

Australian Capital Territory

Corrections Management (Prisoner Telephones) Policy 2007*

Notifiable instrument NI2007-465

made under the

Corrections Management Act 2007, section 14(1) (Corrections policies and operating procedures)

1 Name of instrument

This instrument is the *Corrections Management (Prisoner Telephones) Policy 2007*.

2 Commencement

This instrument commences on the day after it is notified.

3 Policies and operating procedures

Under section 14 of the *Corrections Management Act 2007* (the Act), I make the

PRISONER TELEPHONES POLICY

in Schedule 1 to this instrument, to facilitate the effective and efficient management of correctional services.

James Ryan
Executive Director
ACT Corrective Services
17 December 2007

*Name amended under Legislation Act, s 60



**Belconnen Remand Centre (BRC)
Symonston Temporary Remand Centre (STRC)
Court Transport Unit (CTU)**



PRISONER TELEPHONES POLICY

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Purpose

- To ensure prisoners access to the prisoner telephone system (PTS) is managed fairly and consistently.
- To provide the opportunity for prisoners and their families to develop and foster relationships during the period of incarceration.
- To establish the circumstances where a prisoner's use of a telephone may be restricted.

Authority

Legislation

Corrections Management Act 2007, sections 14, 47, and 103

Telecommunications Act 1979 (Commonwealth)

Policy

1 Principles

- 1.1 Phone contact is an effective way of fostering family and community integration with prisoners.
- 1.2 Strong community ties are important in realising the rehabilitative goal of ACTCS.
- 1.3 Prisoners must have reasonable access to legal representation and other accredited persons, such as the Official Visitor, the Human Rights Commissioner, the Public Advocate, and the Ombudsman.

2 Time for making telephone calls

- 2.1 Prisoners will have access to the PTS during normal “out of cell” times.
 - 2.1.1 As a general rule, telephone calls must be made at times which do not conflict with work or programs. Exceptions to this may be made at the discretion of the CO2 or Block Senior.

3 Incoming telephone calls

- 3.1 Prisoners are not able to accept incoming telephone calls using the PTS.
- 3.2 In certain circumstances, such as a family emergency, a message may be left with the control room (Monitor Officer) and will be passed to the prisoner as soon as practicable.
 - 3.2.1 Where the Corrections Officer receiving the call deems that the message is not urgent, and therefore will not be passed to the prisoner, the Corrections Officer must inform the caller of this.
- 3.3 Legal representatives wishing to leave a message for a prisoner may call 620770779 and leave a message.
 - 3.3.1 Messages will be forwarded to prisoners at least twice per day, once in the morning and once in the afternoon.
 - 3.3.2 Urgent messages will be forwarded in a lesser time frame at the discretion of the Corrections Officer taking the message.
 - 3.3.2.1 Where the Corrections Officer deems that the message is not urgent, and therefore will not be passed to the prisoner, the Corrections Officer must inform the caller of this.

4 Inter-centre phone calls

- 4.1 Telephone calls from the BRC/STRC to another correctional centre may be permitted with the authority of the Superintendent of both centres.
- 4.2 Such calls are inclusive of, and not additional to, a prisoner’s entitlement to make telephone calls.

5 Frequency and length of calls

- 5.1 Prisoners will have reasonable access to the PTS. Every effort should be made to allow prisoners maximum access to making telephone calls.
- 5.2 A prisoner is entitled to make at least:

- one telephone call on initial admission into a correctional centre; and
- one telephone call each week to a family member.

5.2.1 A family member includes:

- domestic partner;
- children (including foster, step- and half-children);
- parents (including foster and step-parents);
- siblings (including foster, step- and half-siblings);
- grandparents; and
- guardian or carer of the prisoner.

5.3 Each call will have a maximum duration of 10 minutes.

5.3.1 To enable equitable access by all prisoners, there must be at least 10 minutes between two phone calls made by a prisoner.

5.3.2 Calls to protected persons/organisations (see 6.1) are not subject to a time limit.

6 Protected telephone contact

6.1 Protected telephone contact includes communication between a prisoner and their registered legal representative, the Ombudsman, the Human Rights Commissioner, or the Public Advocate.

6.2 If any doubt exists regarding the status of the person, appropriate identification may be requested.

6.3 Protected telephone contact will not be digitally recorded or monitored.

6.4 Within reason, there will be no time limits placed on telephone contact between prisoners and protected persons or organisations.

6.4.1 Prisoners who spend excessive amounts of time on the phone (regardless of the person they are calling) thereby restricting other prisoner's access, may be counselled regarding appropriate use of the telephone.

6.4.1.1 Ongoing issues may result in a prisoner's phone access being restricted. Any restriction must have regard to 5.2.

7 Payment for the cost of telephone calls

7.1 Prisoners must have adequate funds in their telephone account before making a telephone call.

- 7.2 Prisoners may fund their telephone calls from moneys earned through employment at the BRC/STRC, from money deposited by a visitor, or by transferring money from their trust account.
- 7.3 A prisoner shall pay for all local, mobile and interstate telephone calls except:
- telephone calls for compassionate purposes. This may include family illness, death in the family, or birth of a child. Once approved by the Duty Chief they should be provided without delay;
 - where the prisoner is without funds and wishes to contact his/her registered legal practitioner. This may only be approved where the matter is urgent and time restraints preclude the prisoner from communicating in writing;
 - where the call is part of a formal therapeutic program; or
 - where there is a compelling need because the prisoner is considered to be at risk of self-harm.
- 7.3.1 Phone calls of this nature are at the discretion of the CO2 and must be documented in the Unfunded Telephone Call Register.

8 Restrictions on the use of telephones

- 8.1 The Deputy Superintendent may limit or deny a prisoner the use of a telephone if there is reasonable suspicion that the call may:
- undermine security or good order of a correctional centre;
 - re-victimise a victim;
 - circumvent the processes for investigating complaints or reviewing decisions under the *Corrections Management Act 2007*; or
 - cause community distress.
- 8.1.1 Any restriction must not interfere with a prisoner's minimum entitlement outlined in 5.2.
- 8.2 A prisoner may have their telephone access restricted as part a loss of privileges regime following a discipline hearing.
- 8.2.1 The removal or reduction of a prisoner's access to the PTS, as a loss of privileges, should only occur following consideration of other management options available.
- 8.3 A prisoner will be deemed to have used a telephone inappropriately if the prisoner:
- damages or tampers with the telephone;
 - uses another prisoner's PIN;
 - uses a Corrections Officer's PIN;
 - uses the telephone in connection with an illegal purpose;

- uses the telephone in connection with any act which contravenes the Commonwealth *Telecommunications Act 1979*, or any other legislation;
 - knowingly allows his/her call to be redirected to another telephone number.
- 8.4 This restriction may include a limit on the number of calls made or the denial of calls to a particular person (or both).
- 8.5 Prisoners who have had their telephone access restricted will still be entitled to the one telephone call per week to an approved family member (as per the *Corrections Management Act 2007*).
- 8.6 In the event of an emergency, the Superintendent may determine that no prisoner have access to the PTS, for the security, good order and safety of a correctional centre.

9 Monitoring and recording telephone calls

- 9.1 Calls made on the PTS are to be recorded on the system's dedicated recording facility.
- 9.1.1 Calls that have been tagged for security or management purposes, or refer to matters likely to be subject to enquiry or investigation, may be re-recorded by equipment attached to the PTS for subsequent monitoring.
- 9.1.2 Telephone calls not subject to monitoring and recording include communication between a prisoner and:
 - an accredited legal professional representing the prisoner (must be registered as a legal practitioner);
 - the Official Visitor;
 - the Human Rights Commissioner; and
 - the Ombudsman.
- 9.1.3 Prisoners are to be notified that telephone calls may be monitored and recorded.
- 9.1.4 A recorded message is to be transmitted at the commencement of calls made on the PTS informing the prisoner and call recipient that the communication might be recorded and monitored.
- 9.1.5 A notice advising prisoners that all private calls are subject to monitoring and recording, and that the use of the telephone constitutes consent to the monitoring and recording, will be displayed at each handset.

10 Restricted (banned) telephone numbers

- 10.1 Prisoners are restricted from using phone numbers that access the following services, people, media and businesses:
- TAB or betting services;
 - Telstra ‘Homelink’ services and reverse charge services;
 - 1900 phone numbers;
 - the Minister for Corrective Services;
 - the Executive Director, ACT Corrective Services;
 - the Chief Executive Officer, Justice and Community Safety;
 - Members of Parliament or the Legislative Council;
 - all business numbers unless specifically authorised;
 - any media organisation unless specifically authorised; and
 - phone number/s requested for restriction by a member of the public.

11 Establishment of a prisoner phone account

- 11.1 Prisoners wishing to establish a telephone account must complete an application form and submit it a Corrections Officer. The form will be actioned by the Phone’s Officer and retained in the prisoner’s file.
- 11.2 Prisoners may have up to 10 people on their phone’s list.
- 11.2.1 In addition to these names prisoners will have access to the Common Auto Dial List.
- 11.3 Prisoners are permitted to amend the list of names by submitting a new application form by 10.00am each day.
- 11.3.1 Changes are limited to 2 numbers per week.
- 11.4 Each prisoner will be issued a 4 digit PIN with which to access the PTS.
- 11.4.1 This PIN is to remain confidential.

Forms/Templates

Phone Number Request Form
Unfunded Telephone Call Register

Related policies and procedures

Discipline Policy
Discipline Procedure