



POLICY & PROCEDURE:	17.04
UNIT:	Detention and Corrections
CHAPTER:	Inmate Communication, Mail and Visiting
SUBJECT:	Inmate Telephone Access
ISSUED DATE:	August 30, 1996
REVISION DATE:	December 19, 2024
NOTES:	
RELATED ORDERS:	MJS 1067, 1083 PC 851.5 P&P 1.14 , 9.02 , 9.03 , 18.19
ATTACHMENTS:	

PURPOSE: To establish policy and procedure governing inmate access to and use of telephones.

POLICY:

- A. All inmates, including those in Administrative Separation (A/S) and Protective Custody (P/C), will be provided reasonable and equitable to telephones, pursuant to D&C Policy and Procedure 9.02, "Administrative Separation," and 9.03, "Protective Custody Inmates/Gang Drop-Out Inmates."
- B. All inmates will be afforded the opportunity to make telephone calls, pursuant to California Penal Code 851.5.
- C. Foreign National inmates shall be able to contact the Diplomatic Representative of their country of origin and shall receive assistance when necessary.
- D. The Alameda County Sheriff's Office reserves the authority to monitor and record any conversations on any telephone within its facility. Attorney/Client telephone calls will not be recorded. Use of the telephones constitutes consent to monitoring.

DEFINITIONS:

Monitoring: The use of the term "monitoring" will refer to listening in on any conversation, with or without the use of an electronic device.

Local Dialing Area: The use of the term "local dialing area" will refer to the following:

Santa Rita Jail (SRJ): Livermore, Pleasanton, Dublin, San Ramon

Foreign National: Any person residing in the United States who is not a citizen.

Diplomatic Representative: An official representative of a government who conducts relations with another individual, official or government.

Pro-Per Inmate: An inmate certified by the court to represent themselves. An inmate is in "Propria Persona or Pro Se Status" only if acknowledged by a court to be appearing in a specific criminal or civil action without counsel.

PROCEDURE:

A. ACCESS TO TELEPHONES:

1. Inmates shall be allowed a reasonable amount of privacy unless there is sufficient cause to believe the telephone privilege is being used to violate the law, jeopardize security, or endanger others.
2. Foreign National inmates shall have the opportunity to contact the diplomatic representative of their country of origin. Any difficulties in contacting the diplomatic representative shall be addressed by **the Visiting Unit**, and assistance will be given to the inmate to make contact. **The Visiting Unit** shall coordinate official visits when diplomatic representatives request meetings or contacts with Foreign National inmates.
3. Intake, Transfer, and Release (ITR): There are operable telephones in the major receiving cell(s) in ITR. These telephones will remain on at all times, except during group movements or emergencies. Without exception, it shall be the responsibility of the deputies to ensure all new arrestees are given the opportunity to use the telephones, as described in California Penal Code 851.5, before being taken to housing.
 - a. Immediately upon being booked and/or except when physically impossible, no later than three (3) hours after arrest, all newly arrested persons will be afforded the opportunity to make at least three (3) completed telephone calls.
 - b. The arrestee has the right to free telephone calls within the local dialing area, or at his or her own expense if outside the local area to any of the following:
 - i. An attorney of choice or the Public Defender
 - ii. A Bail Bondsman
 - iii. A relative or other person
4. Housing Units: All housing units are equipped with inmate telephones.
 - a. The inmate telephone system is configured to detect attempts to place three-way telephone calls.

- b. Telephone shut-off switches are controlled by housing control. The telephones will be turned on during Pod Time or at the specific direction of a deputy sheriff.
- c. All inmates will have access to the telephones on a daily basis during their regularly scheduled Pod Time.
- d. Housing security staff will ensure equitable access to telephones by all inmates by monitoring telephone use.
- e. Direct dial numbers that will enable inmates to call certain County Offices, such as the Public Defender's Office, are posted in the Inmate Rules and Information.
- f. Deputy Sheriffs assigned to the Outpatient Housing Unit shall ensure that inmates housed there have equitable access to the inmate phone system. They will maintain control of the portable telephone units, issuing them to inmates when requested, unless restricted by medical staff.

B. EMERGENCY TELEPHONE CALLS:

- 1. Inmates are not allowed to receive telephone calls. Family members or friends with emergency information for an inmate shall call **Reentry & Support Services**. When the **Reentry & Support Services** is closed, emergency calls will be forwarded to the Watch Commander.
- 2. Inmates requesting to make an emergency or special telephone call shall forward a Message Request to **the housing unit deputy**. **The deputy shall determine if the call is an emergency or a special call. The Watch Commander may approve a special or emergency call. Approved calls shall be completed in the same manner as a court ordered phone call.**

C. COURT ORDERED TELEPHONE CALLS:

- 1. Court Order telephone calls will normally be completed in the inmate's housing unit.
- 2. Calls that a court specifically directs be made "Non-Collect" will be completed in the following manner:

"Non-collect" calls will be completed on a county phone line in the back hall or in the housing unit clinic. If the call is completed in the back hall, the housing control technician will plug the handheld pro-per phone into a county phone line jack and hand it to the deputy through the mail slot.

 - a. The housing unit deputy will facilitate the call. The deputy will dial the number and

advise the subject who answers the phone that the call is coming from Santa Rita Jail. If the subject wishes to receive the call, the deputy will hand the phone to the inmate. The deputy will keep track of the time and end the call when time is up.

- b. If the order does not specify a time limit, the inmate will be allowed fifteen (15) minutes of telephone usage per ordered call.

D. PRO-PER TELEPHONE CALLS:

1. For the purposes of this policy, for an inmate to have pro-per status, the inmate must be pro-per on the criminal charges that are pending or currently holding the inmate in custody.
2. All pro-per calls will be at the expense of the inmate ***unless otherwise directed by court order.***
3. The inmate will be issued a "PIN" number by ***Reentry & Support Services*** that must be used when placing telephone calls. Without an assigned "PIN" number, the call cannot be placed.
4. The inmate will be allowed access to the pro-per phone two (2) hours per week. The week begins with Sunday and ends the following Saturday. This time will be tracked in a pro-per phone log created by Inmate Services and maintained in the housing control of the housing unit.
5. Inmates are allowed only three **(3)** numbers on their pro-per phone list. Those numbers must be court ordered. The order must include the name of the person, role in the case, and the phone number. Confidential numbers will only be granted to a court appointed/licensed private investigator, a court appointed legal aid, court ordered expert witnesses, co-counsel, or the court clerk. Inmates can request a number be added or deleted by sending a message request to ***Reentry & Support Services***.

E. TELEPHONE ABUSE:

1. The Operations Captain may direct that an inmate's telephone privileges be revoked when there is sufficient cause to believe the telephone is being used to violate the law, jeopardize security, or endanger others.
2. Inmates who intentionally damage telephone equipment are subject to prosecution.
3. Inmates who abuse telephone privileges by using the pro-per phone to make calls to numbers other than those on their pro-per phone list are subject to disciplinary action and the numbers being blocked for 90 days.
4. Inmates who abuse their phone privileges by making three-way calls are subject to

disciplinary action and the numbers being blocked for 90 days.

5. ***Inmates who abuse their phone privileges by making calls utilizing another inmates PIN are subject to disciplinary action and the called numbers being blocked for 90 days.***

F. TELECOMMUNICATION DEVICE FOR THE DEAF (TDD):

1. When a hearing-impaired inmate is identified at intake, a Hazard Code is placed on their Classification Detail and the housing unit staff will be notified.
2. All housing units have access to the TTY/TDD and the Video Relay Service-(VRS)-Refer to D&C P&P 1.14 "Americans with Disabilities Act".
3. The TDD or VRS unit will be available during Pod Time. Hearing-impaired inmates must be given the same access to a telephone as other inmates. When not in use, the TDD unit will be stored in housing control.
4. Damaged TDD or VRS Units are to be returned to ACA Staff for repair or replacement. Batteries for the units are available through **Supply**.
5. TDD or VRS Units are available for use. These devices are kept in ITR and in Housing Units with hearing impaired inmates. Contact the ADA Coordinator for assistance in locating and using these devices.

G. TELEPHONE REPAIR:

1. ***Inmate telephone problems such as broken telephone cords, flash-hooks, software functioning and technical support, such as a call that will not go through to the called party, a telephone number is blocked, a telephone number has not been validated, etc., should be reported to the contracted phone provider at tie-line 46587***