

1.5.D.4 Inmate Access to Telephones

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 telephone privileges. Inmate access to telephones is subject to limitations and conditions which the Warden determines are necessary to ensure the security and good order of the institution and/or to protect the public.

III Definitions:

Immediate Family:

For the purposes of this policy, immediate family includes an offender'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 offender's brother or sister or brother or sister of offender's spouse).

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.

IV Procedures:

1. Establishing Telephone Privileges:

A. During Admission and Orientation (A&O), each new admission inmate will be provided with information on how to obtain a Personal Identification Number (PIN) and establish a calling list (See DOC policy 1.4.A.2 *Inmate Admission*).

1. The PIN assigned to the inmate will be exclusive to that inmate and will remain consistent throughout any facility transfers the inmate may be subject to while serving an uninterrupted sentence(s), unless lost, stolen or otherwise compromised.

- a. Inmates may be charged a replacement fee for a new PIN unless proof of theft exists.
2. The assignment of individual PINs allows the DOC to identify inmates using the telephone system and track telephone calls originating from within a DOC facility in case of a security concern or complaint from the public.
3. No inmate is allowed to use, possess or share another inmate's PIN. Violators will be subject to disciplinary action (See DOC policy 1.3.C.2 *Inmate Discipline System*). Inmates are responsible for the security of their assigned PIN and reporting any compromised PIN to unit staff.

2. Calling Lists:

- A. An inmate's calling list may not exceed twenty (20) separate telephone numbers and is managed and maintained by the contract telephone provider. Inmates will complete the [Telephone Request](#) form (See [Attachment 3](#)) to add telephone numbers to their approved calling list. The inmate must provide the telephone number, the name of a single person assigned to the telephone number and relationship to the person. Inmate initiated telephone calls are limited to those telephone numbers identified on the inmate's approved calling list.
- B. State of South Dakota staff, or contractual staff or volunteers assigned to a DOC facility terminated from employment or admittance to a DOC facility for inappropriate activity/relations with an inmate (See DOC Policy 1.1.C.1 *Staff Code of Ethics*) and/or who resigned in lieu of termination for inappropriate activity/relations with an inmate, may not be included in an inmate's calling list without approval from the Warden or designee.
 1. Telephone numbers associated with current or former DOC staff members may not be included on an inmate's approved calling list without approval from the Warden or designee.
 2. The Warden may consider the following:
 - a. Length of time that has passed since the person was last employed by the state or DOC.
 - b. Whether the inmate seeking to add the person to their calling list was incarcerated within the DOC facility where the person was employed/assigned.
 - c. The person's relationship with the inmate, i.e. immediate family member, spouse, biological, legally adoptive or step-parent of children shared by the person and the inmate.
- C. The Warden or his/her designee may deny placement of a telephone number on an inmate's calling list if a determination is made that an inmate's communication with a person associated with the telephone number poses substantial risk to the security and good order of the institution 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.
 1. Any disapproval/denial will be documented in writing to the inmate.
 2. The Warden or designee may terminate an inmate's access to a telephone number that does not meet the criteria set forth within this policy. Staff will contact the telephone

provider to have the telephone number removed from the inmate's approved telephone list. The inmate will be notified of the termination.

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.
 4. Inmates may appeal the denial or termination of a telephone number through the Administrative Remedy process (See DOC policy 1.3.E.2 [Administrative Remedy for Inmates](#)).
- D. After an inmate is assigned a PIN and establishes an approved calling list, the inmate may be granted telephone privileges (See ARSD § [17:50:02:27](#)).
1. Inmates granted telephone privileges may access designated telephones to place local and long distance collect calls to telephone numbers on their approved calling list.
 2. Inmates may charge telephone calls made to telephone numbers on their calling list, provided sufficient funds exist in their phone account.
 3. Telephone calls are limited to twenty (20) minutes in duration.
 4. Each unit will publish and maintain a schedule of when designated telephones are available for inmate use in accordance with DOC policy 1.3.A.1 [Unit Plans](#).
 5. If a telephone call is recorded on an inmate's PIN outside of the allowed telephone access times, the inmate assigned to the PIN may be subject to disciplinary action (See DOC policy 1.3.C.2 [Inmate Discipline System](#)).
- E. Inmate access to telephones for social communication purposes is a privilege.
1. Inmates will only be permitted to use or possess a calling card with prior authorization from staff i.e., at locations where the inmate telephone system is not accessible
 2. Third party telephone calls are not permitted.
 3. Inmates may not use 1-800, 1-888 or 1-900 services or other pay numbers or add such numbers to their approved telephone list without authorization from DOC staff.
- F. An inmate may request changes to his/her calling list at any time. A completed Telephone Request form (See [Attachment 2](#)) is required to initiate the change.
- G. An inmate's telephone privileges may be restricted through a disciplinary sanction (See SDCL § [24-2-9](#)), excluding telephone contact with the inmate's attorney.

3. Phone Accounts:

- A. Inmate phone accounts will be managed through the contract service provider.
1. The contract service provider's contact information shall remain available in the units and visit room at each DOC facility.
 2. The DOC will ensure inmates have access to reasonably priced telephone services and will ensure (See ACA 4-4497-1):

- a. Contracts for inmate telephone services comply with all state and federal regulations.
 - b. Contracts are based on rates and surcharges that are commensurate to those charged to the general public for like services.
 - c. Contracts for inmate telephone services provide the broadest range of calling options determined by the DOC to be consistent with the requirements of sound correctional practice.
3. Any person from the community wishing to contribute funds to an inmate's phone account must send the funds directly to the contract phone service provider.
- B. Inmates may transfer funds from his/her spend or savings subaccount to his/her phone 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 phone account to another inmate's phone account.
- C. Funds in the inmate's phone account may not be used for other purposes.
- D. The DOC does not accept monies intended for deposit into an inmate's phone account. All such funds must be sent directly to the contract provider. Incoming funds received by the DOC designated as "telephone funds" will be deposited into the inmate's institutional account(s) in accordance with DOC policy.
1. The inmate's phone account will be electronically debited when the inmate makes a call using the contract phone system and selects the debit option.
 2. Funds in the inmate's phone account will not be used to pay for the costs of collect calls.
- E. Persons on the inmate's approved calling list may set up phone accounts specific to their phone number by contacting the contract phone service provider.
- F. If an inmate is housed in a location that does not utilize the contract phone service provider, the inmate may be permitted to purchase a phone card through commissary.
1. If the inmate returns to a facility served by the contract phone service provider, the phone card will be collected from the inmate and held in his/her institutional file until discharge, release or transfer from the facility.
- I. Inmates released or discharged from the DOC are responsible for contacting the contract phone service provider regarding any funds remaining in their phone account.

4. General Guidelines:

- A. Inmate access to telephones for social use is a privilege, not an implied right. Inmates housed in a DOC facility must place all personal telephone calls through the DOC phone system. Inmates shall not circumvent or attempt to circumvent the phone system.
- B. Inmate use of the telephone system is voluntary. Outgoing telephone calls from inmates may be monitored, recorded and investigated to preserve the security and orderly management of the facility, protect the public, and reduce criminal activity or activity that could threaten the

- orderly operation of the facility. Staff may not monitor an inmate's properly placed call to an attorney.
1. A notice will be posted near telephones designated for inmate use advising inmates their calls may be monitored and/or recorded.
 2. It is the responsibility of the inmate to request from their unit staff a non-monitored telephone when placing confidential attorney/client telephone calls.
 - a. Staff will verify the unmonitored call is to an attorney. Staff may also verify the validity of the attorney receiving the call.
 3. Pre-recorded messages may be inserted into the telephone service advising the caller is a SD DOC inmate.
 4. Recorded inmate telephone calls 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 committed a violation of state or federal law.
- C. DOC staff will not accept incoming telephone calls or messages for an inmate, unless from an attorney or a person relaying an 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 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.
- D. Pay phones may be available in some inmate housing units. Inmates may be required to receive staff authorization prior to using a pay phone.
- E. Inmates will terminate use of the telephone immediately when ordered by a staff member.
1. Inmate access to telephones will not interfere with institutional inmate counts, work assignments, school assignments, medication passes, fire drills, etc.
- G. The possession or use of any telecommunications device by an inmate other than as authorized by staff, DOC policy or institutional OM(s) is strictly prohibited.
- H. Inmates may not use the telephone system to engage or attempt to engage in, initiate, further or continue any type of criminal activity or other prohibited behavior.
1. The Warden has the authority to restrict or temporarily suspend an inmate's regular telephone privilege when there is reasonable suspicion the inmate has used the telephone system to threaten the safety, security or good order of the institution or threaten the public. Reasonable suspicion may be based in part on reliable, confidential information gathered through intelligence.
- I. Inmates placed on Investigative Purposes (IP) and inmates with pending disciplinary action for committing abuse or misuse of the telephone system may have their telephone privileges restricted. Such a restriction must be requested by security staff assigned to investigate the incident.
1. The Warden will approve, modify or deny the restriction.

2. If approved, the inmate will receive written notice of the restriction. The restriction is limited to thirty (30) days and may be re-authorized only after review by the Warden.
3. Each subsequent restriction period is limited to thirty (30) days.

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 must specifically request a special phone call by completing the [Special Phone Request form](#) (See [Attachment 4](#)) in advance.
 2. Special phone calls are typically reserved for inmates to call a telephone number already on their approved calling list outside of the scheduled calling time posted in the unit.
 3. Special phone calls to a telephone number not on an inmate's approved calling list may be granted by authorized staff if compelling circumstances exist.
- B. A special phone call log may be kept by staff members allowing inmates to make special phone calls.
 1. Staff may track the number of special phone calls an inmate makes and investigate and track special phone calls to determine if this privilege is being misused.

6. Telephone Access Based on Inmate Status:

- A. Inmates housed in general population may be allowed to make calls from designated telephones located within the housing area in which they reside, or from telephones located in common areas (e.g. recreation yard) designated for inmate use by the posted unit plan at designated times.
- B. Inmates on "loss of recreation" or "cell restriction" status are not permitted to access telephones, except to make telephone calls to an attorney regarding a pending case. Staff may grant an exception in the case of a family emergency.
- C. Inmates not housed in general population will have access to telephones as provided for on the posted unit plan.
- D. Inmates on Mental Health watch will generally not be permitted to make or receive any telephone calls (except with an attorney, or in the case of a family emergency) unless specifically authorized by designated DOC staff and/or Behavioral Health staff (See DOC policy 1.4.E.7 [Offender Suicide Prevention and Intervention](#)).

7. Attorney Telephone Calls:

- A. If an attorney calls a DOC facility and requests to speak to an inmate, the call will be transferred to the inmate's unit staff. If the inmate's unit staff is not available, the call will be transferred to the Officer-In-Charge (OIC).
 1. The unit staff or OIC will advise the attorney that the inmate will be notified of the attorney's call/attempt to contact.

2. Staff will make reasonable efforts to verify the call is from an attorney or on behalf of an attorney. If staff is unsure of the validity of the attorney, staff may contact the State Bar of South Dakota at (605) 224-7554 to confirm the attorney 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 provided by the attorney.
 4. The inmate may contact the attorney using the inmate phone system.
 5. If the inmate does not have access to the inmate phone system, does not have telephone privileges or is indigent, unit staff or the OIC will attempt to arrange a **return** telephone call between the attorney and inmate within two (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.
 - a. Return telephone calls facilitated by staff between an inmate to an attorney are limited to weekdays (Monday-Friday excluding holidays) between the hours of 8:00 AM – 5:00 PM and shall not interfere with the operation of the housing unit or institution.
 - b. Return telephone calls from the attorney to an inmate may be received in staff member's office. Staff may document the call in the special phone call log.
 - c. Unit staff or the OIC will inform the attorney and the inmate the call is limited to fifteen (15) minutes. Staff will remain outside the office for the duration of the telephone call.
 - 1) If there are no windows allowing visual monitoring of the inmate, the office door must remain partially open to maintain visual monitoring only of the inmate at all times during the duration of the telephone call.
 - 2) If there are windows allowing visual monitoring of the inmate, the office door will remain closed. Staff will maintain visual monitoring of the inmate at all times for the duration of the telephone call.
- B. 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. Inmates not housed in general population may submit a written request to unit staff requesting to call an attorney, provided the following criteria apply:
1. The telephone call can be made during regular weekday business hours of the facility (generally 8:00 a.m.-5:00 p.m.) excluding holidays.
 2. The telephone call does not interfere with the operation of the housing unit or institution.
- C. All inmates, (regardless of their assigned unit or classification level) will be allowed to participate by telephone (or other electronic means) in court hearings as directed by the court.
1. Such hearings must be arranged in advance with the inmate's unit staff, usually through a written order signed by a Judge stating the date and time of the hearing.
- D. The Warden may not apply frequency limitations on an inmate's telephone calls or access to telephones when the inmate demonstrates that communication with an attorney by correspondence, visiting or normal telephone use is not adequate (ARSD [17:50:02:17](#)).

8. Inmates with Hearing or Speech Disabilities:

- A. Inmates with hearing and/or speech disabilities, and inmates who wish to communicate with parties, who have such disabilities, will have access to a Telecommunications Device for the Deaf (TDD) (See ACA 4-4497) or other similar approved device/program/system.
- B. Telephone calls made using Teletypewriter (TTY)/TDD equipment may be authorized for an extended duration (longer than 20 minutes).
- C. Inmate telephone calls placed from the inmate telephone system on TTY/TDD equipment are subject to the same monitoring, recording and investigation as regular inmate telephone calls.
- D. Inmates may be required to turn in any teletype paper to staff. Calls to the inmate's Attorney of Record using the TTY/TDD are confidential and not subject to monitoring or recording.

9. Inmate Use of Other Telephones:

- A. Inmates are not permitted to use facility telephones not designated for inmate use unless specific permission has been granted to the inmate by an authorized DOC staff member.
 - 1. Use of facility telephones is expressly prohibited by any inmate except when:
 - a. Answering a non-inmate telephone is part of the inmate's approved job description.
 - b. Permission has been granted for the inmate to utilize a facility telephone to participate in court hearings and/or other official business requiring the inmate's presence telephonically.
 - 1) Such calls will be monitored by DOC staff.
 - 2. Inmates answering a facility telephone will first identify themselves as "Inmate (last name)".
- B. Inmates participating in the Work Release Program or the Community Service Program 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 the Community Service programs will be allowed to use/access telephones for official work duties only and with prior staff authorization/permission.
- C. It is not considered a personal telephone call or unauthorized use of a telephone if an inmate in the community uses a telephone to contact their assigned DOC facility/unit to advise he/she will be late returning from Work Release or Community Service or in the case of an emergency.

10. Terminated Telephone Contact:

- A. Any individual or representative of any agency, organization or business, may request to terminate telephone contact from a specific inmate or all inmates housed in a SD DOC facility.
 - 1. The request to terminate a telephone number(s) from an inmate's approved telephone list will normally be submitted in writing, preferably by completing the [Telephone Termination Request](#) (See [Attachment 1](#)).

- a. If the request is submitted verbally (via telephone call to staff), the staff member will obtain the information from the individual 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. The request to terminate telephone contact will be forwarded to the inmate's unit staff.
1. Unit staff will notify the telephone provider to remove the telephone number(s) from the inmate's approved telephone list.
 2. Any future telephone calls from the inmate(s) to the specified telephone number(s) from the DOC inmate telephone system will be blocked.
 3. Staff will provide written notice to the inmate of the terminated telephone number and/or name of the person that has been removed from the inmate's telephone list (See [Attachment 2](#)).
 4. Any inmate who contacts, attempts to contact, has someone else contact, or attempts to have someone else make contact with the terminated telephone number on his/her behalf may be subject to disciplinary action (See DOC policy 1.3.C.2 [Inmate Discipline System](#)).
- C. Termination may only be rescinded by the requesting party through direct notification to the DOC. The inmate will be notified of the rescinded termination and may submit a Telephone Request form to have the telephone number added to their approved telephone list.

11. Inmate Phone Repair Instructions:

- A. Inmates may report phones that do not work corrections to the contract phone 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 1.3.A.1 -- [Unit Plans](#)
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 1.4.G.4 – [Furlough/Bedside Visit/Funeral Attendance](#)
DOC policy 1.5.A.5 – [Work Release](#)
DOC policy 1.5.A.6 – [Community Service Program](#)
DOC policy 1.5.D.3 – [Offender Correspondence](#)

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. **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.

Denny Kaemingk (original signature on file)

08/26/2016

Denny Kaemingk, Secretary of Corrections

Date

Attachment 1: Correspondence/Telephone 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(s) 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 3011	1412 Wood Street	3200 E. Highway 34	
Sooux Falls, SD 57117-3911	Springfield, SD 57062-2239	C/o 510 E. Capitol Avenue	
		Pierre, SD 57501	
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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. () _____	_____	_____	_____
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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: _____	
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