

Australian Capital Territory

Corrections Management (Prisoner Telephone) Policy 2011

Notifiable instrument NI2011- 49

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 Telephone) Policy 2011*.

2 Commencement

This instrument commences on the day after it is notified.

3 Policy

I make the

PRISONER TELEPHONE POLICY

attached to this instrument, to facilitate the effective and efficient management of correctional services.

4 Revocation

This instrument revokes notifiable instrument NI2009-154.

Barry Folpp
A/g Executive Director
ACT Corrective Services
3 February 2011



Alexander Maconochie Centre (AMC)



PRISONER TELEPHONE POLICY

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Purpose

To outline the prisoner telephone policy.

Authority

Legislation

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

Telecommunications Act 1997 (Commonwealth).

Victims of Crimes Act 1994, section 4 (Governing principles).

Policy

Principles

Telephone contact is an effective way for prisoners to maintain contact with family and friends. This may assist prisoners to reintegrate into the community upon release.

The Prisoner Telephone System (PTS) provides prisoners with access to their legal representatives and other accredited persons.

ACT Corrective Services (ACTCS) will ensure (as far as is reasonably possible) that the PTS is not used to revictimise victims of crime or undermine the security or good order at a correctional centre.

A prisoner is entitled to make at least:

- one telephone call on admission into the AMC (the telephone call may be provided at the Court Transport Unit or the AMC Admissions building); and
- one telephone call each week to a family member at ACTCS expense.

Prisoners may make calls in addition to this minimum entitlement to family and friends.

A family member includes:

- spouse or domestic partner;
- children (including foster children, grandchildren and step-children);
- parents (including foster parents, grandparents and step-parents);
- siblings (including step-siblings);
- guardian or carer; and
- persons with whom, in the opinion of the Superintendent, the prisoner has a close familial bond.

Access to the PTS

Prisoners will have access to the PTS during normal 'out of cell' times. However, telephone calls must be made at times which do not conflict with work or programs. Exceptions to this may only be made at the discretion of the CO2 in charge of the prisoner's accommodation area.

Incoming telephone calls

The PTS will not accept incoming telephone calls.

In certain circumstances, such as a family emergency, a message may be left with the switchboard operator or the control room which will be passed to the prisoner. Non-emergency related messages will not be relayed to prisoners. Where the corrections officer receiving the call deems that the message is not urgent, and will not be passed to the prisoner, the corrections officer must inform the caller of this.

Inter-prison telephone calls

Telephone calls from the AMC to another correctional centre may be permitted with the approval of the Superintendents of both centres. Prisoners will generally need to be related for approval to be granted.

Prisoners wishing to access this facility are to complete the InterPrison Phone Call application form and hand it to the corrections officer on duty in their accommodation area.

Frequency and length of telephone calls

Prisoners will have reasonable access to the PTS.

Calls to family / friends will be of a maximum duration of 10 minutes. To ensure equitable use of the PTS by all prisoners, there will be at least 10 minutes between phone calls made by a prisoner.

Within reason, there will be no time limit placed on telephone contact between a prisoner and protected person or organisation.

A prisoner who spends an excessive amount of time on the telephone (regardless of the person they are calling) thereby restricting other prisoners' access, may be counselled regarding appropriate use of the telephone and their access controlled to ensure reasonable use.

Protected telephone contact

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

Protected telephone contact will not be recorded or monitored.

Payment for the cost of telephone calls

Prisoners must have adequate funds in their telephone account prior to making a telephone call.

A prisoner will pay for all local, mobile and interstate telephone calls.

Should a prisoner have insufficient funds to make a telephone call, a compassionate telephone call may be approved in extenuating circumstances (e.g. family illness, a death in the family or the birth of a child).

Phone calls of this nature are at the discretion of the CO2 in charge of the prisoner's accommodation area.

Prisoners who have insufficient funds in their telephone account are still entitled to one telephone call per week to family members.

International phone calls are to be charged at the appropriate Telstra rate to that country. The time limit of ten minutes applies.

Prisoners may apply to have monies transferred into their phone account from their Trust Account.

Visitors may deposit money into a prisoner's phone account by specifying this intention when depositing the money.

Restrictions on the use of telephones

The 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
- have the purpose of causing community distress.

A prisoner may have their telephone access restricted as part of a loss of privileges regime following a discipline hearing. Any loss of privileges must be in accordance with the *Discipline Procedure* and *Schedule of Penalties*.

Prisoners who have had their telephone access restricted are still entitled to one telephone call per week to a family member.

Restrictions will not be placed on protected telephone contact unless there is a reasonable suspicion that the contact may undermine security or good order at a correctional centre or circumvent the processes for investigating complaints or reviewing decisions under the *Corrections Management Act 2007*.

Where an emergency has been declared under section 26 of the *Corrections Management Act 2007*, the Superintendent may determine that no prisoners have access to the PTS, where reasonable and necessary, for the duration of that declaration.

Monitoring and recording telephone calls

Calls made on the PTS may be recorded on the system's dedicated recording facility. Telephone calls not subject to monitoring and recording include communication between a prisoner and:

- the prisoner's registered legal representative;
- an Official Visitor;
- the Human Rights Commissioner;
- the Public Advocate; and
- the Ombudsman.

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 may be recorded and monitored.

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, is to be displayed at each handset.

Unauthorised telephone numbers

Unless specifically authorised, prisoners are not permitted to contact the following services, people, media and businesses:

- Members of Parliament or the Legislative Assembly, including the Minister for Corrective Services;
- the Chief Executive, Department of Justice and Community Safety;
- the Executive Director, ACT Corrective Services;
- the Deputy Executive Director, ACT Corrective Services;
- TAB or betting services;
- Telstra 'Homelink' and reverse charge services;
- 1900 phone numbers;
- all business numbers;
- any media organisation; and
- phone number/s requested for restriction by a member of the public.

Establishment of a prisoner phone account

Prisoners wishing to establish a phone account must complete an application form and submit it to the corrections officer on duty in their accommodation area. The form will be actioned by the phone officer and retained on a file.

Prisoners may have up to 10 persons on their phone list. Prisoners are permitted to amend the list of names by submitting a new application form to the corrections officer on duty in their accommodation area. In addition to these, prisoners have access to the common auto dial list. The common auto dial list is comprised of community agencies and accredited persons.

Before establishing a phone account, the phone officer will contact each person the prisoner has nominated. The person will be required to verify their address against the one provided by the prisoner. In addition to this check, the names will be checked against the list of Domestic Violence Orders (DVO) and Apprehended Violence Orders (AVO) provided by the Intelligence Officer. Prisoners named in a DVO/AVO are not permitted to have telephone contact with the other party/parties to the DVO/AVO.

Where JOIST indicates that a prisoner has a registered victim, the phone officer will contact the Victim Liaison Officer to determine if any of the nominated persons are a registered victim of the prisoner. Registered victims will not be contacted to verify their details.

In order to access the PTS, each prisoner is issued a 4 digit PIN. This PIN is to remain confidential.

Misuse of the PTS

A prisoner will be deemed to have misused the PTS if the prisoner:

- damages or tampers with the telephone;
- uses another prisoner's PIN;
- allows another prisoner to use their PIN;
- uses a corrections officer's or general corrections access 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; or
- knowingly allows his/her call to be redirected to another telephone number.

Prisoners who misuse the PTS may be subject to disciplinary action in accordance with the *Discipline Procedure* and *Schedule of Penalties*.

Forms and Templates

InterPrison Phone Calls

Request to Alter Telephone Numbers

Prisoner Request for Telephone Account

Prisoner Request for Transfer of Funds to Telephone Account

Authority to Leave Telephone Monies in Account while at Court

Prisoner Telephone System Notice

Related Policies and Procedures

Prisoner Discipline Procedure

Schedule of Penalties