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February 16, 2010

VIA ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Stephanie A. Joyce

Attorney
202.857.6081 DIRECT
202.857.6395 FAX
joyce.stephanie@arentfox.com

Re: WC Docket No. 09-144, Securus Petition for
Declaratory Ruling

Dear Ms. Dortch:

Securus Technologies, Inc. (“Securus”) hereby responds to the *ex parte* letter of Millicorp filed on December 16, 2009 (“Millicorp December Letter”). Millicorp, which as you know operates the call diversion scheme ConsCallHome, inexplicably persists in making assertions to the Commission that simply are disproven by record evidence, and most recently by the *ex parte* letter that Securus filed in this docket on December 14, 2009 (“Securus December Letter”). Securus again will address and refute each of these assertions herein.

1. Millicorp/ConsCallHome Irrefutably Fails Three of the Necessary Criteria for Calling Itself “Interconnected VoIP.”

Millicorp’s continued assertions that it is an interconnected VoIP provider, *e.g.*, December Letter at 1, display an unfortunate lack of candor. Securus demonstrated in its December Letter that Millicorp/ConsCallHome fails three of the four criteria in Rule 9.3 by which the Commission defines “interconnected VoIP provider.” Securus December Letter at 2-4 (quoting 47 C.F.R. § 9.3). In the face of that showing, Millicorp now resorts to dissembling and obfuscation in order to present itself as a legitimate service provider.

The ConsCallHome “service” does not require a “broadband connection from the user’s location,” does not require “Internet protocol-compatible customer premises equipment,” or CPE, and cannot be used to “terminate calls to the public switched telephone network,” or the PSTN. Securus December Letter at 3-4; *see also* 47 C.F.R. § 9.3. These facts are demonstrated not only in Millicorp/ConsCallHome public statements, but in its own *ex parte* letters dated December 9, 10, and 11, 2009. *See* Securus December Letter at 3. Millicorp/ConsCallHome already has admitted that its “customers” do not need “IP-compatible CPE” and that no broadband connection is needed in order for a called party to receive a diverted inmate call. *Id.*

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(quoting WC Docket No. 09-144, Letter from William P. Cox, Esq. to Marlene H. Dortch, Secretary of the FCC, at 2 n.1 (Dec. 11, 2009). These facts also appear on the Millicorp website. **Attachment 1** (available at <<http://www.conscallhome.com/how-it-works>>).

Millicorp now attempts to reverse its admission by citing to the inapposite decision in *Cardinal Broadband, LLC*, File No. EB-07-SE-310, Notice of Apparent Liability for Forfeiture and Order, 23 FCC Rcd. 12224 (Enforcement Bur. 2008). Millicorp December Letter at 2. That case, however, only further undercuts Millicorp's position by highlighting yet another requirement with which it is not complying: E911 service.

Cardinal Broadband stands for the proposition that an interconnected VoIP provider can be fined for failing to ensure that its end user can originate 911 calls. In concluding that Cardinal Broadband indeed is an "interconnected VoIP provider," the Enforcement Bureau noted that Cardinal "apparently provides the broadband connectivity itself and, in at least some cases, the customer's CPE." 23 FCC Rcd. at 12227 ¶ 9. To the extent that, as Millicorp emphasizes, the provision of IP-compatible CPE may be "outsource[ed]," Millicorp December Letter at 2, under *Cardinal Broadband* the company would nonetheless be an interconnected VoIP provider because it caused the end user to acquire that CPE. 23 FCC Rcd. at 12228 ¶ 10. As such, the company must provide E911 service; to the best of Securus's knowledge, Millicorp/ConsCallHome cannot satisfy this requirement.¹

Millicorp/ConsCallHome neither provides nor causes to be provided any CPE at all. It expressly states on its website that "Conscallhome.com works with your existing phone, and requires no expensive set up or equipment purchase." Attachment 1. By this admission, Millicorp/ConsCallHome proves that it fails the "IP-compatible CPE" criterion of Rule 9.3.

Also by this admission, Millicorp/ConsCallHome fails the "broadband connection" criterion of Rule 9.3. The "service" needs only "your existing phone" in order to complete diverted inmate calls to called parties. As such, it is not interconnected VoIP.

Nor does Millicorp/ConsCallHome install or cause to be installed any "broadband connection" or any CPE at the originating end of any inmate call. This fact is indisputable, for Millicorp/ConsCallHome does not hold any contract with any of the correctional facilities that Securus serves. *E.g.*, WC Docket 09-144, Securus Petition for Declaratory Ruling at 9 (July 24,

¹ Securus's extensive research indicates that the false "local" telephone numbers which Millicorp/ConsCallHome assigns to called parties are Direct Inward Dial ("DID") numbers. DID numbers cannot originate a call. As such, no person could use a telephone number assigned by Millicorp/ConsCallHome in order to dial 911. Thus, were Millicorp/ConsCallHome an "interconnected VoIP provider," it would be subject to fines and penalties just as was Cardinal Broadband. 47 C.F.R. § 9.5(b); 23 FCC Rcd. at 12226 ¶ 8.

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2009) (“Securus Petition”).² Millicorp thus provides neither a broadband connection nor CPE equipment on the facility side of inmate calls. It is therefore undisputed that Millicorp does not provide or cause to be provided two of the Commission’s four mandatory criteria for being considered “interconnected VoIP.” 47 C.F.R. § 9.3.

Finally, the sworn declaration of Curtis Hopfinger, Director of Regulatory and Government Affairs for Securus, demonstrates that the ConsCallHome “service” cannot enable any person to originate a call and send it to the PSTN. Declaration of Curtis L. Hopfinger ¶¶ 4-5 (Sept. 3, 2009) (appended to Securus Reply Comments dated September 10, 2009). As such, Millicorp/ConsCallHome fails the fourth criterion of Rule 9.3.

It is on this point that Millicorp engages in its most egregious dissembling. Because Millicorp cannot challenge the sworn facts in Mr. Hopfinger’s Declaration, Millicorp rests on the facile point that its “customers” can “make calls to other parties connected to the PSTN.” Millicorp Letter at 2. Of course they can: these end users subscribe to local exchange service from a local exchange carrier (“LEC”). Hopfinger Decl. ¶ 5. They “must have existing telephone service.” *Id.* But it is not Millicorp/ConsCallHome that caused this circumstance, but rather the LEC. Without LEC service, no Millicorp/ConsCallHome “customer” could call anyone, nor could they receive any calls. Millicorp/ConsCallHome must cease its reliance on the work of legitimate carriers — LECs and inmate telecommunications service providers — and to aggrandize to itself the characteristics of these carriers as a means of operation and of justifying its operations.

The question whether Millicorp/ConsCallHome is an “interconnected VoIP provider” must finally close. The answer is no.

2. Millicorp Did Not Register with the Commission Until After Securus Filed Its Petition and Thus Never Made Universal Service Contributions.

Millicorp asserts that it is compliant “to the best of its knowledge, with all applicable FCC orders and regulations.” Millicorp December Letter at 3. It notes specifically that it “is registered with the FCC” and “has made federal Universal Service Fund (USF) contributions[.]” *Id.* It cannot refute, however, the fact that Securus has shown that Millicorp was not registered until July 9, 2009, and that Millicorp/ConsCallHome was operating in “early 2008.” Securus December Letter at 1 (quoting Affidavit of Timothy Meade ¶ 3 (Aug. 27, 2009)). Thus, Millicorp was not compliant with “applicable FCC orders and regulations” for 18 months or more.

² Millicorp itself admits that Securus provides service “pursuant to a contract with an inmate confinement facility[.]” WC Docket No. 09-144, Comments of Millicorp at 3 (Aug. 28, 2009).

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As to its USF contributions, Millicorp states that they were made “through its underlying wholesale provider.” Millicorp December Letter at 3. That provider is not identified.

It is telling that Millicorp now promises that it “will be making USF contributions directly to the Universal Service Administration Corporation (USAC).” *Id.* That change of procedure seems curious, for if its reliance on “its underlying wholesale provider” thus far has been satisfactory and “FCC-Compliant,” *id.*, there seems no reason to reverse that course now.

Further, the fact that “Millicorp utilizes the same regulatory consulting firm used by a number of inmate phone service providers,” Millicorp December Letter at 3, is irrelevant. Hiring a consulting firm is neither proof of nor a substitute for complying with regulatory requirements. Until July 9, 2009, Millicorp apparently believed it had none.

Millicorp’s pledge to be compliant with FCC rules is laudable. That pledge cannot, however, negate Millicorp’s previous flouting of, at a minimum, the VoIP registration rule. There remains a suggestion that Millicorp sought to comply with its regulatory obligations only after and because Securus contacted Millicorp requesting that it cease diverting inmate calls. In any event, the facts asserted in the Securus Petition and in its *ex parte* letters as to Millicorp’s lack of regulatory compliance remain valid record evidence.

3. Securus Is Not Blocking Calls to Vonage End Users.

Millicorp states that Securus is blocking calls to Vonage end users based on two *ex parte* letters filed in August 2009. Millicorp December Letter at 4-5. Millicorp does not represent that it has any independent knowledge of this matter. It nonetheless asserts that Securus “is indeed blocking calls to Vonage and Google Voice.” *Id.* at 5.

Millicorp’s persistent accusations on this point are baseless and irrelevant. First, Millicorp is factually incorrect. Securus is not blocking calls to legitimate interconnected VoIP service providers. Secondly, Millicorp is not similarly situated to Vonage or Google Voice, and thus the manner in which Securus treats the end users of those entities has no bearing on its Petition. Third, Millicorp has no standing to attempt to vindicate the rights of third parties whom, according to its December Letter, it never has met and does not serve.

Moreover, Millicorp again appears to be harkening to its previous allegations that Securus has “discriminated against” Millicorp/ConsCallHome. Securus reiterates that it is not unlawfully discriminating against either of these entities. To the extent Millicorp is attempting to present Securus with the Hobson’s choice of admitting either that it is unlawfully discriminating or that it is wrongfully blocking legitimate interconnected VoIP providers, that attempt is spurious and unavailing. Neither premise is accurate.

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With regard to the two consumer letters on which Millicorp relies, Securus cannot comment on the status or service history of either end user due to privacy concerns. Nonetheless, for Millicorp to rely on these two letters as support for asserting that Securus has an ongoing policy or practice of blocking Vonage end users is folly.

4. Millicorp/ConsCallHome Does Not Understand, Despite Securus's Many Explanations, Why It Presents a Security Risk.

Millicorp's call diversion scheme presents a risk to prison security and public safety. *See* Securus December Letter at 5-6. The re-routing of inmate calls to untraceable terminating phone numbers flouts a fundamental requirement of any secure inmate calling platform. Regardless of whether Millicorp should "be associated with companies that seek to subvert the law, hide identities, or allow customers to connect to prohibited parties[.]" Millicorp December Letter at 7, the fact remains that correctional authorities find call diversion to be a security risk. Securus Petition, Exs. 18-28; Securus Reply Comments, Appendix.

Securus has explained at length why neither Millicorp nor Securus nor any correctional authority can rely on billing records to establish the geographic location of the telephone numbers to which call diversion schemes re-route inmate calls. Securus December Letter at 5-6; Securus Reply Comments at 15-16. As an initial matter, Securus has never seen Millicorp's billing records and cannot opine on whether they accurately disclose the location of any terminating telephone number.

As to Securus's billing records, to reiterate, those records rely on a billing address only and not the registered address for the account holder's telephone number. This fact is particularly true for purposes of the Securus Petition, because Millicorp/ConsCallHome expressly instructs "subscribers" to establish a prepaid account with the inmate telecommunications service provider serving the calling inmate. Attachment 1. Prepaid accounts require only the billing address of the credit card that the account holder will use to establish and/or replenish the account. Securus December Letter at 6; Securus Reply Comments at 16. The address of the terminating phone number never is requested. *Id.* It is thus false for Millicorp/ConsCallHome to assert that it "does not present a security risk" because its "customers are required to provide complete billing name and address information to Securus." Millicorp December Letter at 5.

5. Millicorp Has No Standing or Basis to Instruct the Commission to Countermand Correctional Policies Banning Cellphone Use.

Millicorp boldly includes in its letter a demand that the FCC "consider" whether correctional authorities have the right to prohibit inmates from calling cellphones. Millicorp December Letter

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at 8. In other words, the Florida Department of Corrections (“FL DOC”) and the Texas Department of Criminal Justice (“TDCJ”) should be countermanded in their longstanding security policies prohibiting state inmates from calling cellphones. Millicorp provides no authority by which the Commission could issue such an edict nor does it explain why these correctional authorities are wrong to view calls to cellphones, which may be prepaid phones having no registered end user, as a security risk.

Further, the issue of cellphone use with regard to inmate calls is not, contrary to Millicorp’s assumption, entirely separate from “the current problem in America’s prisons regarding contraband cellphones smuggled into correctional facilities.” Millicorp December Letter at 8. Cellphones are a security risk whether they are at the originating end or the terminating end of an inmate call. At the originating end, a cellphone allows the calling inmate to avoid being monitored and to call any number without detection or limitation. Thus, to the best of Securus’s knowledge, all correctional facilities prohibit inmates from originating calls with contraband cellphones which circumvent the secure inmate telephone system. At the terminating end, a cellphone, like a call diversion scheme, can enable an inmate to call a number that is not registered to any end user or any geographic address. Some correctional authorities likewise deem such calls to be a security risk. Both types of security breaches are serious, and thus both types of cellphone involvement are banned by, for example, the FL DOC and TDCJ.

Millicorp also makes the remarkable assertion that “the record” in this proceeding demonstrates that Securus deliberately “has blocked cellphone numbers due to the numbers being local numbers with associated long distance revenue loss for Securus.” *Id.* at 8. Securus does not block cellphone numbers because they are local, and nothing in this record or anywhere else could support that outrageous accusation.

6. The Michigan DOC Memorandum Is Not Reliable Precedent.

Securus has explained that the February 1, 2007, Memorandum from the Michigan Department of Corrections (“DOC”), which Securus appended as Exhibit 31 to its Reply Comments, should not be construed as endorsing call diversion schemes. Securus December Letter at 6-7; Securus Reply Comments at 18-19. Nothing in that Memorandum indicates an understanding of how call diversion schemes, such as Millicorp/ConsCallHome, operate. Rather, the Memorandum plainly is describing legitimate interconnected VoIP service, such as Vonage, and not entities that simply re-route inmate calls to the customers of wireline LECs.

The Memorandum notes that “friends and families are also **switching to VoIP.**” Securus Reply Comments, Ex. 31 (emphasis added). This language, written in non-technical terms by Deputy Director Dennis Straub, indicates that called parties are fully changing their local exchange service to VoIP — they are “switching to VoIP” in the way that customers can “switch” long

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distance carriers, not for one call but for all calls. Here, by contrast, the record is clear that no end user could “switch” to ConsCallHome. ConsCallHome cannot provide local exchange service nor carry any type of call other than a re-routed inmate call. Hopfinger Dec. ¶¶ 4-5.

The Memorandum also notes that “this type of service will eventually replace the traditional phone systems.” Securus Reply Comments, Ex. 31. Surely Deputy Director Straub could not suppose that intermediary call re-routers could “replace” the LECs. The only reasonable construction of his statement is that legitimate interconnected VoIP providers, like Vonage, have the ability to “replace” LECs and provide end-to-end PSTN transmissions.

Finally, it bears repeating that this Memorandum was released more than a year before Millicorp/ConsCallHome commenced service in “early 2008.” Meade Aff. ¶ 3. No reasonable basis exists to conclude that Deputy Director Straub knew that call diversion schemes were operating in Michigan facilities, much less what is Millicorp/ConsCallHome. For all these reasons, it should not be assumed that the Michigan Memorandum was intended to support or accept any call diversion scheme.

It is notable by contrast, however, that the Federal Bureau of Prisons (“FBOP”) is blocking call diversion schemes, including ConsCallHome. At least one person who “subscribes” to ConsCallHome has complained that the FBOP is blocking calls placed to a ConsCallHome false “local” number. This fact was corroborated by an employee of the FBOP who explained to the undersigned that ConsCallHome is, according to that agency, simply a means of effecting call forwarding. Call forwarding, he stated, is expressly prohibited by the FBOP regulations for inmate telephones which is available on the FBOP website. **Attachment 2** (available at <<http://www.bop.gov/DataSource/execute/dsPolicyLoc>>). According to the FBOP, any instance in which an inmate dials one number but the call terminates to another number constitutes call forwarding and it will be blocked. The FBOP knows the name “ConsCallHome” and has been blocking it purposefully for months. This affirmative blocking seems far more salient and instructive than the unwarranted inferences that Millicorp draws from the 2007 Michigan Memorandum. It demonstrates that blocking call diversion schemes is necessary and appropriate.

7. Millicorp Admits That It Cannot Provide the Security Features Which Correctional Authorities Require.

Millicorp’s previous protestations that the calls it diverts are nonetheless protected by security measures was, as Securus explained, based entirely on the fact that the Securus system is the means by which those security measures are to any extent maintained. Securus December Letter at 8-9. More specifically, the technology Securus has developed and installed in order to detect three-way calls and forwarded calls “is still ‘present’ on the call,” *id.* at 8, because the inmate

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still is speaking into Securus equipment at the facility. Thus, to the extent that diverted inmate calls have some security features in place, it is Securus that is providing them. *Id.* at 9.

Millicorp maintains, however, that it “has deliberately disabled functionality for call forwarding, three-way calling, and multi-voice device ringing.” *Id.* The irony remains, however, that ConsCallHome itself enables call forwarding in the form of VoIP-based re-routing.

Millicorp now admits that it does not “provide[] any of the security functions provided by Securus.” Millicorp December Letter at 9. Millicorp now only attests it “remains proactive and steadfast in seeking to provide as secure a service as reasonably possible in a cost-effective manner.” *Id.* Those attestations cannot, however, substitute for Securus’s contractual obligations to provide a secure calling network. When inmate calls are diverted from the dialed number to some other, untraceable number, correctional authorities believe that the calling network has been breached. Securus Petition, Exs. 18-28. Nothing that Millicorp does — and Securus remains perplexed by its purported “disabling” of call forwarding given that the called parties fully control their CPE — could negate the security risk that its very operation imposes.

8. Federal Law Does Not Permit Millicorp/ConsCallHome to Take Traffic From Any Correctional Facility.

The fundamental point of this docket is that providers of inmate telecommunications service, due to the “exceptional set of circumstances” under which they operate, are permitted to block dial-around calls despite the prohibitions of the Telephone Operator Consumer Services Improvement Act of 1990 (“TOCSIA”). *Policies and Rules Concerning Operator Service Providers*, CC Docket No. 90-313, Report and Order, 6 FCC Rcd. 2744, 2752 ¶ 15 (1991); *see also* Securus Petition at 5-6. This fact has been true since 1991, and the Commission expressly affirmed its decision in 1995. *Amendment of Policies and Rules Concerning Operator Service Providers and Call Aggregators*, CC Docket No. 94-158, Notice of Proposed Rulemaking and Notice of Inquiry, 10 FCC Rcd. 1533, 1534 ¶ 15 (1995). Under this longstanding precedent, inmates do not have a choice of provider when placing calls.

Millicorp/ConsCallHome and every other call diverter are attempting to be an alternative Operator Service Provider (“OSP”). An OSP, according to TOCSIA, is an entity that can, among other things, arrange for the completion of a payphone call. 47 U.S.C. § 226(a)(7). A call diverter meets this definition, because it intercepts an inmate call in the PSTN, changes the terminating telephone number, and causes the call to be routed to the called party’s LEC and thence to the called party whose terminating number is not recorded by the calling platform. These actions constitute alternative OSP service, and the Commission’s precedent simply does not allow inmates to use alternative OSPs. 10 FCC Rcd. at 1534 ¶ 15; 6 FCC Rcd. at 2752 ¶ 15.

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This prohibition exists irrespective of the rights that Securus and other legitimate inmate OSPs retain and holders of public contracts.

Nor do the recipients of inmate calls, who typically are the ratepayers, have the right to choose an alternative provider to originate or carry inmate calls. In 1995, the Commission expressly recognized that correctional authorities “grant an outbound calling monopoly to a single IXC serving the particular prison,” and that this approach was based on “the special security requirements applicable to inmate calls.” *Billed Party Preference for InterLATA 0+ Calls*, CC Docket No. 92-77, Second Report and Order and Order on Reconsideration, 13 FCC Rcd. 6122, 6156 ¶ 57 (1998).

Not one commenter or participant in this proceeding has argued that the Commission erred in adopting any of the orders or policies cited above. *See* Comments of Millicorp at 11-13; Comments of Citizens United for Rehabilitation of Errants at 13-15 (Aug. 31, 2009).

Neither Millicorp/ConsCallHome nor any other call diverter, to the extent they have participated at all in this proceeding, has provided the Commission with any basis to disrupt either of these policies. As Securus and several law enforcement officials have explained, it is extremely dangerous to allow an inmate call to be terminated to a telephone number other than the one which the inmate dialed. Where, as here, the inmate dials a false “local” number that is not registered to any end user, the matter is doubly dangerous. As such, the reversal of extant dial-around and billed party preference rules in order to accommodate Millicorp/ConsCallHome and its ilk would be not only unfounded but unwise.

* * * *

Securus now has addressed and refuted each of defenses and representations that Millicorp/ConsCallHome has lodged against its Petition. Securus thus respectfully asks that its Petition be granted in order to affirm that call diversion schemes cannot be operated for inmate calls. Specifically, as Securus previously has stated, the Commission should hold that inmate OSPs may block attempts to use dial-around calling services or any technology, system, or service that allows the inmate to dial a telephone number different from the telephone number where the call actually terminates, or that masks or renders undetectable the actual terminating telephone number of a call placed by an inmate. WC Docket No. 09-144, Letter from Stephanie A. Joyce, Esq. to Marlene H. Dortch, Secretary of the FCC, at 1 (Nov. 11, 2009).

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Please do not hesitate to contact me with any additional questions or concerns:
202.857.6081. Thank you for your consideration.

Sincerely,

s/Stephanie A. Joyce

Counsel for Securus Technologies, Inc.

cc: Chairman Julius Genachowski (*via electronic mail*)
Commissioner Michael Copps (*via electronic mail*)
Commissioner Robert McDowell (*via electronic mail*)
Commissioner Meredith Attwell Baker (*via electronic mail*)
Commissioner Mignon Clyburn (*via electronic mail*)
Sharon Gillett, Chief, Wireline Competition Bureau (*via electronic mail*)
Austin Schlick, General Counsel (*via electronic mail*)
Priya Aiyar, Legal Advisor to Chairman Genachowski (*via electronic mail*)
Jennifer Schneider, Legal Advisor to Commissioner Copps (*via electronic mail*)
Christine Kurth, Legal Advisor to Commissioner McDowell (*via electronic mail*)
Christi Shewman, Legal Advisor to Commissioner Baker (*via electronic mail*)
Angela Kronenberg, Acting Legal Advisor to Commissioner Clyburn (*via electronic mail*)
Albert Lewis, Chief, Pricing Policy Division, Wireline Competition Bureau (*via electronic mail*)
Julie Veach, Associate General Counsel (*via electronic mail*)
Diane Griffin Holland, Assistant General Counsel (*via electronic mail*)
Trent Harkrader, Deputy Chief, Investigations and Hearings Division, Enforcement Bureau (*via electronic mail*)
Marcus Maher, Legal Advisor to Chief of the Wireline Competition Bureau (*via electronic mail*)
Pamela Arluk, Assistant Chief, Pricing Policy Division, Wireline Competition Bureau (*via electronic mail*)
Lynne Hewitt Engledow, Pricing Policy Division, Wireline Competition Bureau (*via electronic mail*)

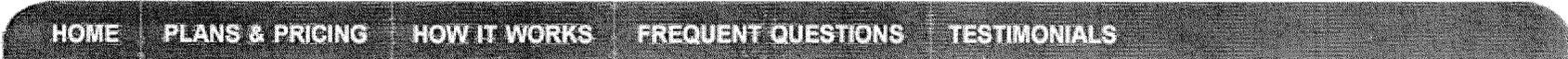
ATTACHMENT 1



My Account - Contact Us - Support

call today

888-524-6151



How ConsCallHome works

Overview

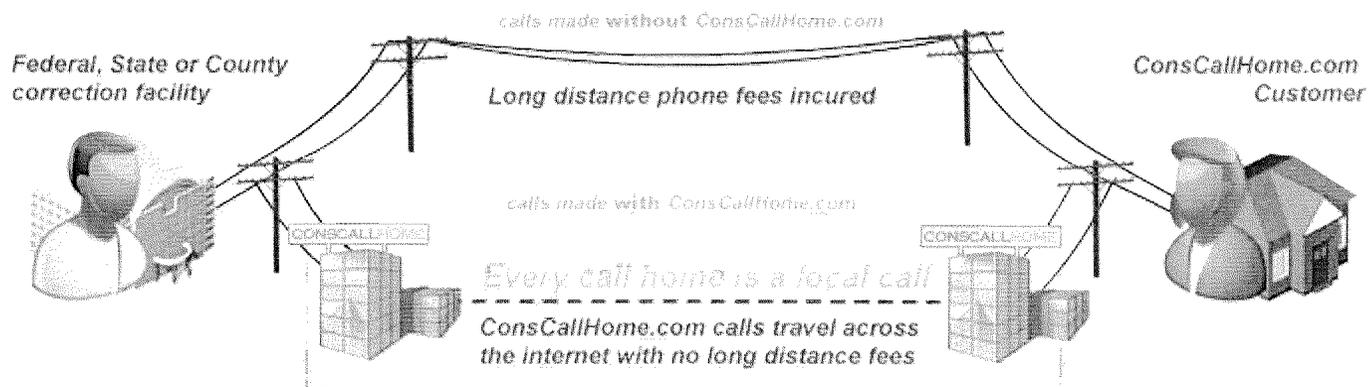
Service for Federal Prisons

Service for State Prisons

Service for City and County Jails

ConsCallHome.com works with your existing phone, and requires no expensive set up or equipment purchase.

Powered by our proprietary technology, our calls are converted to a 100% digital signal and travel across the internet to the recipients' number. This process eliminates the need for a long distance carrier resulting in savings up to 70%.



Five simple steps to start saving money on your phone calls



Set up an account with ConsCallHome.com and receive your local phone number for the correction facility of your choice. Provide the local number as your outbound number to the correctional facility

If required, contact the prison phone provider and setup a pre-paid account with them for the number you received from ConsCallHome.

- 3** Your loved one can now utilize the number provided by ConsCallHome.com to call out from their correctional facility
- 4** The ConsCallHome sytem converts the call to a high quality digital signal that is sent across the internet to your existing phone number.
- 5** You receive the call as you did before to your existing phone and phone number. Simply pick up the phone and start saving!

If you have questions: call now and talk to one of our ConsCallHome.com representatives
Toll Free 888-524-6151

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ConsCallHome.com™ IS NOT a call forwarding service or a third party billing service.

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ATTACHMENT 2



Program Statement

OPI: CPD/CPB
NUMBER: P5264.08
DATE: 1/24/2008
SUBJECT: Inmate Telephone
Regulations

"CORRECTED COPY 2/11/2008"

Boxed Bold - Federal Regulation

Regular Type - Implementing Information

1. PURPOSE AND SCOPE

§ 540.100 Purpose and Scope.

a. The Bureau of Prisons extends telephone privileges to inmates as part of its overall correctional management. Telephone privileges are a supplemental means of maintaining community and family ties that will contribute to an inmate's personal development. An inmate may request to call a person of his or her choice outside the institution on a telephone provided for that purpose. However, limitations and conditions may be imposed upon an inmate's telephone privileges to ensure that these are consistent with other aspects of the Bureau's correctional management responsibilities. In addition to the procedures set forth in this subpart, inmate telephone use is subject to those limitations which the Warden determines are necessary to ensure the security or good order, including discipline, of the institution or to protect the public. Restrictions on inmate telephone use may also be imposed as a disciplinary sanction (see 28 CFR part 541).

This Program Statement provides national policy and procedure regarding inmate telephone privileges within Bureau of Prisons (BOP) institutions and contract facilities.

Maintaining pro-social/legal contact with family and community ties is a valuable tool in the overall correctional process. With this objective in mind, the Bureau provides inmates with several means of maintaining such contacts. Primary among these

is written correspondence, supplemented by telephone and visiting privileges.

Although there is no constitutional right for inmates to have unrestricted telephone communication, particularly when alternate methods of communication are readily available, the Bureau provides inmates with telephone access consistent with sound correctional management.

2. **SUMMARY OF CHANGES.** This Program Statement incorporates the following changes:

- References to the Washington v. Reno settlement agreement have been deleted;
- The provision allowing a special extended time frame of 120 days for inmates to file Administrative Remedies related to the telephone charges or credits has been deleted;
- The number of times inmates are allowed to submit proposed changes to their telephone list has been changed from three times per month to once per calendar month; and,
- The requirement that staff forward copies of Institution Supplements to the Central Office, Office of the General Counsel, Litigation Branch has been deleted.
- Adds guidance for inmate use of non-ITS telephones.
- Removes the language requiring Unit staff to approve inmates telephone number request form.
- Provides guidance for inmates administering their own phone lists via TRULINCS.

3. **PROGRAM OBJECTIVES.** The expected results of this program are:

a. All inmates will be afforded the opportunity to maintain family and community contact via the telephone consistent with institution and community safety;

b. Inmates will be responsible for the expense of telephone use; and,

c. All institutions will establish monitoring procedures to preserve the institution's security, orderly management and safety of the community.

4. DIRECTIVES AFFECTED

a. Directive Rescinded

P5264.07 Telephone Regulations for Inmates (1/31/02)

b. Directives Referenced

P1315.07 Inmate Legal Activities (11/5/99)
P1330.16 Administrative Remedy Program (12/31/07)
P1480.05 News Media Contacts (9/21/00)
P4500.05 Trust Fund/Deposit Fund Manual (1/22/07)
P5100.08 Security Designation and Custody Classification Manual (9/12/06)
P5265.11 Correspondence (7/9/99)
P5267.08 Visiting Regulations (5/11/06)
P5270.07 Inmate Discipline and Special Housing Units (12/29/87)
P5360.09 Religious Beliefs and Practices (12/31/04)
P5380.08 Inmate Financial Responsibility Program (8/15/05)
P7331.04 Pretrial Inmates (1/31/03)

c. Rules cited and/or referenced in this Program Statement are contained in 28 CFR part 540, subparts A-B, D, E, and I; 28 CFR part 541, subparts A-B; 28 CFR part 542, subpart B; 28 CFR part 543, subpart B, 28 CFR part 545, subpart B, 28 CFR part 548, and 28 CFR part 551, subpart J.

5. STANDARDS REFERENCED

a. American Correctional Association 4th Edition Standards for Adult Correctional Institutions: 4-4497, 4-4271, 4-4272, and 4-4273

b. American Correctional Association 4th Edition Standards for Adult Local Detention Facilities: 4-ALDF-6A-02, 4-ALDF-6A-05, 4-ALDF-2A-65, 4-ALDF-2A-66, 4-ALDF-5B-11, and 4-ALDF-5B-12

c. American Correctional Association 2nd Edition Standards for the Administration of Correctional Agencies: 2-CO-5D-01

6. **INSTITUTION SUPPLEMENT.** A local Institution Supplement is required and must include the following information:

- a. The maximum length of telephone calls, ordinarily 15 minutes;
- b. The minimum time frames between completed calls and the maximum number of incomplete call attempts per day;
- c. Telephone access procedures for inmates on "days off" or "evening shift," workers;
- d. Establish procedures for those inmates who exhaust the 300 minutes per calendar month limitation to receive additional minutes for good cause;
- e. Establish procedures when a staff assisted call may be made for good cause, including procedures for Pretrial and Holdover inmates.

The institution will involve the Regional Correctional Programs Administrator in developing the Institution Supplement.

7. PRETRIAL, HOLDOVER, AND/OR DETAINEE PROCEDURES. The procedures contained in this Program Statement apply only to institutions where individual Phone Access Codes (PAC) are utilized.

a. **Pretrial Inmates.** The Public Safety Factor (PSF) Serious Telephone Abuse applies to sentenced inmates and therefore, does not apply to pretrial inmates. However, if institution staff receive information about a pretrial inmate that may jeopardize the security and safety of the institution or community, staff will follow the procedures outlined in Section 13 of this Program Statement.

b. **Holdover Inmates.** Inmates with the PSF Serious Telephone Abuse will not be permitted access to the Inmate Telephone System (ITS), except as provided in § 540.101(e) or § 540.105©.

c. **Detainee Inmates.** A detainee of the Immigration and Customs Enforcement (ICE), denoted by the Admission/Release Status (ARS) code of A-INS, who has completed a federal sentence, may have a PSF of Serious Telephone Abuse. The detainee will not be permitted access to ITS, except as provided in § 540.101(e) or § 540.105(c). If institution staff receive information about an immigration detainee that may jeopardize the security and safety of the institution or community, staff will follow the procedures outlined in Section 13 of this Program Statement.

8. **PROCEDURES.** The Bureau's Inmate Telephone System is a calling system that is available in all institutions operated by the BOP.

To ensure the safety and security of the institution and community, inmates must place all personal telephone calls through the ITS and must not circumvent it via call forwarding, including automatic electronic forwarding or any similar telephone function. Additionally toll-free or credit card calls are not authorized, examples include telephone calls to 1-800, 1-888, 1-877, 1-866, 1-900, 1-976, or to credit card access numbers.

a. **Warden's Authority.**

b. Except as provided in this rule, the Warden shall permit an inmate who has not been restricted from telephone use as the result of a specific institutional disciplinary sanction to make at least one telephone call each month.

Wardens are responsible for implementing and maintaining an inmate telephone program within their institution. In establishing an institution telephone program, Wardens should consider such variables as the size and complexity of the institution. The Warden has the authority to restrict or suspend temporarily an inmate's regular telephone privilege when there is reasonable suspicion that the inmate has acted in a way that would indicate a threat to the institution's good order or security. Wardens may restrict telephone privileges only in accordance with Section 13 of this Program Statement.

Reasonable suspicion exists when facts and circumstances indicate that the inmate is engaged in, or attempting to engage in, criminal or other prohibited behavior using the telephone. The Warden has the authority to restrict or suspend temporarily an inmate's regular telephone privilege when there is a reasonable suspicion that the inmate has acted in a way that threatens the safety, security, or good order of the institution, or the protection of the public. Reasonable suspicion may be based on reliable, confidential information gathered through intelligence that identifies the inmate in question. In determining reasonable suspicion, the available information should reasonably lead a person with correctional experience to suspect the inmate is engaged in criminal or other prohibited behavior using the telephone system.

b. **Telephone List Preparation and Submission.**

§ 540.101. Procedures.

a. Telephone List Preparation. An inmate telephone call shall ordinarily be made to a number identified on the inmate's official telephone list. This list ordinarily may contain up to 30 numbers. The Associate Warden may authorize the placement of additional numbers on an inmate's telephone list based on the inmate's individual situation, e.g., size of family.

(1) During the admission and orientation process, an inmate who chooses to have telephone privileges shall prepare a proposed telephone list. At the time of submission, the inmate shall acknowledge that, to the best of the inmate's knowledge, the person or persons on the list are agreeable to receiving the inmate's telephone call and that the proposed calls are to be made for a purpose allowable under Bureau policy or institution guidelines.

(2) Except as provided in paragraph (a)(3) of this section, telephone numbers requested by an inmate ordinarily will be placed on the inmate's telephone list. When an inmate requests the placement of numbers for persons other than for immediate family or those persons already approved for the inmate's visiting list, staff ordinarily will notify those persons in writing that their numbers have been placed on the inmate's telephone list. The notice advises the recipient that the recipient's number will be removed from the list if the recipient makes a written request to the institution, or upon the written request of the inmate, or as provided in paragraph (a)(3) of this section.

(3) The Associate Warden may deny placement of a telephone number on an inmate's telephone list if the Associate Warden determines that there is a threat to institution security or good order, or a threat to the public. Any disapproval must be documented in writing to both the inmate and the proposed recipient. As with concerns about any correctional issue, including any portion of these telephone regulations, an inmate may appeal the denial through the administrative remedy procedure (see 28 CFR part 542). The Associate Warden will notify the denied recipient that he or she may appeal the denial by writing to the Warden within 15 days of the receipt of the denial.

Inmates with access to TRULINCS workstations which provide access to telephone list updates shall generate and maintain their lists using TRULINCS. These inmates will not be required to submit a Telephone Number request form (BP-505). All other inmates shall follow the process below.

An inmate who wishes to have telephone privileges must submit a Telephone Number Request form (BP-505) to unit staff. Their telephone list ordinarily may contain up to 30 telephone numbers.

Inmates may submit telephone numbers for any person they choose, including numbers for courts, elected officials and members of the news media. Attorneys may be included on an inmate's telephone list with the understanding that such calls are subject to monitoring.

Unit staff shall sign the Telephone Number Request form verifying the identity of the inmate that has hand delivered the form to the staff member. Once an inmate submits a list, it will be processed within seven calendar days.

Once unit staff sign the BP-505, it must be forwarded to ITS staff in a secure manner and within the time frames established by this Program Statement. At no time will the BP-505 be returned to the inmate or handled by another inmate.

This time frame may be extended if the total number of changes is so large that unit staff or ITS staff cannot process them and still perform their normal duties.

c. Telephone List Modifications.

b. Telephone List Update. Each Warden shall establish procedures to allow an inmate the opportunity to submit telephone list changes on at least a quarterly basis.

An inmate may submit proposed changes to his or her telephone list once per calendar month, unless staff determine that the inmate has a demonstrated need for more prompt communication.

In determining if a more frequent change is to be permitted due to a demonstrated need for prompt communication, staff must rely on their professional judgment and evaluate each request on a case-by-case basis.

Placing additional numbers (above 30) on an inmate's telephone list is within the Associate Warden's discretion. While 30 numbers should meet the need of most inmates, there may be isolated situations when additional numbers may be warranted.

For example, an inmate who has a large family may wish to place additional family members on the telephone list. Additional numbers may also be warranted for an inmate who wishes to place both work and home telephone numbers for his or her spouse and children.

c. Telephone Access Codes. An inmate may not possess another inmate's telephone access code number. An inmate may not give his or her telephone access code number to another inmate, and is to report a compromised telephone access code number immediately to unit staff.

d. Call Blocking. The Associate Warden has authority to block a number on an inmate account in a case-by-case determination. In such cases, the Associate Warden or designee must notify the inmate of an administrative block, ordinarily within five calendar days following the denial or removal of the number.

For security reasons, the Associate Warden also has the authority to block telephone numbers from being called by all inmates at their institution. Examples of numbers blocked institution wide include, but are not limited to gambling lines, etc.

Requests for BOP-wide blocking of telephone numbers shall be approved by the Chief, Intelligence Section or his/her designee.

Telephone numbers for Victims and Witnesses (as defined in 28 C.F.R. § 151-151 a. & b.) that have requested notification regarding an inmate at a Bureau facility will be blocked at the facility where the inmate is housed.

e. Call Blocking by Recipient. In ITS, the call recipient has the capability through his or her home telephone to deny and/or block further telephone calls from the inmate. A voice prompt will direct the called party through the process. This capability is available for direct-dial and collect calls from an inmate.

Once the recipient blocks a telephone number, the recipient can unblock the number only when he or she sends a written request for reinstatement. To ensure the called party's identity, the request for reinstatement must include a copy of a recent telephone bill. Trust Fund staff will process this request expeditiously.

In the event that staff receive a telephonic request from a call recipient to have his/her telephone number blocked from an inmate's telephone list, unit staff may request that the ITS

technician place a temporary suspension, not to exceed 20 calendar days, on an inmate calling that specific telephone number. Unit staff should take reasonable steps to verify the identity of the person making the request (e.g., by calling the number to be blocked). The call recipient should be informed that the blocking of the number is temporary, and that he or she must submit a prompt written request to make it permanent.

Copies of written documentation, blocking or unblocking a telephone number (at the recipient's request or the Associate Warden's discretion) must be forwarded to Trust Fund staff in the Financial Management office.

f. Limitations on Inmate Telephone Calls.

d. Placement and Duration of Telephone Call. The placement and duration of any telephone call is subject to availability of inmate funds. Ordinarily, an inmate who has sufficient funds is allowed at least three minutes for a telephone call. The Warden may limit the maximum length of telephone calling based on the situation at that institution (e.g., institution population or usage demand).

e. Exception. The Warden may allow the placement of collect calls for good cause. Examples of good cause include, but are not limited to, inmates who are new arrivals to the institution, including new commitments and transfers; inmates confined at Metropolitan Correctional Centers, Metropolitan Detention Centers, or Federal Detention Centers; pretrial inmates; inmates in holdover status; inmates who are without funds (see § 540.105(b)); and in cases of family emergencies.

The Warden will establish the maximum length of telephone calls, ordinarily 15 minutes. A warning tone ordinarily will be provided approximately one minute before the call is disconnected. This applies to both debit and collect telephone calls. The Warden determines the interval waiting period between completed telephone calls.

Inmates with ITS accounts are limited to 300 minutes per calendar month. This applies to all inmates with an ITS account in Bureau institutions, and may be used for any combination of collect or direct-dial calls at the inmate's discretion. Ordinarily, the inmates will be allowed an extra 100 minutes per month in November and December.

Inmates who exhaust their 300 minute limitation may be provided additional minutes, at the Warden's discretion, for good cause.

The 300 minutes per calendar month limitation does not apply to an inmate's ability to place unmonitored legal telephone calls.

g. **Hours of Telephone Operation.** The hours of telephone operation begin at 6:00 AM and end no later than 11:30 PM. Inmate telephones will not be available from at least 11:30 PM to 6:00 AM. Inmate access to telephones will normally be limited during the following times, Monday through Friday, not including holidays:

7:30 am until 10:30 am; and,
12:30 pm until after 4:00 pm count.

Inmates are expected to be at their work assignments and must not use the telephone during their work hours. For inmates who work varied work shifts, at local discretion, institutions may leave one telephone per unit available for inmates on "days off," or "evening shift" such as food service workers, UNICOR workers, etc. Staff are encouraged to take disciplinary action if an inmate leaves his or her work assignment to place a telephone call(s) without the appropriate institution staff member's prior approval.

These restrictions should not be imposed in Pretrial/Holdover institutions or Pretrial/Holdover Units where inmates are not required to work and generally have more need for telephone access during the day to prepare for trial.

h. **Complaints.** As with any complaint regarding any correctional issue, an inmate may use procedures outlined in the Program Statement on the Administrative Remedy Program to resolve disputes concerning their telephone privileges, e.g. lists, access, accounts, and services.

9. **MONITORING OF INMATE TELEPHONE CALLS.**

§ 540.102 Monitoring of Inmate Telephone Calls.

The Warden shall establish procedures that enable monitoring of telephone conversations on any telephone located within the institution, said monitoring to be done to preserve the security and orderly management of the institution and to protect the public. The Warden must provide notice to the inmate of the potential for monitoring. Staff may not monitor an inmate's properly placed call to an attorney. The Warden shall notify an inmate of the proper procedures to have an unmonitored telephone conversation with an attorney.

As part of the admission and orientation process, inmates will be advised of the procedures for placing monitored and unmonitored telephone calls.

The notification to inmates will be documented on the Acknowledgment of Inmate form (BP-408) and then filed in the inmate Central File.

In addition, a notice will be placed, in both Spanish and English, at all monitored telephone locations within the institution advising the user that all conversations from that telephone are subject to monitoring and that using the telephone constitutes consent to this monitoring. A notice will advise inmates to contact their unit team to request an unmonitored attorney telephone call. The SIS must ensure that the notice(s) is placed at all monitored telephone locations within the institution.

Requests for information (e.g., subpoenas) on monitored calls should be processed in accordance with the Program Statement Recorded Inmate Telephone Conversations, Requests for Production. The Bureau does not allow inmates to send or receive facsimile communications.

10. INMATE TELEPHONE CALLS TO ATTORNEYS.

§ 540.103 Inmate Telephone Calls to Attorneys.

The Warden may not apply frequency limitations on inmate telephone calls to attorneys when the inmate demonstrates that communication with attorneys by correspondence, visiting, or normal telephone use is not adequate.

The Bureau provides each inmate with several methods to maintain confidential contact with his or her attorney. For example:

- inmate-attorney correspondence is covered under the special mail provisions;
- private inmate-attorney visits are provided; and,
- the inmate is afforded the opportunity to place an occasional unmonitored call to his or her attorney.

Based on these provisions, frequent confidential inmate-attorney calls should be allowed only when an inmate demonstrates that communication with his or her attorney by other means is not adequate. For example, when the inmate or the inmate's attorney can demonstrate an imminent court deadline (see the Program Statements Inmate Correspondence or Inmate Legal Activities).

Staff are to make reasonable efforts to verify unmonitored calls placed on an inmate's behalf are to an attorney's office. Inmates are responsible for the expense of unmonitored attorney telephone calls. When possible, it is preferred that inmates place unmonitored legal calls collect. Third-party or three-way calls are not authorized.

11. INMATE USE OF NON-ITS TELEPHONES (Non-attorney calls). On rare occasion, during times of crisis, staff designated by the Warden may find the need to allow inmates to place telephone calls outside the Inmate Telephone System. These calls should be placed on telephones that are set to record the conversation and shall follow the guidelines detailed below.

a. Additional monitored non-ITS telephones must be operated as follows:

(1) Inmates using the telephones must have read and signed the Acknowledgment of Inmate form (BP-408) indicating their understanding that telephone calls on that device are subject to monitoring;

(2) A notice must be placed, in both English and Spanish, above or near the telephone indicating that all calls are subject to monitoring, and that using the telephone constitutes consent to such monitoring. The notice should also indicate that the telephone is for inmate use only. Staff are not permitted to use the telephone because staff telephone calls may not be monitored;

(3) The telephone must be placed in a secure area (e.g., a locked office);

(4) The telephone must be set to record telephone calls;

(5) Staff coordinating the call shall notify the SIS staff in writing via email that telephone call was placed and shall include the following; and

- The date/time, telephone number, and name of the person being called
- The name and register number of the inmate placing the call
- A brief reason for the call.

(6) SIS staff shall be responsible for inputting this data into the recording system to ensure the call recording can identify the inmate on the telephone. This data must be entered within seven calendar days.

b. Institutional Authorization Procedures for Additional Monitored Non-ITS Telephones (Non-ITS)

PS 5360, expressly provides for an additional monitored inmate telephone located in the Chapel area. As such, the procedures in this document for authorizing that single telephone do not apply. These procedures apply, rather, to additional monitored inmate telephones beyond the single additional telephone permitted by the religious policy (e.g., telephones located in the Lieutenant's office, the Unit Team office).

The following procedures must be followed when requesting additional monitored inmate telephones:

(1) The Warden shall send a request to the Regional Director for consideration and identify the extraordinary reasons justifying the need for additional telephones; and

(2) If approved by the Regional Director, written notification of approval shall be provided to the Warden and the Administration Division's Trust Fund Branch (TFB) staff for processing.

12. RESPONSIBILITY FOR INMATE MISUSE OF TELEPHONES.

§ 540.104 Responsibility for inmate misuse of telephones.

The inmate is responsible for any misuse of the telephone. The Warden shall refer incidents of unlawful inmate telephone use to law enforcement authorities. The Warden shall advise an inmate that violation of the institution's telephone regulations may result in institutional disciplinary action (See part 541, subpart B)

Inmates violating this policy may be subject to disciplinary action pursuant to 28 CFR part 541, subpart B, and the policy on Inmate Discipline.

§540.105 Expenses of Inmate Telephone Use.

a. An inmate is responsible for the expenses of inmate telephone use. Such expenses may include a fee for replacement of an inmate's telephone access code that is used in an institution which has implemented debit billing for inmate calls. Each inmate is responsible for staying aware of his or her account balance through the automated process provided by the system. Third party billing and electronic transfer of a call to a third party are prohibited.

b. The Warden shall provide at least one collect call each month for an inmate who is without funds. An inmate without funds is defined as an inmate who has not had a trust fund account balance of \$6.00 for the past 30 days. The Warden may increase the number of collect calls based upon local institution conditions (e.g., institution population, staff resources, and usage demand). To prevent abuses of this provision (e.g., inmate shows a pattern of depleting his or her commissary funds prior to placing collect calls), the Warden may impose restrictions on the provisions of this paragraph b.

c. The Warden may direct the government to bear the expense of inmate telephone use or allow a call to be made collect under compelling circumstances such as when an inmate has lost contact with his family or has a family emergency.

13. TELEPHONE RESTRICTIONS IMPOSED BY THE WARDEN. Inmates may be subject to telephone restrictions imposed by the Warden to protect the safety, security, and good order of the institution, as well as to protect the public. Telephone restrictions imposed under the authority of this section are separate and apart from telephone restrictions imposed by the UDC or DHO following formal and completed inmate discipline proceedings.

Inmates with telephone restrictions are still entitled to place at least one telephone call per month, unless also under a sanction of telephone restriction the UDC or DHO imposed.

a. **Authorized Circumstances.** Inmates may be subject to telephone restrictions under this section in the following two circumstances:

(1) Public Safety Factor (PSF). An inmate whose current offense, prior history, or threat characteristics indicate a propensity to abuse telephone privileges will be assigned the PSF - Serious Telephone Abuse. If an inmate is assigned the PSF for Serious Telephone Abuse (see the Security Designation and Custody Classification Manual), a telephone restriction is authorized. Telephone restrictions imposed under these circumstances are discretionary and necessary to ensure the institution's safety, security, good order and/or to protect the public. When deemed necessary, the inmate's Unit Manager will ordinarily recommend this type of restriction to the Warden for final decision making.

Upon his/her initial commitment or redesignation, an inmate with a PSF for Serious Telephone Abuse will not be authorized use of the ITS until classified by the unit team. Inmates identified at their initial classification as requiring telephone restrictions will not be permitted access to the ITS until after the final review by the Warden.

(2) Pending Investigation or Disciplinary Action for Possible Telephone Abuse. If an inmate is pending an investigation or disciplinary action for possible telephone abuse, a partial or total telephone restriction is authorized. Telephone restrictions imposed under these circumstances are discretionary and necessary to ensure the institution's safety, security, or good order, and/or to protect the public. When deemed necessary, the Special Investigative Supervisor's office will ordinarily recommend this type of restriction. Any telephone restriction recommended by the SIS office may only be imposed with the Warden's approval, in accordance with the procedures outlined in this section.

b. Procedures for Imposing or Removing Telephone Restrictions. The following procedures must be followed when imposing, removing, or renewing, a telephone restriction under this section:

(1) The appropriate staff member recommends a telephone restriction to the Warden by completing the Request for Telephone Restriction form (BP-740.052). The recommending staff member should describe briefly the reason for recommending a telephone restriction, as well as the extent of the proposed restriction.

For example, staff may recommend reducing an inmate's telephone use to 100 minutes per month rather than a total restriction, if such a restriction would sufficiently protect the safety, security, or good order of the institution, or protect the public;

(2) The Warden will review the recommendation and either approve, modify, or deny the restriction. If the Warden approves a restriction, such decision must be based on the conclusion that it is necessary to protect the institution's safety, security, or good order, or to protect the public;

(3) If the Warden approves a telephone restriction, a copy of the completed form should be provided to the inmate, the Trust Fund Office, and placed in Section 3 of the inmate's Central File;

(4) Telephone restrictions imposed by the Warden due to a PSF for Serious Telephone Abuse must be reviewed at least every six months, ordinarily in conjunction with the inmate's Program Review, to determine if the restriction should continue or be modified. A decision to continue a current telephone restriction imposed under this section requires no further action, but must be documented in the Program Review Report.

Any proposed change to a current telephone restriction must be made according to these procedures, and requires the Warden's approval. If appropriate, an inmate's telephone privileges can be gradually restored, based on demonstrated responsibility documented by the inmate's Unit Team or other staff;

(5) Telephone restrictions imposed pending an investigation or pending disciplinary action for possible telephone abuse are limited to a period of 30 days. If an additional 30 day period is required to complete either the investigation or disciplinary process, the Warden must re-authorize the restriction using these procedures. Specifically, the Warden's approval must be obtained on another Request for Telephone Restriction form (BP-740.052). Unless re-authorized in this manner, Trust Fund staff will obtain the Warden's approval for reinstatement or continued restrictions every 30 days.

Each subsequent restriction period is limited to 30 days. Staff should make every effort to complete investigations and disciplinary proceedings for possible telephone abuse within the first 30 day period of the telephone restriction;

(6) Inmates with telephone restrictions under this section are still entitled to place at least one telephone call per month, unless also under a sanction of telephone restriction the UDC or DHO imposed following formal, and completed, inmate discipline proceedings. Ordinarily, such telephone calls are placed through the inmate telephone system, not by staff; and,

(7) Inmates may challenge telephone restrictions imposed under this section through the Administrative Remedy Program.

/s/
Harley G. Lappin
Director