

State of Utah - Department of Corrections



Department Manual

<i>FD05 - Inmate Communication: Telephones</i>	<i>POLICY & PROCEDURE</i>
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01.00 PURPOSE, SCOPE, & POLICY

01.01 Purpose & Scope

The department provides inmate telephone privileges for the purpose of maintaining family relationships, conducting appropriate personal communication, and contacting legal counsel.

01.02 Policy

- A. An inmate's access to a telephone is considered a privilege.
- B. Phone privileges can be restricted or increased based on an inmate's behavior and the needs of the institution.

02.00 GENERAL ACCESS02.01 General

- A. Facilities under the control of the Division of Prison Operations provide inmates with telephone privileges.
- B. The inmate's telephone privilege is designed to supplement, not replace, regular correspondence.
- C. Use of the designated inmate telephone constitutes consent to interception, recording, and monitoring except for verified legal calls.
- D. Hearing-impaired inmates shall be allowed telephone privileges through the use of auxiliary aids provided by the department.
- E. All phone calls made on the inmate phone system shall be only collect calls, debit, or pre-pay.
- F. Third-party calling, call waiting, call forwarding, and third-party billing are prohibited.
- G. Attorneys will be advised that three-way calling, call waiting, and call forwarding are not authorized.
 - 1. If an attorney can show cause for the necessity of a three-way call and, when approved by the facility deputy warden/designee, an inmate's case manager may facilitate a three-way call for legal purposes.

02.02 Access

- A. Each facility shall specify the telephone locations for use by inmates.
 - 1. Use of any office telephone or other telephone not specifically designated for inmate use is prohibited.
 - 2. When appropriate for death notifications or other non-routine situations, staff, with the approval of a supervisor, may allow the use of a telephone other than those previously designated for inmate use.
- B. General access to phones may be from 0550 to 2100 hours. Access shall also be governed by the privilege matrix in accordance with DPO policy.
- C. Telephone use shall not interfere with an inmate's work or education programs, nor shall it interfere with the operation or interests of the facility, such as counts and critical incidents.
- D. Misuse of telephone privileges may result in disciplinary action and/or administrative sanctions, including suspension of personal telephone privileges and/or other administrative sanctions as deemed appropriate by OMR.
 - 1. Misuse of the telephone privileges includes:
 - a. bypassing voice recognition;
 - b. sharing pin numbers with another inmate;
 - c. stealing a pin number for another inmate;

- d. placing phone numbers on another inmate's phone list and then contacting the person through another inmate's account; and
- e. three-way phone calls.

03.00 APPLICATION PROCESS AND GENERAL USE

03.01 General

- A. Inmates shall complete an Inmate Phone Request and submit it to the GTL/ViaPath coordinator.
- B. The GTL/ViaPath coordinator/designee shall verify all phone numbers on the application.
- C. Each inmate shall be issued a personal identification number and Voice-Print Identification for use with the inmate telephone system.
- D. The amount of phone numbers for legal calls (attorneys), upon verification, is unlimited.
- E. Inmates shall not be allowed to call the Board of Pardons and Parole (BOPP) directly.

03.02 Application Form

- A. Inmates shall complete the Inmate Telephone Request/Cancellation Form. These forms shall be available in each housing unit. This form requires:
 - 1. an inmate's signature to be valid;
 - 2. numbers to be added to the calling list with the appropriate box checked (legal or personal) on the form; and
 - 3. cell phone and unlisted numbers may require a copy of the phone bill to be attached to that number.
- B. Upon completing the application, the inmate shall submit the application to the GTL/ViaPath coordinator for verification.
- C. The list cannot include phone numbers attached to offenders on probation/parole or currently in the correctional system. This communication is prohibited. This will be verified by the GTL/ViaPath coordinator in O-Track.
 - 1. Any exception to this shall be approved by the facility warden/designee.
- D. When the GTL/ViaPath coordinator receives the request, they shall verify that the form is filled out completely and signed.
- E. Once the application has been reviewed and cleared, the GTL/ViaPath coordinator shall enter the phone number into the computer system.
- F. The GTL/ViaPath coordinator may notify the inmate in writing of approval/denial.
- G. The voice verification process is required through the V-Pin (Voice Print) Instruction during the R&O process.
- H. Inmates may request a copy of their personal, approved phone numbers through their OMR committee.

03.03 Inmate Phone Number Approval/Verification Process

- A. For phone number verification and to ensure the phone number is not approved for multiple offenders, the GTL coordinator shall screen the requested number to verify it is only approved for one offender.
 - 1. Unique situations shall be reviewed by the OMR committee for approval (i.e., immediate family relations).
- B. Only 10 personal phone numbers per inmate shall be approved at one time (verified by OMR and the GTL coordinator).
 - 1. Attorney numbers do not count against the 10 personal numbers.
- C. Phone numbers can only be added to or removed from an inmate's phone list every 60 days.

- D. The following information and/or documents shall be provided by the requesting individual for phone numbers to be approved:
 - 1. Current phone bill for the requested number;
 - 2. full legal name of phone number owner;
 - 3. current street address;
 - 4. date of birth of any minor under 18;
 - 5. relationship to inmate.
- E. VOIP/Google Voice shall not be utilized for the verification and approval process, nor at any time during correspondence with an offender. Doing so will immediately result in phone number suspension.

03.04 Telephone Conduct

- A. Inmates are prohibited from calling victims without approval from the warden.
- B. Inmates shall not make threatening or harassing calls.
- C. Foul, abusive, or unusually loud conversations shall not be permitted during telephone calls.
- D. Inmates shall not engage in phone sex.
- E. Misuse of telephone equipment shall not be permitted and may subject the inmate to disciplinary actions.
- F. Telephone calls made on the GTL/ViaPath system should be limited to 30 minutes. Calls made through ADA-approved auxiliary devices for hearing-impaired offenders shall be 45 minutes.
- G. Each inmate shall be oriented to the phone system during their initial R&O intake screening.
- H. Three-way calling, call waiting, and call forwarding are prohibited.
- I. Inmates shall use only their assigned PIN number to make phone calls. An inmate using another inmate's PIN number to make phone calls is subject to disciplinary action.
- J. Only calls on an inmate's approved phone list will be completed when dialed on the GTL/ViaPath system.

03.05 Vandalism of Telephone Equipment

Every effort shall be made to determine responsibility for any damage to equipment. If appropriate, security investigators shall be notified to investigate and/or sign criminal complaints and restitution requested.

04.00 MONITORING OF INMATE TELEPHONE SYSTEM

04.01 General

- A. All phone calls made using the GTL/VIAPATH, with the exception of legal calls, shall be monitored and recorded.
- B. Inmates shall have no expectation of privacy for personal calls made on inmate-designated telephones with the exception of legal calls.
- C. Notification of the Department's right to intercept, record, and monitor personal calls shall be posted at all designated inmate telephone locations.
- D. Use of inmate-designated telephones constitutes consent to monitoring and recording of conversations except for verified legal calls.
- E. All personal inmate calls are subject to termination or disconnection if circumstance indicates a threat to the order, discipline, or security of the facility or if telephone conduct violates prison regulations.
- F. Inmates are not allowed to receive incoming calls.

- G. All phone calls shall be in English unless the inmate or their family is unable to communicate in English and is authorized by OMR to speak another language.

04.02 Monitoring

- A. Inmate calls, with the exception of legal calls, are automatically monitored and recorded by GTL/VIAPATH.
- B. Any criminal or other concerning conduct shall be referred to LEB.
- C. If a violation of the appropriate use of the inmate phone system is detected, staff may immediately initiate a block of that phone number and submit a referral to OMR. OMR staff shall review the department policy and protocol for disciplinary measures. Violations may subject the inmate to a decrease in phone privileges.
- D. Offenders found abusing the inmate phone system may have the number that was called immediately suspended for review, and they shall be referred to OMR. The OMR committee will decide which sanctions to impose on the offender, if any.
Any imposed sanctions that suspend an offender's phone privileges DO NOT include legal calls.

05.00 TELEPHONE BLOCKING

05.01 General

- A. Individuals from the public requesting not to be called shall have their numbers blocked.
- B. Individuals on an inmate's approved list who become delinquent in payment to GTL/ViaPath shall have that number blocked until the bill is brought current.
- C. Phone privileges may be blocked for disciplinary/privilege matrix reasons to include select numbers that have been misused, to the entire phone privilege.
- D. Inmates attempting access to three-way calling, call waiting, call forwarding, or use of cell phones (unless approved on the calling list) shall have that number blocked, and continued attempted access may result in additional numbers being blocked and/or loss of phone privileges.

05.02 Blocking of Numbers

- A. Persons who do not want to be called by an inmate shall have their number blocked from the inmate list of authorized numbers.
- B. Persons who do not provide accurate information (i.e., billing information, relationship to the inmate, addresses, etc.) to GTL/ViaPath for purposes of billing shall not be allowed access to telephone privileges with inmates.
- C. Staff who have found an offender to be in violation of the appropriate use of the inmate phone system may immediately block the number, and then shall immediately submit an OMR referral. Telephone blocking shall be submitted through the OMR referral process for disciplinary/privilege matrix review.
- D. Telephone numbers may be "blocked" by the GTL/ViaPath coordinator if payment is not made by the outside party during the billing cycle.

06.00 ATTORNEY AND COURT PHONE CALLS

06.01 General

- A. Inmate access to attorneys and legal counsel, except for exigent circumstances, shall be through:
 - 1. correspondence;

2. attorney visits at the prison;
 3. telephone (GTL/VIAPATH); and
 4. contract attorney appointments on appropriate matters.
- B. Legal (privileged) telephone calls should not exceed 30 minutes in duration.
- C. Inmate calls to the courts are not automatically entitled to privileged telephone conversations.
- D. The following telephone calls are not automatically entitled to legal (privileged) status:
1. calls to the court for an extension of time;
 2. calls to the Attorney General's Office;
 3. calls to family or friends;
 4. calls to governmental agencies;
 5. calls to Department of Corrections members;
 6. calls pertaining to cases that have not been filed with the court;
 7. calls pertaining to filed case documents (filed documents are public records);
 8. calls to the ACLU pertaining to general information; and
 9. calls to the Salt Lake Association of Legal Defenders who are free of charge.

06.02 Application to Authorize Attorney Phone Numbers

- A. When applying for legal access phone numbers and participating in the GTL/ViaPath Program, inmates shall:
1. obtain and complete an "Inmate Telephone Request/Cancellation Form;"
 2. ensure that the box for "legal" in the upper left corner of the application is checked; and
 3. place the completed application in an envelope addressed to the GTL/ViaPath coordinator and deposit it in the unit mail drop.
- B. Upon receipt, the GTL/ViaPath coordinator/designee shall verify that the phone number on the application is that of an attorney and that the attorney will accept inmate collect calls.
- C. The attorney shall then complete and submit an attorney verification application, which shall include:
1. Full legal name of attorney;
 2. a copy of the attorney's driver's license or government-issued ID;
 3. a copy of the attorney's bar card or other documentation demonstrating the attorney is licensed to practice;
 4. the court case number(s) in which the attorney is representing the inmate;
 5. a signed acknowledgment that the attorney agrees to update and verify, on an annual basis, his/her continued need to be on the inmate's attorney call list. Failure to update this information annually will result in the attorney being removed from the inmate's phone list.
- D. After an attorney's phone number is confirmed and the attorney's verification application is received and accepted, the GTL/ViaPath coordinator shall enter the number into the system so that it cannot be monitored or recorded in the GTL/ViaPath program.
- E. In exigent circumstances, attorneys may be allowed to call an inmate if coordinated and approved by the warden's office.

06.03 Court Calls

- A. The preferred communication method with the courts shall be through written communication. In exigent circumstances, calls can be made to the court and shall be documented in O-Track by the staff member coordinating the call.
- B. Inmates may be granted special telephone calls to courts to request time extensions on court-ordered deadlines when they produce:
1. a court order directing action by a deadline that cannot be satisfied by:

- a. correspondence; and
 - b. an attorney visit at the prison.
2. evidence that they did not have adequate time to respond when the court order was received. ("Adequate time"- shall be deemed to mean that there was not at least ten working days from the date on the court order to respond.)

07.00 HEARING IMPAIRED

07.01 General

- A. Accommodations shall be made for telephone privileges for hearing-impaired offenders.
- B. Hearing-impaired offenders shall be allowed to utilize approved auxiliary aids.
- C. Hearing-impaired offenders shall be allowed to make unmonitored legal phone calls.

07.02 Telephone Access

- A. Hearing-impaired inmates shall complete the telephone request/cancellation form.
 1. Staff reviewing the telephone request form shall verify through O-Track whether an inmate is approved to use an auxiliary device.
- B. Inmates authorized with an ADA accommodation shall be permitted to utilize any approved auxiliary aids.
- C. This equipment shall be made readily available to authorized inmates by housing staff.
 1. Telephone calls will be processed through the approved auxiliary aid.
 2. Auxiliary aids will only place calls to numbers that have been approved by the GTL/ViaPath coordinator.
 3. Misuse of auxiliary aids shall result in disciplinary action and/or termination of phone privileges.
- D. Hearing-impaired calls shall be limited to 45 minutes.
- E. Generally, calls made using approved auxiliary aids will be monitored.
 1. Legal calls made using approved auxiliary aids will not be monitored by UDC.