

1.5.D.4 Inmate Access to Telephones and Tablets

I Policy Index:



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II Policy:

The Department of Corrections (DOC) may promulgate rules, policies and procedures for inmate access to telephones, pursuant to SDCL §§1-15-20 and 24-2-1. DOC institutions will provide inmates with reasonable and equitable access to telephones and tablets. Inmate use of the telephone and tablet service is strictly voluntary. Access to telephones and tablets is a privilege and subject to certain limitations and conditions. The Warden is responsible for ensuring inmate use of telephones and tablets does not contradict the effective security, safety and good order of the institution or threaten the safety of the public.

III Definitions:

Attorney of Record:

An attorney, who has appeared in court or who has signed or received pleadings or other forms on behalf of an inmate client. The attorney remains the Attorney of Record until another attorney or the client substitutes for him/her, he/she is allowed by the court to withdraw, or the case is closed.

Immediate Family:

For the purposes of this policy, immediate family includes an inmate's spouse, children (biological, legally adopted or step-children), parents, sisters, brothers, step-parents, step-sisters and step-brothers, half-sisters and half-brothers, grandparents and great-grandparents, mother-in-law, father-in-law, sister-in-law, or brother-in-law (spouse of the inmate's brother or sister or brother or sister of the inmate's spouse).

Tablet:

A small, wireless, portable personal computer with a touchscreen that accepts input directly onto its screen rather than via a keyboard or mouse. Tablets are typically smaller than a notebook computer but larger than a smartphone. Tablets are offered to inmates at intake. The tablet remains the property of the contract vender.

IV Procedures:

1. Establishing Telephone and Tablet Privileges:

- A. During Admission and Orientation (A&O), each new admission inmate will be provided with information on how to obtain a telephone and tablet Personal Identification Number (PIN). New inmates will receive information about how to establish a contact list (See DOC policy 1.4.A.2 [Inmate Admission](#)) and receive information about loaner tablets, available at the institution. Certain rules and conditions apply to use of the DOC issued telephones and tablets and the contract telephone service maintained by the DOC.
1. Each PIN assigned to an inmate is exclusive to that inmate. The inmate's PIN will remain consistent throughout transfers of the inmate to other facilities that utilize the same contract telephone service. Each inmate's PIN will remain the same while the inmate is serving an uninterrupted sentence/booking, unless the inmate reports the PIN as lost, stolen or otherwise compromised, in which case a new PIN may be issued to the inmate.
 - a. Inmates may be charged a replacement fee for a new PIN, unless proof of theft exists.
 2. After an inmate is assigned a PIN and establishes an approved contact list, the inmate may be granted telephone privileges and use their tablet to make telephone calls or receive messages (See ARSD § [17:50:02:27](#)).
 3. The assignment of individual PINs to inmates allows the DOC to identify which inmates are using the telephone and tablet services and track individual telephone calls originating from within a DOC facility.
 4. No inmate is allowed to use, possess or share another inmate's PIN. Violators are subject to disciplinary action. Inmates are responsible for the security of their assigned PIN. An inmate who suspects another inmate may be using their PIN must report this immediately to unit staff.

2. Contact Lists:

- A. An inmate's contact list may not exceed twenty (20) separate telephone numbers and shall be updated and maintained by the contract telephone provider. Inmates may send or receive messages from their tablet (if this service is available to the inmate) and call persons on their approved contact list.
1. Inmates will complete the *Telephone Request* form (See [Attachment 3](#)) to add telephone numbers to their contact list. The inmate must provide the telephone number, name of a single person assigned to the telephone number and their relationship to the person.
 2. Inmate initiated telephone calls and messages from the DOC telephone system are limited to those telephone numbers identified on the inmate's approved calling list.
 3. Any issues with an inmate's contact list must be directed to the contract service provider.
- B. State of South Dakota staff, contractual staff and volunteers assigned to a DOC facility who have had their employment with the DOC terminated or are prohibited from entering a DOC facility for inappropriate activity/relations involving an inmate/offender (See DOC Policy 1.1.C.1 [Staff Code of Ethics](#)) and those who resigned in lieu of termination for inappropriate

- activity/relations with an inmate/offender, may not be included on an inmate's approved contact list for a minimum of one year from the date of termination/resignation.
1. Telephone numbers associated with current or former DOC staff members may not be included on an inmate's approved contact list without approval from the Warden or designee.
 2. The following will be considered when reviewing such a request:
 - a. Length of time that has passed since the person was last employed by the DOC.
 - b. Whether the inmate was incarcerated within a DOC facility where the person was employed/assigned.
 - c. The person's current relationship with the inmate.
 - C. The Warden or designee may deny or terminate a telephone number on an inmate's contact list if determination is made that an inmate's communication with the person poses or may pose substantial risk to the security and good order of the institution, or threatens the public.
 1. Denial of a telephone number will be documented in writing and sent to the inmate.
 2. If it is determined a telephone number should be removed from an inmate's approved calling list for good cause, staff will contact the telephone provider to have the telephone number removed from the inmate's approved contact list. The inmate will be notified of the change.
 3. Inmates are prohibited from adding telephone numbers for any victim of their crime, or any person who the inmate is currently prohibited from contacting through a court order to their contact list.
 4. Inmates may appeal the denial or removal of a telephone number from their contact list through the Administrative Remedy process (See DOC policy 1.3.E.2 [Administrative Remedy for Inmates](#)).
 - D. Inmates may request changes to their approved contact list at any time. A completed *Telephone Request* form (See [Attachment 2](#)) is required to initiate the change.
 - E. An inmate's telephone privileges may be restricted through a disciplinary sanction (See SDCL § [24-2-9](#)), excluding use of the telephones to contact an inmate's Attorney of Record.

3. Accounts:

- A. Inmate telephone and tablet accounts will be managed through the respective vendors.
 1. The contract telephone service provider's contact information shall remain available in the units and visit room at each facility.
 2. Persons on the inmate's approved contact list wishing to contribute funds to an inmate's telephone and/or tablet messaging account must create an account with the vendor and send the funds directly to the vendor.

- B. Inmates may transfer funds from their spend or savings subaccount to their telephone account or tablet account in \$5.00 increments, subject to the provisions of DOC policy 1.1.B.2 [Inmate Accounts and Financial Responsibility](#).
1. No inmate may transfer funds to or from his/her telephone or tablet account to another inmate's account.
- C. Funds in the inmate's telephone or tablet accounts may not be used for other purposes.
- D. The DOC does not accept monies intended for deposit into an inmate's telephone or tablet accounts. All such funds must be sent directly to the respective vender. Incoming funds received by the DOC will be deposited into the inmate's institutional account(s), consistent with policy.
1. The inmate's telephone or tablet account will be electronically debited when the inmate utilizes the service. When using the telephone, an inmate's account will be debited when an inmate selects the debit option.
 2. Funds in the inmate's telephone account will not be used to pay for the costs of collect calls.
- E. If an inmate is housed in a location that does not offer telephone services through the vender, inmates may be permitted to purchase a phone card through commissary.
1. If the inmate returns to a facility served by the vender, the phone card will be collected from the inmate and held in the inmate's institutional file until discharge, release or transfer from the facility.
- F. Inmates released or discharged from the DOC are responsible for contacting the vender regarding the status of their account and any funds remaining in their account.

4. Inmate Access and Use of Telephones and Tablets:

- A. The DOC will ensure inmates have access to reasonably priced telephone services (ACA 4-4497) provided through contracts initiated and monitored by the DOC for the purpose of providing inmate telephone and messaging services to all adult facilities. Contracts will:
1. Comply with all state and federal regulations.
 2. Be based on rates and surcharges commensurate to those charged to the general public for like services.
 3. Provide the broadest range of calling options possible, as determined appropriate by the DOC, consistent with the requirements of sound correctional practice.
- B. Inmate access to tablet and telephone services for social communication is a privilege, not an implied right. Inmates housed in a DOC facility will access the vender provided services for social communication. Inmates may not circumvent or attempt to circumvent requirements set forth and in place guiding access and use of telephones and tablets through the vender and their respective services.
- C. Inmate use of the telephone and tablet services is voluntary. Outgoing telephone calls and messages may be monitored, recorded and investigated to preserve the security and orderly management of the facility, protect the public, and reduce criminal activity or other activity

- that could threaten the orderly operation of the facility. Inmates who use tablets or telephones provided by the facility for social communication consent to having such communication monitored, recorded and investigated.
1. A notice will be posted near wall mounted telephones designated for inmate use advising that all calls may be monitored and recorded.
 2. Pre-recorded messages will be inserted into the telephone system advising those participating in the call that the caller is a SD DOC inmate. This notice is not included when an inmate is approved to use a staff telephone.
 3. Recorded telephone calls and messages may be used as evidence at a disciplinary hearing or in a court proceeding when an inmate has, or is alleged to have, committed an Offense in Custody or violation of state or federal law.
- D. DOC staff will not accept incoming telephone calls or take messages intended for an inmate unless the message is from an attorney or a person relaying a family emergency message, such as a serious injury or death involving an inmate's immediate family member (See ARSD § [17:50:02:29](#)).
1. In the case of a verified family emergency, an inmate may be allowed a telephone call/special phone call. This call may be arranged by unit staff, OIC or through the chaplain, via the Cultural Coordinator.
- E. Wall mounted pay phones and kiosks may be available in some housing units. Inmates may be limited on the amount of time they have to use the telephone or kiosk. Specific times for use may be established by the unit and posted in the unit plan.
1. Inmates housed outside of DOC custody may be permitted to purchase and possess a calling card, with authorization from staff. Some facilities may be equipped with pay phones designated for inmate use.
 2. Third party calling is not permitted while using the telephone service.
 3. Inmates may not use or access 1-800, 1-888 or 1-900 telephone services from the DOC telephone service without authorization from staff.
- F. Inmates shall terminate use of the telephone service immediately when ordered to do so by a staff member.
1. Inmate access to and use of telephones or tablets and the contract services will not interfere with institutional count times, work assignments, school assignments, medication passes, fire drills, etc.
- G. Possession or use of any telecommunications device by an inmate, other than as authorized and issued by the DOC, is strictly prohibited.
- H. Inmates may not use the telephone or tablet system to engage or attempt to engage in, initiate, further or continue any type of criminal activity or prohibited behavior(s).
1. The Warden has the authority to restrict or temporarily suspend an inmate's access to telephones or tablets and/or the respective services. Termination or suspension may occur when there is reasonable suspicion an inmate has used the device and/or services

to threaten, disrupt or otherwise harm the safety, security or good order of the institution or to threaten or harm the public.

- I. Inmates placed on Investigative Purposes (IP) status, or inmates with pending disciplinary action that involves use of telephones, tablets or the respective service to commit or further an Offense in Custody may have access to the telephone, tablet or contract telephone services restricted or temporarily suspended. Such restriction or suspension may be requested or initiated by the Special Investigations Unit staff or other designated staff.
 - 1. The inmate will receive written notice of the restriction or temporary suspension. Such restriction or suspension is limited to thirty (30) consecutive days and may be extended only after review and approval by the Warden or designee for good cause.
- J. Inmates identified for transport outside the secure perimeter may have their access to telephones and messaging temporarily suspended prior to transport. Messages received while the services were suspended will be sent to the inmate's tablet when the service is reinitiated.
- K. Tablets, telephones and services supporting the telephone and tablets which are used by inmates remain the property of the DOC and/or vender and are nontransferable upon release or discharge.
- L. Inmate use of tablets is described in the *Tablet Usage Agreement* (See [Attachment 5](#)). The agreement is not intended as an exhaustive guide for the conduct of inmates while using tablets.
- M. Inmates are responsible for all costs associated with the replacement or repair of the tablet and tablet accessories, as described in the *Tablet Receipt Document* (See [Attachment 6](#)).

5. Special Phone Calls:

- A. Special phone calls may be granted to an inmate under compelling circumstances, such as a family emergency, at the discretion of DOC staff.
 - 1. Inmates may request a special phone call by completing the *Special Phone Request* form (See [Attachment 4](#)).
 - 2. Special phone calls are typically reserved for inmates to call a telephone number already on their approved calling list or placing a call outside of the scheduled calling times posted for the unit or for indigent inmates or inmates with restricted access to telephones or kiosks to place a phone call.
 - 3. Special phone calls to a telephone number not on an inmate's approved calling list may be granted when compelling circumstances exist.

6. Telephone and Tablet Access Based on Status:

- A. Inmates on "cell restriction" status as a result of a disciplinary sanction are not permitted to access telephones for social communication. Inmates may contact their Attorney of Record with authorization from staff. An inmate's access to their tablet and/or kiosks may be restricted due to their status or as a sanction issued through the disciplinary process.

- C. Inmates on Mental Health watch are not be permitted to place or receive telephone calls (except calls to or from their Attorney of Record), or in the case of an emergency or other compelling circumstance, unless specifically authorized by Behavioral Health staff (See DOC policy 1.4.E.7 *Offender Suicide Prevention and Intervention*). Tablets may be temporarily removed from inmates on mental health watch, at the direction of Behavioral Health staff.

7. Attorney Calls:

- A. When a caller who has identified themselves as an attorney calls a DOC facility and requests to speak to an inmate, the call will be transferred to a member of the inmate's unit team. If a staff member not available to take the call, the call will be transferred to the Officer-In-Charge (OIC). If the attorney chooses to leave a message with the staff person, they will be transferred to the staff member's voicemail.
1. The unit staff or OIC will advise the attorney the inmate will be notified of the attorney's call/attempt to contact.
 2. Staff may contact the State Bar of South Dakota at (605) 224-7554 to confirm whether the person is an attorney who holds a State Bar of South Dakota Certificate of Membership (only applicable to SD attorneys).
 3. Staff will provide the inmate with the name and contact information as provided by the attorney.
 4. The inmate may contact the attorney through the inmate phone system, in accordance with all applicable rules and policies.
 5. If the inmate's telephone privileges are temporarily suspended or the inmate is indigent, the inmate may request unit staff or the OIC to arrange for a time and day so the inmate may **return** a call to the attorney. Return calls should be scheduled within two (2) business days of the attorney's call to the facility, unless circumstances prevent this. The inmate may be granted additional telephone access until the attorney is successfully contacted or a message can be left for the attorney.
 - a. Return telephone calls facilitated by staff between an inmate to an attorney are generally limited to weekdays (Monday-Friday excluding holidays) and will not interfere with the daily operation of the housing unit or institution.
 - b. Return calls may be scheduled to take place in a staff member's office.
 - c. Return calls scheduled by a staff member for an inmate are generally limited to no more than fifteen (15) minutes. Staff will not provide audio monitoring of the phone call.
 - 1) If there are no windows allowing visual monitoring of the inmate, the office door must remain partially open to maintain visual monitoring of the inmate for the duration of the telephone call.
 - 2) If there are windows allowing visual monitoring of the inmate, the office door will be closed during the call. Staff will maintain visual monitoring of the inmate for the duration of the telephone call.
- B. Inmates will have access to the telephone system to make confidential contact with their Attorney at Record (See ACA 4-4275). Inmates who do not have telephone privileges or have not been assigned a PIN number or do not have access to telephones, tablets or kiosks, or are indigent, must submit a written request to unit staff to request contact with their

- Attorney of Record. Staff will respond to the inmate's request within two (2) business days of receipt of the request.
- C. When utilizing the DOC telephone service to contact an attorney, it is the responsibility of the inmate placing the call to submit a request in advance to staff for access to a non-monitored telephone line. Inmates who choose to contract their attorney from their tablets or kiosks are advised that these calls may be monitored and recorded.
 - D. All inmates, regardless of assigned unit or classification level, will be allowed to participate in court hearings, as directed/ordered by the court, or as requested by their attorney, either in-person, by telephone or other electronic means.
 - 1. Participation in court hearings via telephonic hearing or other electronic means must be arranged in advance, usually by an inmate's attorney or the court. The time and date set for the hearing must be provided to staff.
 - E. The DOC may not apply limitations on an inmate's telephone calls or access to telephones when the inmate demonstrates that communication with their attorney by correspondence, visitation or through normal telephone use is not adequate (ARSD [17:50:02:17](#)).

8. Inmates with Communication Disabilities:

- A. Inmates with a communication disability and inmates who seek to communicate with an outside party with a communication disability will be granted access to approved auxiliary aids, such as Telecommunications Device for the Deaf (TDD), teletypewriter/text telephones (TTY), video phones, phones with volume control or other similar approved devices (See ACA 4-4497) or other appropriate accommodation. Inmates shall follow the approved process to request an accommodation.
- B. Inmates making telephone calls using TTY or TDD equipment will be authorized additional time to engage in the telephone conversation (applies to use of staff phones or inmate wall mounted phones) and includes attorney calls and special phone calls.
- C. Inmate telephone calls placed from the inmate telephone system on TTY/TDD equipment are subject to the same monitoring, recording and investigation by DOC staff, the telephone provider or outside investigators as regular inmate telephone calls.
- D. Inmates may be required to turn in any teletype paper produced by a non-attorney telephone call to staff upon demand.
- E. Inmates using a TTY or telephone with volume control will be provided equal levels of privacy afforded to inmates using the regular inmate telephone system.

9. Inmate Use of Other Telephones:

- A. Inmates are not permitted to use telephones not designated for inmate use, unless specific permission has been granted to the inmate by a staff member authorized to grant such permission. Examples include:
 - 1. When answering the telephone is part of the inmate's approved job description.

2. When permission has been granted for the inmate to utilize the telephone to participate in court hearings, custody hearings, attorney call, special phone call, etc. and other business requiring the inmate's presence telephonically.
- B. Inmates participating in Work Release or Community Service will follow all applicable rules regarding telephone access/use, as set forth in DOC policy 1.5.A.5 [Work Release](#) and DOC policy 1.5.A.6 [Community Service Program](#).
1. Inmates assigned to Community Service may be permitted to access and use telephones for official work duties and only with prior staff permission.
- C. It is not considered a personal telephone call or unauthorized use of a telephone if an inmate with access to the community uses a non-inmate telephone to contact their assigned facility or unit to advise staff he/she will be late returning to the facility or unit or to contact the facility or unit staff in the case of an emergency or other compelling circumstance.

10. Terminated Telephone Contact:

- A. Any individual or authorized representative of any agency, organization or business, who has received telephone contact from a DOC inmate, may request to terminate all future telephone contact from a particular inmate in DOC custody.
1. The request to terminate an inmate's permissions to contact to a specific telephone number(s) will normally be submitted by the requestor by completing the *Telephone Termination Request* (See [Attachment 1](#)).
 - a. If the request is made verbally (via telephone call) to the DOC, the staff member receiving the request will obtain all information from the requestor necessary to complete the *Telephone Termination Request* and forward the completed form to the inmate's unit staff.
 2. The parent or legal guardian of a minor child under the age of eighteen (18) may submit a request to terminate telephone contact by an inmate on behalf of the minor child.
- B. Any proper request received by DOC staff to terminate an inmate's telephone contact with the requestor or on behalf of a minor, will be forwarded to the inmate's unit staff.
1. Unit staff will notify the telephone provider to remove the specified telephone number(s) from the inmate's approved telephone list.
 2. Any future telephone calls from the inmate to the specified telephone number(s) originating from the telephone system via the inmate's PIN will be blocked.
 3. Staff will provide written notice to the inmate of the terminated telephone number and/or name of the person terminated from the inmate's approved telephone list (See [Attachment 2](#)).
 4. Any inmate who contacts, attempts to contact, has someone else contact or attempts to have someone else contact the blocked telephone number on his/her behalf is subject to disciplinary action.

- C. Terminated contact may only be reversed by the requesting party through direct notification to the DOC. The inmate may submit a *Telephone Request* form to have the telephone number added to their approved telephone list.

11. Contract Service Provider Responsibilities:

- A. Neither the DOC nor the contracted service provider make any guarantee of uninterrupted service when accessing or using telephones, tablets or supporting services.
- B. An inmate's access to telephones, tablets and the respective supporting service is not transferable and terminates when the inmate is no longer in the custody of the DOC. Questions regarding subscriptions, accounts, or funds held by the provider must be directed to the provider.
- C. Inmates and friends or family of an inmate with an account with the telephone or tablet vender may report issues or problems with the telephones, tablets respective services, telephone/messaging accounts or contact list to the contract telephone service provider.

V Related Directives:

SDCL §§ [1-15-20](#), [24-2-1](#), [24-2-9](#) and [24-15A-4](#).

ARSD § [17:50:02:17](#), [17:50:02:27](#) and [17:50:02:29](#)

DOC policy 1.1.B.2 – [Inmate Accounts and Financial Responsibility](#)

DOC Policy 1.1.C.1 -- [Staff Code of Ethics](#)

DOC policy 1.3.C.2 – [Inmate Discipline System](#)

DOC policy 1.3.E.2 -- [Administrative Remedy for Inmates](#)

DOC policy 1.4.A.2 -- [Inmate Admission](#)

DOC policy 1.4.E.7 -- [Offender Suicide Prevention and Intervention](#)

DOC policy 1.5.A.5 – [Work Release](#)

DOC policy 1.5.A.6 – [Community Service Program](#)

VI Revision Log:

October 2004: New policy.

November 2005: **Added** inmate behavior as a reason to restrict telephone calls. **Added** a section for Unwanted Telephone Contact. **Added** attachments 1 and 2.

December 2006: **Placed** a maximum balance of \$200 on the inmate phone account. **Clarified** why some state employees or contractual staff cannot be on an inmate's calling list.

November 2007: **Clarified** that some telephone privileges are subject to Administrative Rule. **Revised** the policy statement. **Clarified** that restrictions on phone privileges with employees who resigned to avoid termination or who were terminated from employment due to inappropriate activity with an inmate, or volunteers that are prohibited from entering a DOC facility specifically apply to immediate family. **Added** language about the Warden being able to restrict any person for an inmate's calling list. **Added** language regarding when, how and to whom special phone calls can be made. **Added** language stating inmates are expected to return telephone calls to attorneys using the inmate phone system if it is available.

October 2008: **Revised** formatting of policy and attachments with DOC policy 1.1.A.2.

Replaced "15" with "20" and **deleted** statement excluding in-state attorneys in ss (A3 of Establishing Telephone Privileges). **Replaced** commissary with spend in ss (B), **added** "long term", "Associate Warden" in ss (B1), of Phone Accounts). **Revised** ss (A1) to reference use of the Special Telephone Call Request form and **deleted** former ss (C) stating that special phone call logs will be turned over to Special Security every Friday of Special Phone Calls section.

Deleted former ss (F of Telephone Use Based on Inmate Status) regarding making/receiving telephone calls while in Med Lay-In. **Revised** wording in ss (B4 of Telephone Calls with

Attorneys) to state that the Unit Manager will determine the number of calls an inmate can make to his/her attorney within a day vs. limiting it to 1 phone call per day. **Added** "phone number" to ss (B1), **deleted** statement regarding any reasonable means to block a telephone call in ss (B2), **added** "Special Security Office" to ss (B3) and **replaced** demand with request throughout Unwanted Telephone Contact. **Added** Inmate Phone Repair Instructions section. **Added** reference to DOC policy in section V. **Revised** titles of Attachment 1 to be consistent with policy, attachment, and WAN. **Added** Attachment 3, 4, 5 and 6 and referenced attachments throughout policy when applicable.

October 2009: **Added** reference to respective OMs in ss (B2 of General Guidelines on Using the Telephone). **Revised** title of DOC policy 1.4.E.7. **Revised** verification of attorneys' language within ss (A2), **revised** ss (A5) to include new ss (A5a – A5c2) referencing return calls, location of calls and schedule for calls and **added** reference to hearings in new ss (C and C1) all within Telephone Calls with Attorneys. **Deleted** reference to DOC policy 1.5.D.3 in section V.

December 2009: **Added** new format to Section I. **Revised** ss (A) by referencing CSA, **deleted** former ss (A1 and A2), **deleted** statement regarding the business office will transfer any amount in excess of \$200.00 in former ss (A4), **added** new ss (A1 and B) referencing CSA contact information and spend account, **deleted** former ss (C) regarding inmates refusing to sign an authorization to deposit will not have outside funds deposited into their phone account, **added** inmate phone account managed by CSA in new ss (C), **added** reference to CSA in ss (D and E), **deleted** statement about amount exceeding \$200 in ss (F), **added** reference to general phone debit account in ss (F), **added** new ss (G) regarding setting up an account with CSA specific to a phone number and **revised** section bullets all within Phone Accounts. **Replaced** reference to Attachment 5 with CSA toll free # in ss (A) and **deleted** former ss (A1 and A2) regarding another way to report a phone complaint both within Inmate Phone Repair Instructions. **Revised** title of DOC policy 1.5.D.3 and **added** reference to policy to section V. **Replaced** Securus Technologies Inc. to Lattice Inc. within Attachment 3. **Deleted** Attachment 5, Phone Repair Instructions and Attachment 6, SD DOC Inmate Calling Services Complaint/Problem Form.

October 2010: **Revised** formatting of Section I. **Added** new ss (A2) and **revised** ss (B) within (Phone Accounts).

November 2011: **Added** "and to check voicemail messages" in Section 1 B. 1. **Deleted** "use will" and **Replaced** with "privileges may" in Section 1 D. **Added** "from the community" to Section 2 A. 2. **Added** 1. "For a fee, those callers who are on the inmate's approved phone list may leave a voicemail message for an inmate, provided they have an active account with CSA." to Section 3 C. **Added** "use of the "and **Deleted** "call" to Section 3 E. and 3 E. 2. **Added** "and/or check messages" to Section 5. A. **Deleted** "make" and **Replaced** with "use the" **Deleted** "calls" and **Added** "to make" in Section 5 B. **Added** "inmates may access telephones" to Section 5 D. **Added** a. "If the request to terminate contact is submitted by the individual verbally, (via telephone), DOC staff will obtain the information required to complete Attachment 1 from the caller and forward the completed request form to the inmate's unit team." to Section 8 A. 1.

November 2012: **Added** a. to Section 1 A. 1. **Added** "Inmates are responsible for the security of their assigned PIN" in Section 1 A. 2. **Deleted** "has been" and **Replaced** with "is currently" in Section 1 A 3. b. **Added** "his or her designee" to Section 1 A. 3. d. **Added** "or other pay numbers" to Section 1 C. 3. **Added** "an inmate's access to telephone privileges may also be restricted as part of a disciplinary sanction" in Section 1 D. **Added** "and investigated" and **Added** "Attorney of Record" to Section 3 B. **Deleted** "matters" and **Replaced** with "telephone calls" in Section 3 B. 2. **Added** 5. and 6. to Section 3 B. **Deleted** "Inmates are not allowed to receive telephone calls" and **Replaced** with "DOC staff will not accept incoming telephone calls or messages for an inmate's" and **Added** "inmate's Attorney at Record" in Section 3 C. **Added** 2. to Section 3 C. **Added** new E. to Section 3. **Added** 3. to Section 3 F. **Added** H. and I. to Section 3. **Added** "during release planning" to Section 4 A. 3. **Deleted** 2. from Section 4 B. **Added** "as set forth by the posted unit plan" in Section 5 A. **Deleted** "housing supervisor" and **Replaced** with "designated unit staff/OIC" in Section 5 C. **Deleted** "shall" and **Replaced** with "will generally" and **Added** "privileges" and "as provided by the posted unit plan" in Section 5 D. **Added** "and firm/employer (if applicable) and **Deleted** "call back" and **Replaced** with "be notified of the

attorney's call/attempt to contact" in Section 5 A. 1. **Deleted** "from the attorney" and **Replaced** with "person claiming to be an attorney" and **Added** "(only applicable to SD attorneys)" in Section 5 A. 2. **Deleted** "a message will be forwarded to the applicable inmate to contact the attorney" and **Replaced** with "staff will contact the inmate and provide the inmate with the name and telephone number of the attorney" in Section 5 A. 3. **Deleted** "is expected to return the telephone call" and **Replaced** with "may contact the attorney" in Section 5 A. 4. **Added** "or the inmate does not have telephone privileges" in Section 5 A. 5. **Deleted** "visual contact" and **Replaced** with "visual monitoring" in Section 5 A. 5. c. **Added** "within 2 business days of when the call was received. The inmate will be granted additional telephone calls until the attorney is successfully contacted or the inmate is able to leave a message for the attorney" in Section 6 A. 5. **Added** "8:00 a.m.-5:00 p.m." to Section 6 B. 2. **Added** "or classification" and **Deleted** "before a court" and **Replaced** with "directly involve" in Section 6 C. **Deleted** "staff/state" and **Replaced** with "unauthorized" and **Deleted** "by the warden, deputy warden or an associate warden" and **Replaced** with "to the inmate by an authorized staff member" in Section 7 A. **Added** "designated/pre-authorized" in Section 7 A. 1. a. Added c. to Section 7 A. 1. and **Added** 1. to same section. **Deleted** "terminated" and **Replaced** with "restricted" and **Deleted** "person" and **Replaced** with "specified individual" in Section 8.

October 2013: Modified the definition of "Immediate Family". **Deleted** "or who has filed a letter of representation with the particular institution where the inmate resides" in the definition of "Attorney at Record". **Deleted** "Customer Service of America" and **Replaced** with "Combined Customer Care" throughout the policy. **Added** new Section 2. (title only). **Added** "Inmates will complete the Telephone Request form to add persons to their approved phone list" in Section 2 A. **Added** "Non-eligible/past" and **Added** "inappropriate conduct and/or just cause" in Section 2 A. 2. **Deleted** 3. "These provisions apply to members of an inmate's immediate family who are an employee of the state of South Dakota" in Section 2 A. **Added** "or when an inmate's access to telephones may pose a threat to the safety and security of the facility, staff and/or public" in Section 2 D. **Deleted** "into an inmate's spend account" and **Replaced** with "in accordance with" in Section 3 B. **Added** I. to Section 3. **Deleted** 6. "An inmate's telephone call may be terminated for being obscene, abusive, threatening or harassing. The telephone number may be deleted from the inmates calling list with approval from the Warden or his/her designee" in Section 4 B. **Added** "Offense in Custody" to Section 4 B. 5. **Deleted** "Emergency calls should be documented in the shift log" in Section 4 C. 2. **Deleted** 1. "Inmates who fail to abide by this directive will be subject to disciplinary action" in Section 4 F. **Added** "or serious injury" to Section 5 A. 3. **Deleted** "The special security officer of other designated security staff" and **Replaced** with "staff" in Section 5 B. 1. **Added** "or in the case of a family emergency" in Section 6 D. & E. **Deleted** "document the attorney's name, telephone number and firm/employer" in Section 7 A.1. **Deleted** "facilitate" and **Replaced** with "attempt to arrange" in Section 7 A. 5. **Added** "Staff will document the call in the special phone call log" in Section 7 A. 5. b. Deleted "to the inmate each day to/from his/her attorney" in Section 7 B. 4. **Deleted** "that affect/directly involve the inmate" and **Replaced** with "as directed by the court" in Section 7 C.

November 2014: Deleted "where there is suspicion that such access would jeopardize the security, safety or disciplined operation of the institution" and **Replaced** with "Inmate access to telephones is subject to those limitations and conditions which the Warden determines are necessary to ensure the security and good order of the facility or to protect the public" in the policy statement. **Added** "or possess" and "and for reporting any compromised PIN to unit staff" in Section 1 A. 2. **Added** "An inmate initiated telephone call is limited to those telephone numbers identified on the inmate's official telephone list" in Section 2 A. **Added** 3 and 1. & 2. to Section 2 A. **Deleted** "and to check voicemail messages" in Section 2 B. 1. **Added** "provided there are sufficient funds in their phone account" in Section 2 B. 2. **Added** "with prior authorization" in Section 2 C. 1. **Deleted** "Restrictions on telephone privileges may be imposed on those inmates whose custody/classification status or behaviors are determined by staff to be contrary to the disciplined operation of the institution or when an inmate's access to telephones may pose a threat to the safety and security of the facility, staff and/or public" and **Replaced** with "An inmate may submit changes to his/her telephone list at any time" in Section 2. D. **Deleted**

reference to Combined Customer Care (CCC) and replaced with "Contract phone service provider" in Section 3. **Added** "To ensure the safety and security of the institution and public, inmates housed in a DOC facility must place all personal telephone calls through the DOC phone system and not circumvent or attempt to circumvent the system." in Section 4 A. **Added** "to preserve the security and orderly management of the facility and to protect the public" in Section 4 B. **Added** a. to Section 4 B.2. **Added** "attempt to engage in" and **Added** "or other prohibited behavior" in Section 4 H. **Added** 1. to Section 4 H. **Added** I. and 1. 2. & 3. to Section 4. **Deleted** "check messages" in Section 6 A. **Added** "Staff may grant an exception in the case of a family emergency." in Section 6 B. **Added** "Staff will make reasonable efforts to verify the call is from an attorney or on behalf of an attorney." to Section 7 A. 2. **Deleted** C. and **Added** E. to Section 7. **Added** "Children under the age of 18" to Section 9 A. 2. **Added** "While the inmate is incarcerated in the DOC facility or a DOC contract facility" in Section 9 B. 3. **Added** C. to Section 9.

July 2015: **Deleted** "All outside funds received by the DOC for the inmate and deposited into the" in Section 3 A. **Deleted** B. In Section 3. **Added** new E. to Section 3. **Deleted** "To ensure the safety and security of the institution and public" in Section 4 A. **Deleted** "make reasonable efforts" and **Added** "Staff may also verify the validity of the attorney receiving the call" in Section 4 A. 2. a. **Deleted** "attorney at record" and **Replaced** with "an attorney" in Section 6. **Deleted** 1. and 4. in Section 7 B. **Deleted** "or furlough" and **Added** "medical emergency" in Section 8 C.

February 2016: **Added** "without approval of the Warden" in Section 2 A. 1. **Added** 2. & 3. a. b. c. to Section 2 A.

August 2016: **Added** "unless lost, stolen or otherwise compromised" and **Added** a. in Section 1 A. 1. **Added** "and is managed and maintained by the contract telephone provider" and **Deleted** "includes attorneys" and **Deleted** "persons" and **Replaced** with "number" and **Added** "The inmate must provide the telephone number, a single person who is assigned to the telephone number and the relationship of the person to the inmate" in Section 2 A. **Deleted** "may threaten public safety or disrupt and **Replaced** with "poses substantial risk" and **Added** "or could result in serious bodily injury to persons or substantial damage to property that may cause risk of death or serious bodily injury to persons" and **Added** b. in Section 2 B. 4. **Added** "or termination of a telephone number" in Section 2 B. 4. **Added** 3. in Section 2 C. **Added** "A completed Telephone Request form (See Attachment 2) is required to initiate the change" in Section 2 D. **Added** new 3. a. b. and c. in Section 3. **Added** "Inmate use of the telephone system is voluntary" and **Added** "and reduce criminal activity or activity that could threaten the orderly operation of the facility" in Section 4 B. **Added** "under compelling circumstances, such as a family emergency" in Section 5 A. **Deleted** "loss of recreation" in Section 6 B. **Added** "Inmates shall have access to the telephone system to make confidential contact with their Attorney at Record (See ACA 4-4275). Access to telephones shall be in accordance with normal telephone hours, as posted in the Unit Plan" in Section 7 B. **Added** new Section 8. **Added** "or representative of any agency, organization or business" and **Added** "or all inmates housed in a SD DOC facility" in Section 10 A. **Revised** language in C. in Section 10. Language and structure changes to policy. **Revised** Attachment 1 and 2.

October 2017: **Added** reference to "tablets" to policy. **Added** definition of "Tablet". **Deleted** "Telephone" and **Replaced** with "Contact" in Section 2. **Added** "Inmates may message (if the service is available to the inmate) and call any person on their approved contact list" in Section 2 A. **Added** "for a minimum of one year from the date of termination/resignation" in Section 2 B. **Added** L. to Section 4. **Added** "a caller who has identified themselves as" in Section 7 A. **Added** "consecutive" in Section 4 I. 1. **Added** J. to Section 4. Formatting changes. **Added** Attachment 5.

Denny Kaemingk (original signature on file)

Denny Kaemingk, Secretary of Corrections

12/09/2017

Date

Attachment 1: Correspondence/Telephone/Messaging Termination Request

The **Correspondence/Telephone Termination Request** form is located on the state's WAN.

A copy may be printed using **Microsoft Word** as follows:

1. Click [here](#) to access the **Correspondence/Telephone Termination Request** by:
 - a. Placing mouse on the word "here" above
 - b. Press and hold the "Ctrl" key on the keyboard
 - c. Click the left button of mouse.
2. Or Select **File/New** from the Menu Bar / Select the **DOC** tab / Select **Correspondence/Telephone Termination Request**.

The gray areas indicate the information that is to be entered.

South Dakota Department of Corrections Policy Distribution: Public		Attachment: Corr-Telephone Termination Request Please refer to DOC policy 1.5.D.3 and 1.5.D.4 Offender Correspondence / Inmate Access to Telephones	
CORRESPONDENCE/TELEPHONE TERMINATION REQUEST			
Dear Sir or Madam:			
The Department of Corrections will stop mail and/or telephone calls from a specific inmate in response to a written request from you. You may make the written request on behalf of yourself, your current spouse, or any minor children residing in your household.			
It has come to our attention that		<input type="text"/>	<input type="text"/>
		<small>(inmate name)</small>	<small>(inmate number)</small>
may have been contacting you or may want to contact you with unwanted correspondence and/or telephone calls. This letter is to inform you that you may request "no contact" with the above named inmate by completing the information below. Please make sure you sign this letter at the bottom and mail it back to the facility where you believe the inmate is housed. If you are unsure of where the inmate is housed, please mail this letter to the South Dakota State Penitentiary address.			
It is possible an inmate may find some other means of contacting you. The Department of Corrections will take the steps available to prevent any further contact from the inmate. Please report any further contact from the inmate to the facility where you believe the inmate is housed. If you are unsure of where the inmate is housed, please contact the South Dakota State Penitentiary.			
MAIL:			
I/We		<input type="text"/>	request that the
		<small>(print your name)</small>	
above named inmate be prevented from contacting me by MAIL at the following address:			
Street	<input type="text"/>		
P.O. Box	<input type="text"/>		
City/State	<input type="text"/>	Zip	<input type="text"/>
TELEPHONE			
I/We		<input type="text"/>	request that the
		<small>(print your name)</small>	
Above named inmate be prevented from contacting me by TELEPHONE at the following numbers (please include the area code):			
Home	<input type="text"/>		
Business	<input type="text"/>		
Cell	<input type="text"/>		
Other	<input type="text"/>		
Signed: <input type="text"/>			
South Dakota State Penitentiary	Mike Duffee State Prison	South Dakota Women's Prison	
Attn: Mail Room Officer	Attn: Mail Room Officer	Attn: Mail Room Officer	
P.O. Box 3611	1412 Wood Street	3200 E. Highway 34	
Sioux Falls, SD 57117-3911	Springfield, SD 57062-2239	C/o 300 E. Capitol Avenue	
		Pierre, SD 57501	
Revised: 10/22/08		Page 1 of 1	

Attachment 3: Telephone Request Form

The *Telephone Request Form* is not a DOC document.

South Dakota Department of Corrections Policy Distribution: Public		Attachment: SD DOC Inmate Telephone Services (S-46) Please refer to DOC policy 1.5.D.4 Inmate Access to Telephones	
SD DOC INMATE TELEPHONE SERVICES			
INMATE NAME (FIRST/LAST): _____		DATE: _____	
BLOCK/CELL#: _____	INMATE ID#: _____	INMATE IPIN#: _____	
<p>All calls will be collect or debit. A recording will state the call is from the South Dakota Prison System. If there is incomplete information the number WILL NOT be added. You can have a maximum of 20 numbers on your list. Attorney numbers will not be recorded. You must indicate attorney.</p> <p>**3-way calls are not permitted. Attempting to make 3-way calls may cause your call to be disconnected.</p>			
ADD (Area Code) Number	Name of Person(s)	Address	Relation to you
1. () _____	_____	_____	_____
2. () _____	_____	_____	_____
3. () _____	_____	_____	_____
4. () _____	_____	_____	_____
5. () _____	_____	_____	_____
6. () _____	_____	_____	_____
7. () _____	_____	_____	_____
8. () _____	_____	_____	_____
9. () _____	_____	_____	_____
10. () _____	_____	_____	_____
11. () _____	_____	_____	_____
12. () _____	_____	_____	_____
13. () _____	_____	_____	_____
14. () _____	_____	_____	_____
15. () _____	_____	_____	_____
16. () _____	_____	_____	_____
17. () _____	_____	_____	_____
18. () _____	_____	_____	_____
19. () _____	_____	_____	_____
20. () _____	_____	_____	_____
Revised: 10/23/2008		Page 1 of 1	

Attachment 4: Special Phone Request

The *Special Phone Request* form is available in carbon format.

South Dakota Department of Corrections Policy Distribution: Public	Attachment: Special Phone Call Request (VI-8) Please refer to DOC policy 1.5.D.4 Inmate Access to Telephones
SPECIAL PHONE CALL REQUEST	
Cell: _____ Inmate Name & Number: _____	
Work: _____	
Are you currently on loss of phone privileges? Yes _____ No _____	
Individual you want to call: _____	
Time & date of call: _____ Number: _____	
Reason for call: _____	
Approved By: _____ Date: _____	
Revised: 10/23/2008	Page 1 of 1


Attachment 5: Tablet Usage Agreement

The **Tablet Usage Agreement** form is located on the state's WAN.

A copy may be printed using **Microsoft Word** as follows:

1. Click [here](#) to access the **Tablet Usage Agreement** by:
 - a. Placing mouse on the word "here" above
 - b. Press and hold the "Ctrl" key on the keyboard
 - c. Click the left button of mouse.
2. Or Select **File/New** from the Menu Bar / Select the **DOC** tab / Select **Tablet Usage Agreement**.

The gray areas indicate the information that is to be entered.

 <p>INMATE TABLET USAGE AGREEMENT</p> <p>Tablet Rules: The tablet and charge issued to you must be treated with care. You are responsible for making sure the tablet and charge are not lost, stolen or damaged through neglect or abuse. You are responsible for any damage to the tablet or charge including those resulting from the tablet or charge being lost or stolen. You are also responsible for any costs, liability, or damages resulting from the manner in which you or another use the services on the tablet. This is in addition to all costs, fees or charges incurred or assessed as a result of accepting subscription services not paid by the DOC or the provider.</p> <ul style="list-style-type: none">• You are responsible for keeping the tablet charged.• Food, drink and water should not be placed in proximity to the tablet. The tablet must not get wet.• Do not use chemical cleaners or abrasives to clean your tablet or tablet screen. This will damage the tablet.• Tablets and charges should not be left unsupervised in common areas of the unit.• You may not share your login information/password with other inmates.• The tablet and charge issued to you may not be loaned to others.• You may not access and/or any part of the tablet or charge, or attempt to alter or repair the tablet or charge.• Tablets and all information contained within the tablet are subject to inspection by the DOC, the provider or law enforcement, at any time, without notice or cause.• Misuse of the tablet or charge may result in disciplinary action.• Neither the DOC or provider make any guarantee services supplied to the tablet will be uninterrupted or error-free. <p>Doc#685001007 Page 1</p>	<p>Messaging: Tablets are capable of receiving messages. Friends and family may purchase messaging services by contacting the provider and establishing a messaging account. By sending or making messages, you and your friends and family are agreeing to the terms and conditions set forth by the provider and the DOC.</p> <p>Use of the tablet and messaging service is based on inmate messages completely voluntarily. All incoming and outgoing messages are subject to inspection and screening. The DOC and provider shall have access to all messages and will monitor the messaging system. Any message may be reproduced by the DOC. The DOC may withhold any message. All incoming and outgoing messages, including confidential, sensitive or classified messages will be deleted to the extent:</p> <ul style="list-style-type: none">• You are responsible for informing those persons sending you messages of the rules pertaining to messaging.• Incoming messages received on a tablet and only be for the assigned user of the tablet. You may not receive messages on your tablet intended to deliver to another inmate. Third party messaging is not permitted.• The contents of a message sent or received shall not be considered privileged. Messages should not be used to transmit or receive privileged legal material or information.• Incoming and outgoing messages will not be subject to censorship. A message will be permitted or rejected in its entirety.• Any incoming or outgoing message that contains any prohibited content listed in Section 4 of DOC Policy 1.5.D.4 Inmate Correspondence is subject to withholding and/or non-delivery. Messages may be used as evidence in disciplinary hearings or criminal proceedings. <p>Telephone Calls: Telephone calls may be placed from the tablet. Inmates, friends and family may receive and contribute to a telephone account. Your access to tablet to place telephone calls is a privilege not an implied right. Your use of the tablet to place telephone calls is completely voluntary. You must have sufficient funds in your telephone account to make telephone calls from your tablet. Your use of the tablet to place calls is consent for your calls to be monitored, recorded and investigated.</p> <p>Calls made from your tablet are subject to many of the same rules and limitations that apply to calls made from telephones located in your housing unit. For more information about use of telephones and access to telephone services, please refer to DOC Policy 1.5.D.4 Inmate Access to Telephones.</p> <p>Doc#685001007 Page 1</p>	<ul style="list-style-type: none">• Tablets should not be used to place attorney calls.• You may place telephone calls from your tablet any time, except as prohibited or limited by your current status, housing location, DOC rules or as directed by DOC staff.• You are required to immediately terminate use of the tablet when ordered to do so by a staff member.• You may not use the tablet to engage in or attempt to commit, instigate or further any criminal activity or prohibited act or circumvent the rules of the institution.• Telephone rates and fees will be the same as those that apply to the telephones located and available in your housing unit.• You must have and use the funds to use the telephone feature on the tablet. See rules are available on commissary. <p>Posted Information: The DOC may post information on the tablet, which will be available for inmates to view. Although an effort is made to ensure the accuracy and completeness of the information, the DOC makes no express or implied warranty as to the accuracy, adequacy, completeness, legality, reliability or usefulness of the information.</p> <p>The DOC and its contract contributors are not liable for any program or internet use of the information contained on the tablet and assume no responsibility for your use of the information. The DOC shall not be held liable for any direct or indirect damages caused in any way through the use of the information.</p> <p>Kiosks: Inmates may use tablet kiosks located in the facility to access certain approved services available in the kiosks, such as telephones and messaging services and the view of posted information.</p> <p>Subscription Services: For fee, you may subscribe to services that provide access to music, games and books. Subscriptions to these services are effective for 30 day increments.</p> <p>You will not be reimbursed or given credit for time which you do not have access to the service. For example, if your access is restricted due to damage to your tablet, or your tablet is confiscated as part of a disciplinary sanction, or you are placed in disciplinary housing, transported out to court or admitted to the hospital, your subscription will remain in effect until the amount of service you purchased expires. Subscriptions cannot be placed on inactive status or on hold.</p> <p>Doc#685001007 Page 1</p>	<p>In addition, if you are transferred to a DOC facility that does not have tablets or services transferred to a contract facility outside of the DOC, released to parole or expiration of confinement, or discharged, you will not have access to a tablet and that will not be able to access any prepaid portion of your subscription. You will not be reimbursed for any remaining amount of the subscription for the entire at the time you are transferred, released or discharged.</p> <p>User Agreement: I have read, understood, and agree to abide by the above usage agreement when using the tablet. I further understand that any violation of the above rules or other related policies or rules may result in my tablet privileges being revoked and subject me to disciplinary action.</p> <p>_____ Date Inmate Name and Number</p> <p>Doc#685001007 Page 1</p>
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