

ALAMEDA COUNTY SHERIFF'S OFFICE DETENTION AND CORRECTIONS POLICY AND PROCEDURE	NUMBER: 17.04	PAGES: 1 of 6
	RELATED ORDERS: ACA 4-ALDF- 2A-20, 2A-65, 2A-66, 5B-11, 5B-12, 6A-02, 6A-04, 6A-05, 6A-06, 6B-04, 6B-05 MJS 1067 P&P 9.02, 9.03, 18.19; P.C 851.5	
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CHAPTER: Inmate Communication, Mail and Visiting	SUBJECT: Inmate Telephone Access	

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

II. **POLICY:**

- A. All inmates, including those in Administrative Isolation (A/I) and Protective Custody (P/C), will be provided reasonable and equitable access to telephones, pursuant to Policy and Procedures 9.02, "Administrative Isolation," 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, including recording, conversations on any telephone within its facilities. Attorney/Client telephone calls will not be recorded. Use of the telephones constitutes consent to monitoring

III. **DEFINITIONS:**

- A. **MONITORING:** The use of the term "monitoring" will refer to listening in on any conversation, with or without the use of an electronic device
- B. **LOCAL DIALING AREA:** The use of the term "local dialing area" will refer to the following:
 - 1. Glenn E. Dyer Detention Facility (GEDDF): Oakland, Alameda, Berkeley

2. Santa Rita Jail (SRJ): Livermore, Pleasanton, Dublin, San Ramon
- C. FOREIGN NATIONAL: Any person residing in the United States who is not a citizen
- D. DIPLOMATIC REPRESENTATIVE: An official representative of a government who conducts relations with another individual, official or government
- E. PRO-PER INMATE: In one's own person. 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

IV. 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 Inmate Services, and assistance given to the inmate to make contact. Inmate Services 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 ITR/Classification Deputy Sheriffs 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/her own expense if outside the local area to any of the following:
 - 1) An attorney of choice or the Public Defender
 - 2) A Bail Bondsman
 - 3) 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. The system is sensitive and any click or silence on the line is interpreted as a three-way call attempt, resulting in the call being flagged for further investigation.
- 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, including those housed in Disciplinary Isolation, Administrative Isolation, and Protective Custody, 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.

A. EMERGENCY TELEPHONE CALLS:

1. Inmates are not allowed to receive telephone calls. Family members or friends with emergency information for an inmate shall call Inmate Services. When the Inmate Services Section 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 Inmate Services. The request may be approved or denied, based on the nature of the circumstances

B. 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:
 - a. ***GEDDF: "Non-Collect" calls will be completed on a county phone line in the housing floor clinic or in the dayroom outside the deputy's office.***

- 1) *The housing floor 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 an Alameda County 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.*
 - 2) *If the court order does not specify a time limit, the inmate will be allowed a fifteen (15) minute call.*
- b. *SRJ: "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.*
- 1) *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 an Alameda County 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.*
 - 2) *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.*
3. The inmate will be issued a "PIN" number by Inmate 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 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 Inmate Services.

E. TELEPHONE ABUSE:

1. The Facility Commanding Officer 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.***

F. TELECOMMUNICATION DEVICE FOR THE DEAF (TDD):

1. One Telecommunication Device for the Deaf (TDD) Unit is located in Central Control and is available for use by inmates, attorneys, staff, and visitors upon request. An instruction card shall remain with each unit
2. GEDDF:
 - a. Attorneys requesting to use the TDD Unit will be escorted to Room 112a via the visiting lobby and will be provided with a TDD Unit. The inmate will be staged in Room 134 in Interview Booth B, which contains the other TDD Unit
 - b. When an inmate requests use of the TDD Unit, the phone in Central Control will be brought up to the housing floor and will be used in the Dayroom, during Pod Time
 - c. When an inmate or visitor needs to use the TDD Unit during a visit, the procedures in (c), above, will be followed. All other visiting procedures apply
 - d. Central Control shall log any use of the TDD Units
3. SRJ:
 - a. 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
 - 1) All housing units are equipped with TDD Units

- 2) The TDD 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
- b. If an attorney or a civilian requests the TDD Unit, it will be taken from Control Point (CP)11 by staff and used on the pay telephones in the front lobby, adjacent to CP 11
- c. Damaged TDD Units are to be returned to Inmate Services for repair or replacement. Batteries for the units are available through Inmate Services
- d. ITR and CP 11 each have a TDD Unit available for use

G. TELEPHONE REPAIR:

1. Inmate telephone problems such as broken telephone cords, flash-hooks, etc., should be reported, in the following manner:
 - a. At the GEDDF, telephone problems are to be reported to Inmate Services at tie line 27811 or 27821.
 - b. At the SRJ, telephone problems can be reported to Inmate Services at tie line 46873.
 - c. Inmate telephone problems associated with software functioning and technical support, such as a call 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 Inmate Services for service and/or repair
2. When reporting inmate telephone repair problems:
 - a. At the GEDDF, describe the physical location of the telephone requiring repair
 - b. At the SRJ, refer to Attachment A, which shows how to identify the location of inmate telephones