or the safety, security, and good order of a facility, staff, or inmates.
- B. Abusing telephone equipment is prohibited. Committing violations of law or the conspiracy to commit violations of law in association with the use of the ICS shall be considered a violation of this regulation. Disciplinary sanctions may be imposed for violations of telephone regulations. Telephone privileges may be restricted by a Disciplinary Committee/Disposition Treatment Team for violations of Code of Offenses, Bureau of Immigration and Customs Enforcement Disciplinary Standards NDCS policies or WEC procedures.
- C. Inmates are prohibited from making telephone calls to NDCS staff, Board of Parole members or staff, other inmates, contract personnel, volunteers or victims and witnesses. Staff, contract personnel, and volunteers are prohibited from accepting telephone calls from inmates. Only telephone calls to NDCS staff in conjunction with community release check-in procedures are permitted. No telephone communication is allowed between volunteers and inmates at NDCS facilities, including WEC. (The only exceptions are the Community Corrections Center – Omaha and Community Corrections Center - Lincoln, only if necessary. Approval is granted on a case-by-case basis by the Warden.)
- D. No pager numbers, 411, 600, 700, 800, 900 or 911 numbers are allowed to be added to the allowed number list. Inmates are permitted to call cellular telephone numbers.
- E. Inmate-to-inmate calls are prohibited.

II. STAFF-ASSISTED CONFIDENTIAL TELEPHONE CALL PROCEDURES

Telephonic judicial hearings will be conducted over the facility staff telephone system on an “as needed” basis. Telephonic judicial hearings are not subject to recording or monitoring but

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shall be directly supervised by staff. Telephone calls for this purpose do not count against the inmate's allotted time block.

III. INMATE CALLING SYSTEM PROCEDURES

A. An inmate wanting to participate in the Inmate Calling System (ICS) must complete a Standard ICS Registration Form (Attachment B) for social calls and/or an ICS Special Registration Form (Attachment C) for confidential calls.

1. Each inmate may submit up to 30 telephone numbers representing social, and attorney/client calls. Telephone numbers entered into a particular inmate's account are strictly limited to the exclusive use by that inmate. Inmates are prohibited from submitting telephone numbers for use by another inmate.
 - a. A telephone number submitted for social calling purposes may be entered on multiple inmate accounts only where a verified immediate family relationship exists and on just one other non-family member inmate account as a friend. No telephone number used for social calling purposes may be entered on more than one inmate account when the relationships are friends only. The inmate will be notified in writing when entry of a telephone number on his/her ICS Registration Form is denied.
 - b. Inmates who want to call attorneys are required to sign the ICS Special Registration form. Inmates must submit the names and telephone numbers of the attorneys in writing on the ICS Special Registration form so the numbers can be programmed into the system.
 - c. Inmates who have not registered with the ICS must do so in order to be assigned a PIN and input the desired number. Inmates are required to sign the ICS Special Registration form in order to use the ICS to call attorneys. Inmates must sign the standard ICS Registration form (Attachment B) in order to use the ICS for social calls. The standard ICS Registration form will be used exclusively for social call registration. The ICS Special Registration Form will be used exclusively for confidential calls.
 - d. Inmates are not required to submit a registration form to make calls to the Office of Public Counsel/Ombudsman. Speed-dial 01# is provided to allow an inmate to call the Ombudsman free of charge. Calls to the Ombudsman have the same duration limits and confidential status as attorney/client calls.
2. Attorney telephone numbers will be clearly identified on the ICS Special Registration form. Unit staff will verify attorney telephone numbers prior to submitting the ICS Special Registration form to the CSA.
3. Designated unit staff will review and sign the original registration form prior to forwarding it to the Central Systems Administrator.

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4. Completed registration forms must contain the called party's first and last name, physical address where they reside, or in the case of Special Registration Form, the physical address of the business. All information shall be accurate and is subject to verification prior to or after entry into the ICS database. Submission of false information may result in disciplinary action and/or restriction of telephone privileges.
5. New commit inmates/safe keepers may submit two phone sheets within the first 90 days of arrival at the DEC/NCCW/NCYF. Changes (additions/deletions) to an inmate's social call list shall be submitted using the standard ICS Registration form. Changes are allowed for social calls once every 90 days, except for emergencies as defined by this regulation. This 90 day time period is computed as 90 days from the date the inmate signed the most recent ICS Registration Form. Additions, deletions and changes related to calls to attorneys may be made at any time by submitting a special registration form and shall be entered and confirmation returned to the inmate within 48 hours of the time a staff member receives a written request.
6. Changes (additions/deletions) to an inmate's social call list shall be submitted using the standard ICS Registration form. Changes are allowed for social calls once every 90 days, except for emergencies as defined by this regulation. This 90 time period is computed as 90 days from the date the inmate signed the most recent ICS Registration Form. Additions, deletions, and changes related to calls to attorneys may be made at any time by submitting a special registration form, and shall be entered and confirmation returned to the inmate within 48 hours of the time a staff member receives a written request.
7. For verified emergency cases; during normal business hours, an attorney phone number can be added to an inmate's approved calling list, most often the same business day by submitting an ICS Special Registration form to staff.
8. The Warden or designee may authorize emergency changes to the social call list on a case-by-case basis. Extraordinary circumstances may include verified family emergencies or the change in a family member's telephone number.
9. Call list information will be programmed into the ICS database within 48 hours upon receipt by the CSA. Delays to this time frame may be ordered by the Warden or designee upon just cause. The CSA will make two copies of the original ICS Registration Form. The original ICS Registration Form will be sent by the CSA to the facility records manager for storage in the inmate's institutional file. One copy will be retained by the CSA and one copy will be returned to the inmate with his/her assigned PIN. Changes made for attorneys shall be made within 48 hours of the receipt of a properly completed ICS Special Registration form by NDCS staff. Staff members will FAX to the Central System Administrator the ICS Special Registration form. Between the hours of 5:00 PM Friday to 8:00 AM Monday and on State-recognized holidays, facility staff will conduct data entry related to the submission of the ICS Special Registration form.

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- B. The CSA will generate each inmate's confidential four-digit Personal Identification Number. Inmates are not permitted to use or possess another inmate's PIN or use another inmate's ICS account for any reason. An inmate is not permitted to divulge to another inmate his/her assigned PIN or call list information. PIN changes may be made on a case-by-case basis upon approval by the Warden or designee after review of the circumstances requiring the change.
- C. Inmates are not permitted to use the telephone to conduct business enterprise or to make purchases, lawful or unlawful. Inmates may use the ICS to communicate with their employers or with prospective employers in association with work release participation or other release preparation.
- D. All inmate telephone calls placed through the ICS may be processed as collect, debit, or prepay. Calls placed over the institution telephone system shall be reimbursed to the state by the inmate at the state contract rate. An indigent status inmate may be permitted emergency calls when collect calls will not be accepted, provided the inmate signs an institutional check authorizing reimbursement to the state once sufficient funds are available on his/her trust account. Each month an indigent inmate will be given a choice of five stamps or \$2.50 debit calling time; however the total accumulation on the ICS will not be allowed to exceed \$10. The inmate must identify his/her choice at the time that the indigent request is made. Inmates are not permitted to make third-party billing or credit card calls. Indigent status inmates will be allowed to use select telephones at Community Corrections facilities and may be coin operated.
- E. Inmates may participate in three-way calls, call forwarding or conference-calling telephone services regarding access to courts if an attorney requests they do so. Inmates are not permitted to participate in three-way calls, call forwarding or conference calling telephone services for social calls.
- F. The ICS is programmed to allow the called party to press a digit to block all future calls from the inmate making a call or another digit to block all future calls from a given institution.

Any person may have his/her telephone number blocked by providing a written request. Reinstatement of blocked numbers is allowed only one time upon receipt of a written request. Victim/Witness telephone numbers shall be blocked utilizing information provided by the Central Records Administrator.

IV. CALL SCHEDULING

An inmate call schedule roster may be utilized to permit reasonable and equitable access to all inmates. The use of rosters can prevent scheduling conflicts and domination by an individual or group of inmates. Sign-up is on a first-come, first-serve basis. Inmates in the general population may schedule no more than one time block daily for personal calls and no more than two time blocks daily for attorney/client and Ombudsman calls. Call duration will be set by the appropriate Deputy Director. Each institution will publish call duration information in the corresponding Operational Memorandum. An inmate may make an unlimited number of call attempts to any combination of the telephone numbers on his/her authorized call list during the allotted time period. Based on time periods available and day-to-day demand, there is no guarantee an inmate will be able to schedule a call every day or at the desired time. When there is an open time slot on any given day an inmate may

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request to be placed in that slot in order to make an attorney/client and Ombudsman call. Attorney/client and Ombudsman calls will be limited to 60 minutes per week. Inmates may be restricted to the use of a specific telephone in a specific location. No telephone calls shall be placed during count times and times of emergency or be permitted to interfere with security operations. Staff are responsible for enforcing telephone regulations and ensuring that an inmate does not exceed authorized time block periods.

- A. Secure Facilities: Written telephone schedules shall be established for general population and segregated status inmates. Telephone call schedules will end at least 30 minutes prior to evening deadlock.
- B. Restrictive Housing Inmates: Telephone schedules for IS, AC and IM status inmates will provide access only four days per week. Telephone schedules for PC and DR status inmates will provide access seven days per week. Restrictive Housing telephone calls are further limited as follows:
 - 1. Immediate Segregation (IS): Inmates will be permitted one 15 minute time block per week.
 - 2. Administrative Confinement (AC): Inmates will be permitted one 15 minute time block per week.
 - 3. Disciplinary Segregation (DS): Inmates will be permitted to make legal and emergency calls only when approved by designated staff.
 - 4. Intensive Management (IM): Inmates will be permitted one 15 minute time block per week.
 - 5. Protective Custody (PC): Inmates will be permitted one 15-minute time block per day, seven day per week.
 - 6. Death Row (DR): Inmates will be permitted one 15 minute time block per day, seven days per week.
- C. Emergency Telephone Calls: Outgoing emergency calls that cannot be made as a collect or debit call (i.e. community hospital) will be made on an institutional staff telephone at the inmate's expense. Incoming emergency telephone calls will be routed to the appropriate unit staff or shift supervisor who will record and verify the information, and arrange a return call by the inmate if deemed appropriate.

V. RECORDING/MONITORING/BRANDING

- A. All inmate telephone calls utilizing the ICS and not eligible for confidential status shall be electronically recorded and may be monitored by authorized NDCS staff. At the discretion of the Director of NDCS or the person acting in his/her absence, telephone recording and monitoring may be suspended.
- B. Use of the ICS by the inmate and acceptance of the call by the called party constitutes consent to record and monitor social call conversations by NDCS staff. Written notice shall be posted at each telephone location advising the inmate of the policy on recording and monitoring. Posted signs shall be printed in English and Spanish. Inmates will receive written notice printed on each Standard ICS

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Registration Form. The inmate shall be required to sign the Standard ICS Registration Form acknowledging acceptance of the conditions for use of the telephone for making calls. The inmate shall receive a copy of the completed form. Refusal to sign the standard or special ICS Registration form shall result in telephone privileges being withheld for all calls.

C. All telephone calls through the ICS shall be electronically branded with a pre-recorded automated announcement utilizing the AOS. The inmate will be electronically blocked from hearing or communicating with the called party until the call is accepted. Electronic security measures will be utilized to prevent an inmate from interfering with or altering the announcement. Branded announcements will be made available in English, Spanish and other languages as required. At a minimum, the announcement will provide the following information:

1. The call is collect or prepaid;
2. The first and last name (committed) of the inmate caller;
3. The name and location (city and state) of the facility;
4. The status of recording and monitoring;
5. Call acceptance instructions;
6. Call blocking instructions;
7. Advisement of the prohibition and termination of calls in association with the use of 3-way, call forward or conference call services;
8. Instructions on how to skip portions of the message only after hearing Items 1, 2, 3, 4 and 5 in this section; and

VI. TRAINING

All inmates and designated staff shall receive sufficient training to ensure successful usage of ICS telephones by the inmate population. Training for trainers will be provided to NDCS staff by the contract inmate telephone vendor so staff can, in turn, teach inmates how to use the system. Printed handouts detailing calling instructions may be made available to supplement training. (See Attachment A) Comprehensive specialized training will be provided to the Site System Coordinator, Site System Operator, Special Services Administrator and designated investigators, to promote a thorough understanding of ICS security features and the use of those features. Training will be conducted on an as-needed basis to train additional staff or to update staff on system changes. Select staff shall receive sufficient training to assume the duties of the contract Central System Administrator should NDCS choose to exercise this option.

VII. CONFIDENTIALITY

All information related to ICS hardware, design configuration, software, programming, passwords, recordings, call detail records, personal identification numbers (PINs are to be disseminated only to the inmates to whom they are assigned), completed inmate registration forms, proprietary vendor information, system reports, investigations, intelligence information,

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operational security procedures and investigative analysis techniques shall be considered confidential. These shall be protected from dissemination to the public, inmates or unauthorized personnel.

- A. Inmate access to ICS equipment and information is strictly limited to the use of designated telephones and this regulation.
- B. Authorized persons may be granted access to confidential aspects of the ICS on a need-to-know, right-to-know basis only. A staff member who has been trained and deemed to have the need-to-know and right-to-know may be granted authorization to access confidential ICS equipment/information. Letters of authorization shall specify the level of access granted and contain the signature of the Special Services Administrator and the signature of either the Director of NDCS or the Warden of the facility, or by the person(s) acting in his/her absence.
- C. The misuse of confidential equipment or unauthorized dissemination of confidential information related to the ICS can result in disciplinary action or civil/criminal prosecution. Only typed transcripts of relevant portions of recorded conversations containing suspected references to unauthorized activity will be disseminated in any proceeding. Strict confidentiality shall be maintained at all times to preserve security and individual privacy.
- D. Law enforcement personnel acting in their capacity may be granted access on a need-to-know basis to confidential aspects of the ICS in conjunction with an official investigation or intelligence-gathering assignment. Dissemination of confidential information shall be thoroughly documented. Disseminated records shall at a minimum contain the following information: requester – (printed) name, agency, badge number, business address, telephone number, reason for the request and signature and the releasing official – (printed) name, facility, date/time, description of information released, and signature.

VIII. INMATES WITH DISABILITIES

Inmates with disabilities shall have equal access to the ICS as other inmates without a disability. Reasonable accommodation, including specialized telephone equipment and assistance, shall be provided to an inmate who has a bona fide disability in accordance with Department regulations and the Americans with Disability Act.

IX. ICS CONTRACTS AND CONTRACT PERSONNEL

Contracts involving inmate telephone services shall be in compliance with all applicable state and federal regulations and will provide the broadest range of calling options as determined by the Director. This shall be consistent with the requirements of sound correctional management. The vendor contract should also be based on rates and surcharges that are commensurate with those charged to the general public for like services. Any form of deviation from ordinary consumer rates will reflect the actual costs associated with the provision of services in a correctional setting. See Procedure XII. and XIII. below.

- A. All contract personnel directly associated with ICS installation, operation or maintenance shall pass an identification and criminal history background check.

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- B. Contract personnel are prohibited from forming personal relationships or “fraternizing” with inmates or their friends or families. Any pre-existing relationships shall be divulged prior to acceptance by NDCS.
- C. Contract employees agree to perform the assigned duties and to abide by the confidentiality provisions contained in this regulation.
- D. NDCS shall have final decision authority regarding the acceptability of individual contract personnel.
- E. All contract personnel and their equipment are subject to search.
- F. Permanent contract personnel shall be issued NDCS picture identification cards.
- G. Contract personnel are prohibited from conducting an investigation, live monitoring or recording playback.
- H. ICS service technicians are authorized to enter facilities with necessary equipment, parts, tools, pagers and cellular telephones in order to make repairs. Special security considerations may require deviation from this policy when circumstances dictate additional restriction.

X. EQUIPMENT LOCATIONS AND QUANTITIES

Inmate telephones shall be located in housing units only. The minimum number of telephones necessary to ensure that inmates have reasonable access to ICS will be provided at each location. Inmates will not be allowed to congregate near the telephone area. Only one inmate will be allowed at a telephone at a time. Requests for new locations and additions to the number of inmate telephones shall be submitted in writing to the appropriate Deputy Director. Portable telephones will be used whenever appropriate in hospital and segregation units to eliminate the need to allow inmates out of their cells to make telephone calls. All portable telephones shall be interfaced with the ICS and will provide identical call control as found on permanently affixed inmate telephones. ICS network administrative terminals shall be installed at Central Office and each facility in a secure area where designated personnel have direct 24 hour access to perform service, data input, data collection and investigative duties.

Appropriate physical and password security shall be instituted to guard against unauthorized access to confidential information and equipment. Passwords will be assigned by the Special Services Administrator and changed periodically to provide access security.

XI. DATA ENTRY/REPAIR SERVICE/ACCOUNT MANAGEMENT

The Site System Coordinator, Site System Operator or Shift Supervisor are authorized to make requests for data entry issues to the Central System Administrator during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. The contact number for repair services on a 24 basis is available in each facility’s Central Control. The contract vendor is responsible for the expense and labor associated with the installation and maintenance of the ICS, including wiring.

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XII. COMMISSIONS

In the interest of making inmate calling as affordable as possible while acquiring necessary security enhancements, the State of Nebraska has waived its right to receive commissions in association with ICS revenues.

XIII. RATES AND SURCHARGES

Rates are not established by the NDCS. Rates are approved by the Public Service Commission; call type, along with applicable surcharges, determine the cost of a call. Calls are billed in one minute increments. For information regarding call rates, the public may contact Public Communications Services, Inc/Global Tel*Link Corp. at 1-866-230-7761 or refer to Attachment E. In order to receive accurate rate information, the caller must provide the name of the institution from where the inmate is calling and the destination telephone number.

REFERENCE

I. ATTACHMENTS

- A. Public Communication Services, Inc. Call Instructions
- B. ICS Registration Form
- C. ICS Special Registration Form
- D. Staff Assisted Confidential Telephone Log
- E. Rate Information Sheet

II. ACA STANDARDS

- A. Standards for Adult Correctional Institutions (ACI) (4th edition): 4-4275, 4-4497, 4-4271 and 4-4272, 4-4497-1.
- B. Performance Based Standards for Adult Community Residential Services (ACRS) (4th edition): 4-ACRS-6A-01, 4-ACRS-5A-19.